

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 10 November 2005

**Item No:** 03  
**Address:** 82 Olivers Battery Road South Olivers Battery Winchester Hampshire  
SO22 4JD

**Parish/Ward** Olivers Battery

**Proposal Description:** (AMENDED DESCRIPTION AND PLANS) Erection of 1 no. four bedroom house with detached garage and detached one bedroom house to the rear of 82 Olivers Battery Road South

**Applicants Name** Mr And Mrs Ottridge

**Case No:** 05/01160/FUL

**W No:** W05090/02

**Case Officer:** Mrs Julie Pinnock

**Date Valid:** 4 May 2005

**Delegated or Committee:** Committee Decision

**Reason for Committee:** Parish Council submitted representations contrary to officer recommendation

**Reason for Committee:** 4 or more representations contrary to the Officer's recommendations have been received

### Site Description

- 82 Olivers Battery Road South comprises a detached two storey dwelling with a detached double garage to the front of the house on the boundary with 80 Olivers Battery Road South
- 82 Olivers Battery Road is on the east side of the road
- The rear garden is long, extending at its greatest 95m from the front boundary to the rear
- The frontage has an existing vehicular access

### Relevant Planning History

- W05090 - Erection of dwelling with garage - 82 Olivers Battery Road South Olivers Battery Winchester Hampshire SO22 4JD - Application Refused - 06/11/1979
- W05090/01 - Two storey side and single storey extensions and detached double garage - 82 Olivers Battery Road South Olivers Battery Winchester Hants SO22 4JD - Application Permitted - 21/02/2000
- W05090/03 - Replace existing garage with new double garage and link to house and new access (AMENDED DESCRIPTION) - 82 Olivers Battery Road South Olivers Battery Winchester Hampshire SO22 4JD - Application Permitted - 25/08/2005

### Proposal

- As per Proposal Description
- Detached four bed dwelling with detached single garage
- Detached one bed dwelling
- Vehicular access to the site from Olivers Battery Road between 80 and 82

### Consultations

#### Building Control:

- Comment that drive should be at least 3.7m, wide and capable of supporting 12.5 tonnes to within 45m of the dwelling

#### Engineers:Highways:

- No objection providing existing access stopped up and abandoned

#### Landscape:

- No objection – is satisfied that the development does not affect a Cedar half way down the site, and a couple of Silver Birch trees and a Cypress at the bottom of the garden

### Representations:

Olivers Battery Parish Council – object, and re-affirm their objection to the amended proposal

- Highway safety and additional traffic
- Proposal including parallel application may infringe on 2m protection zone of ancient monument
- Insufficient information on traffic at peak times - a traffic queuing survey should be undertaken
- Insufficient information on tree survey
- Insufficient information on visibility
- Insufficient information on builders/contractors vehicles
- Overdevelopment of the site

Letters of representations have been received from 11 Neighbours who object to the original application, and a further 7 letters of objection to the amended proposal

- Proposal infringes an ancient monument
- Access – proximity to Badger Farm Road
- Overlooking to properties in Downlands Road
- Inappropriate for existing environment which is already fully developed – current dwellings and plots being in keeping with each other
- Development of a very small rear garden such as this will set a precedent

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- Similar proposal refused in 1979
- Out of keeping with surrounding area of single storey dwellings
- Backland development contrary to policy EN.1 of adopted local plan and DP.3 of emerging local plan
- Contrary to policy T.9 of local plan – doesn't meet highway standards
- Proposal is greater than 45m from public footpath and would not allow a fire appliance to access the house and the road is not suitable for emergency vehicles

**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

- H.1, T.2, T.2, R2

Winchester District Local Plan

- H.1, H.7, EN.5, EN.13, T.9, RT.3

Winchester District Local Plan Review Deposit and Revised Deposit:

- H.2, RD06.23, H.7, DP.3, DP.10, DP.11, T.2, T.4, RT.3

Supplementary Planning Guidance:

- Achieving a Better Mix in New Housing Developments
- Winchester District Urban Capacity Study
- Housing Monitoring Report
- Guide to the Open Space Funding System
- Movement, Access, Streets and Spaces
- Parking Standards 2002

National Planning Policy Guidance/Statements:

- PPS1 Delivering Sustainable Development
- PPG 3 Housing
- PPG 13 Transport

**Planning Considerations**

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area/spatial characteristics/street scene
- Residential amenities
- Highways
- Public open space provision
- Comments on representations

Principle of development

- The site is situated within the policy boundary of Winchester
- There is a general presumption in favour of residential development that is compatible in design, scale, layout and density of its surroundings and contributes to the quality of the built environment
- The proposal provides 50% 1 or 2 bedroom units in accordance with adopted supplementary planning guidance 'Achieving a Better Mix in New Housing Developments'
- It recognises a shortfall of one bedroom accommodation within the Winchester Area, and therefore the proposal to provide a one bedroom unit of accommodation is supported
- Policy RD06.23 of the emerging local requires the floor area of these smaller dwellings not to exceed 75 sq.m. floor space, the proposed one bedroom dwelling has an approx. floor area of 65 sq.m., therefore accords with the aims of this policy
- The proposal has been amended to reflect advice provided by your Officers, the original application proposed one detached four bedroom dwelling, which equated to a density of 16 dph

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- The amended proposal for two units of accommodation provide a density of 33 dph, which accords with the aims of PPG3 and adopted and emerging policies of the local plan
- Planning permission was recently granted for the replacement of the existing garage at the site, in another location to facilitate this development, along with the re-positioning of the existing access.

Impact on the character of the area/spatial characteristics

- The site is situated behind 82 Olivers Battery Road, and comprises part of its rear garden
- The side elevation of the four bedroom dwelling may be visible in long views from Olivers Battery Road, however it is of a design in keeping with the character of the area
- The site is not visible from Badger Farm Road from the north due to the difference in levels
- To the south are 8 detached single storey dwellings which front onto Downlands Road
- Officers do not consider that the proposal will be visible in public views from Downlands Road

Residential amenities

- The site comprises the rear garden of 82 Olivers Battery Road, no. 80 to the north has a long garden, approx 60m from the rear elevation to the rear boundary
- The proposed four bedroom dwelling is situated adjacent to the north side boundary with no. 80, however it is not considered that the proposal results in overlooking to the private amenity area of that dwelling
- The rear garden of no. 1, 3 and 5 Downlands Road are situated to the south of the site
- They have reasonably long gardens, approx 25m from the rear elevation to the site boundary
- There is a mature tree screen along the southern boundary of the site which provides privacy between the application site and the occupiers of these dwellings

Highways

- The highway engineer has assessed the application, taking into account the recent approval for the replacement and re-positioned garage and access
- When considering that application he had regard to the proposal for a residential development to the rear of the application site
- The highway engineer is satisfied with the proposal, commenting that a new private drive is proposed in the centre of the site which is to be shared between the existing and new properties
- This is acceptable providing that the existing vehicular access is stopped up and abandoned
- He is satisfied that there is sufficient area to provide acceptable on site parking and turning facilities
- He concludes that it is unlikely that the proposal will cause demonstrable harm to users of the adjoining highway

Public open space provision

- The applicant proposes to enter into a legal agreement for the payment of the public open space provision of £3724.00

Comments on representations

- The Parish Council and local residents have a number of concerns, particularly regarding highway safety, vehicular access, and parking at the site, which have been dealt with above
- Other concerns relate to the relationship of the proposal to the protected Ancient Monument. This application does not in itself affect the ancient monument which is situated to the front of the existing dwelling along the southern boundary and is partly within 84 Olivers Battery Roads residential curtilage
- The recent approval to provide a replacement garage is situated adjacent to this ancient monument, Officers in assessing that proposal consulted English Heritage who advise that Scheduled Ancient Monument consent would be required – a note to advise the applicant was added to the approval.

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- The Parish Council refer to insufficient information on a number of factors, including tree survey and builders/contractors vehicles
- The applicant has commissioned a tree survey which the Arboricultural Officer has assessed and is satisfied with, subject to a condition to ensure protective fencing during construction
- With regard to the concern over builders/contractors vehicles, your Officers are satisfied that this can be accommodated on site, this part of Olivers Battery Road has yellow lines, which prohibits on street parking
- The occupiers of Downlands Road are concerned about the potential of overlooking from the site, the detached four bedroom dwelling has a back to back distance of 33.5m, with a mature hedge in the form of trees between the application site and the rear garden of Downlands Road, Officers consider that the proposal does not result in overlooking or affect the privacy of the occupiers of the dwellings in Downlands Road
- Planning permission was refused for a detached dwelling in the rear of the site in 1979 since that time, PPG3 has been published, which actively encourages infilling within existing built up areas to make more efficient use of land
- Officers consider that the change in policy is a material planning consideration to be given due weight in the determination of this application
- Reference has been made to policy EN.1 and DP.3 of the local plan, policy EN.1 is a character policy of the adopted local plan, which aims to maintain the distinctive qualities of defined areas to ensure that development does not detract from their character. 80, 82 and 84 Olivers Battery Road South fall within this designation
- There are 4 criteria in the policy, which seek to protect tree cover of the area and retain healthy trees, avoid layouts and the subdivision of plots inconsistent with the character of the area, incorporate buildings of a size, mass and height to harmonise with the surrounding development, provide adequate space around the building to reflect the existing character and standards of the area.
- Your Officers consider that the proposal accords with the terms of this policy
- The principles of EN.1 applying to certain character areas is not being carried forward in the emerging local plan, policy DP.3 is a design and principles policy which applies across the district, it has 10 criteria, the first requires development to make efficient and effective use of land, and achieve a net density of 30-50 dwellings dph, Officers consider that the proposal accords with this policy
- There has also been concern regarding whether the proposal meets highway standards, as detailed above, the highway engineer is satisfied with the proposal, concern has also been raised regarding the ability of an emergency vehicle to access the site, Officers have consulted with Building Control who have advised on the width and construction of the access road to ensure it is capable of serving an emergency vehicle
- The proposal is greater than 45m from the public highway, however the highway engineer advises that the proposal is within an acceptable distance from the highway

**Planning Obligations/Agreements**

In seeking the planning obligation(s) and/or financial contributions for £3724.00, the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

**Recommendation**

**APPROVE – subject to a Section 106/Section 278 Agreement for:**

- 1. A financial contribution of £3724.00 towards the provision of public open space through the open space funding system**

**(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)**

**Conditions/Reasons**

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

02 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

02 Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

03 The existing trees shown as being retained on the approved plan shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. These trees shall be protected during building operations by the erection of fencing at least metres from the tree trunks in accordance with BS 5837.

03 Reason: To retain and protect the trees which form an important part of the amenity of the area.

04 The Local Authority Arboricultural Officer shall be contacted once the protective measures are in place prior to the development of the site on 01962 848102.

04 Reason: To ensure that the trees are adequately protected.

05 The proposed access and drive, including the footway crossing shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE A licence is required from Hampshire Highways, Winchester Area Sub-Unit, Abbey Mill, Winchester prior to commencement of access works.

05 Reason: To ensure satisfactory means of access.

06 Before the development hereby approved is first brought into use, the access shall be constructed with a non-migratory surfacing material for a minimum distance of 10 metres from the highway boundary.

06 Reason: In the interests of highway safety.

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07 The existing access(es) to the site shall be stopped up and abandoned and the verge crossing shall be reinstated to the requirements of the Local Planning Authority, immediately after the completion of the new access hereby approved and before the new access is first brought into use.

07 Reason: In the interests of highway safety and the amenities of the area.

08 Nothing over 0.6 metres in height above the level of the carriageway shall be erected or permitted to remain on the land coloured orange on the approved plans.

08 Reason: In the interests of highway safety.

09 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D and E of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

09 Reason: To protect the amenities of the locality and to maintain a good quality environment.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A of Parts 2 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

10 Reason: To protect the amenities of the locality and to maintain a good quality environment.

11 The garage hereby permitted shall only be used for the purpose of accommodating private motor vehicles or other ancillary domestic storage purposes, and shall not, at any time, be used for living accommodation, business, commercial or industrial purposes.

11 Reason: In the interests of the amenities of the locality.

12 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before buildings hereby permitted are occupied. Development shall be carried out in accordance with the approved details.

12 Reason: In the interests of the visual amenities of the area.

13 No development shall take place until details of the hard surfacing and materials have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in accordance with the approved details.

13 Reason: To improve the appearance of the site in the interests of visual amenity.

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**Informatives**

01. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

02. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: H.1, T.2, T.2, R2

Winchester District Local Plan Proposals: H.1, H.7, EN.5, EN.13, T.9, RT.3

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: H.2, RD06.23, H.7, DP.3, DP.10, DP.11, T.2, T.4, RT.3