

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 30 March 2006

Item No:	15
Address:	Old Inn Cottage, Vears Lane, Colden Common, Winchester, Hampshire, SO21 1TQ
Parish/Ward	Colden Common
Proposal Description:	Erection of 1 no. three-bedroom dwelling with attached carport on land adjacent to Old Inn Cottage (RESUBMISSION)
Applicants Name	Mr M Larkin
Case No:	06/00163/FUL
W No:	W03788/03
Case Officer:	Mr Robert Ainslie
Date Valid:	20 January 2006
Delegated or Committee:	Committee Decision
Reason for Committee:	At the request of a councillor
Site Factors:	Public Right of Way

Site Description

- The application site currently forms part of the residential curtilage of Old Inn Cottage. Old Inn Cottage is located along Vears Lane, a maintainable private street which is in a poor state of repair. The lane retains a rural character despite some residential properties being located to the east and to the south, close to Church Lane.
- The land rises from the south on the approach to Old Inn Cottage, which lies to, the west of the road just as it bends eastward towards St Vigor Way.
- More recent residential development surrounds Church Lane with Hawthorn Close to the south east of the site and Hack Drive to the west and south west. A wooded area and footpath lie to the north and east of the site with further residential development beyond to the north.
- Old Inn Cottage is a detached rendered cottage of some character which faces south with the flank elevation facing Vears Lane. The garden to the property wraps around the corner of Vears Lane with a detached garage in the eastern part of the garden adjacent to the road. On the approach from Church Lane along Vears Lane, the wooded area is clearly visible to the rear of the garden.
- A small landscaped area lies to the east of the cottage on the other side of the road to the north west of the properties in Hawthorn Close, which are at a significantly lower level.

Relevant Planning History

- **W03788** Erection of shed to be used for storing and sale of furniture - Application Refused 26/05/1978
- **W03788/01** Convert workshop into games room with sun room link - Application Permitted - 09/05/1995
- **W03788/02** Erection of 1 no. three bedroom dwelling and detached double carport on land adjacent to Old Inn Cottage - Application Refused - 08/04/2005

Development to south – Church Lane/Vears Lane

- **W05539/04** Erection of 2 no: four bedroom dwellings with associated detached double garages and alterations to existing access - Land Adj To Colden Cottage Vears Lane Colden Common Winchester Hants - Application Refused - 27/04/2001 Appeal Dismissed 21/3/2002
- **W05539/05** 2 no: four bedroom dwellings with associated garages and alteration to existing access - Land Adj To Colden Cottage Vears Lane Colden Common Winchester Hants - Application Refused - 27/04/2001 – Appeal Dismissed 21/3/2002
- **W05539/06** Erection of 1 no. four bedroom detached dwelling and 2 no. two bedroom semi-detached dwellings with detached double garage/store, parking and alterations to existing access - Land Adj To Colden Cottage Vears Lane Colden Common Winchester Hants - Application Permitted - 26/09/2002
- **W05539/07** Erection of 1 no. four bedroom detached, 1 no. three bedroom semi-detached dwellings and 2 no. one bedroom flats with detached double garage/store, parking and alterations to existing access - Land Adj To Colden Cottage Vears Lane Colden Common Winchester Hants - Application Permitted - 26/09/2002

Proposal

- As per Proposal Description
- The proposal is for a detached 2 storey three bedroom house with an attached carport. The dwelling would be to the front of the site with a small landscaped garden frontage between the house and the road.
- This application follows a previous refusal on the same site in 2005. The previous application included a detached garage on a landscaped area on the opposite side of the road. In addition the dwelling was slightly higher than that now proposed. The application was refused on grounds that the dwelling would undermine the rural character of the lane, by virtue of its size bulk and prominent location. In addition it was considered that the garage would result in the loss of an important landscaped area. It had also not been demonstrated, by lack of a

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 30 March 2006

design statement that the dwelling would relate to other properties in the locality. The application was also refused on highway grounds relating to additional traffic using a substandard access. In addition the application was refused in relation to Public Open Space provision.

- This application differs in that the garage has been deleted and a carport is now proposed to the side of the dwelling. Whilst the size and bulk of the dwelling has not altered significantly, efforts have been made to design the building in a similar style to the adjoining cottage.
- Additional information has been forwarded in support of use of the existing access to Vears Lane, which is considered in more detail below.

Consultations

Engineers: Drainage:

- Applicant proposes to use soakaways to dispose of storm water and the LA foul sewer to dispose of foul water. There is not a public foul sewer in close proximity to this site and the applicant should liaise with Southern Water to ascertain the most convenient point for connection. Storm water to go to soakaway or watercourse if available.
- Before any consent is granted please ensure that the applicant has provided a detailed plan of how foul water from this dwelling is to be disposed of – once this has been submitted and approved by Building Control, there will be no objection on Drainage grounds.

Engineers: Highways:

- Previously commented on a similar application when a highway objection was raised.
- Applicant has employed the services of Atkins, who have submitted a report which attempts to address the highway implications of the proposal. It appears that they have interpreted the reason for refusal incorrectly.
- The agent relates the reason for refusal on the site access with Vears Lane and suggests that adequate visibility can be achieved at this point. However the junction of Vears Lane with Church Lane has substandard visibility and this was a point that was picked up by the Appeals Inspector when dealing with a proposal for land adjacent to Colden Cottage, Vears Lane. Paragraph 4.12 of the agents report suggests that this junction is more than 50 metres away from the site and it should not be considered in the assessment of the proposal. This assumption is not agreed as this junction will form part of the primary means of access from the site to the fully adopted public highway, namely Church Lane.
- Recommend refusal
- Response to further information submitted by Atkins:- Do not dispute the figures given, the fact remains that the site will generate additional traffic through a substandard junction. There is also a danger that by permitting this proposal, it would set a precedent for other development which we would find difficult to resist.

Environment Agency:

- No objection

Landscape:

- The site lies within the development boundary and as such, the principle of development is acceptable, but I have concerns that the dwelling proposed is too large for the plot and too close to the boundaries, impinging on the character of Vears Lane, Old Inn Cottage and the ancient woodland which bounds the site to the North and to the East.

Southern Water:

- No adverse comments

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 30 March 2006

Representations:

Colden Common Parish Council

- No comments received

3 Letters of objection have been received from neighbours

- Reasons for refusal of the previous application have not been acceptably addressed and resolved.
- Potential increase traffic flow and place a strain on unmade road surface.
- Potential further ground movement.
- Will affect safety of users of footpath bridleway.
- If approved safety measures such as bollards to prevent a rat-run should be introduced along the lane.
- Size of dwelling detracts from surrounding residential environment.
- Siting results in potential greater overlooking to properties in Hawthorn Close.
- Improvements to the junction are outside the applicants control.
- Public Open Space provision does not appear to have been addressed.
- Design statement is short and limited in content.

1 letter received from applicant in response to Council Landscape Team Comments

- I was interested to see reference to Ancient Woodland.
- Designation of woodland as "Ancient" is incorrect. A 1937 map of the area shows the land as brickworks with buildings and pits but no trees. Draft development brief of 1979 refers to the land as a mixture of scrub, pits and trees".
- Most of the trees have only established themselves within the last 20 years. None of the significant trees would be affected by the proposed development.
- Efforts made to take account of concerns expressed over the initial application.

1 letter received from Cllr Wagner

- I understand that an earlier application for a single dwelling at the above location has been previously refused under the officer's delegation. I also understand that another application for 4 houses that would have used the same means of accessing the public maintainable highway from a private street was also refused permission but that an inspector granted an appeal and required that seven houses be permitted. In light of the implications of this appeal decision, I am uneasy that apparently the officer opinion remains wedded to the idea of refusal given the distinct possibility of another appeal against which I believe would be difficult to defend. Accordingly I am invoking my prerogative as a local member to require that the matter is taken to Development Control Committee so that members can decide whether or not they want to risk Council money on paying costs of a lost appeal.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- UB3

Winchester District Local Plan

- EN5, H1, T9

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP3, H2, T2

Supplementary Planning Guidance:

- Technical Paper: Open Space Provision and Funding
- Guide to the Open Space Funding System
- Movement, Access, Streets and Spaces
- Parking Standards 2002

National Planning Policy Guidance/Statements:

- PPS 1 General Policy and Principles
- PPG 3 Housing

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
- Trees
- Residential amenities
- Highways
- Public open space provision

Principle of development

- The application site falls within the built up settlement of Colden Common where residential development is considered acceptable in principle subject to site constraints and other material planning considerations.
- The proposal results in a density of approximately 21 dwellings per hectare which would be contrary to Policy DP3 and PPG3 which encourage density of between 30-50 dwellings per hectare

Impact on character of area

- The proposed dwelling would almost fill the width of the plot, appearing overbearing and dominant in this prominent location within the lane. Whilst there are residential properties along the lane, the lane retains a rural character, most notably at this point and to the east. The bulk and size of the proposals and prominence to the front of the site would detract from this rural character to its detriment. This proposals do not differ significantly in width or bulk from that previously refused, and whilst it is accepted that the proposed dwelling may relate more in context to The Old Inn than that previously submitted, it would still appear out of keeping and detract from the rural character of the lane.
- Whilst there would be glimpses of the new dwelling from the footpath to the rear, within the woodland (as views currently exist across to Old Inn Cottage), it is not considered that the proposals would have an unacceptable visual impact from this direction, given that the woodland trees would soften the impact.

Trees

- Whilst there is a considerable amount of vegetation around the site, it is not considered that there is little of any value in TPO terms, the willow, being proposed to be removed not being a good specimen. Other greenery, such as small conifers and bits of old Hazel coppice, whilst not being worthy of protection add a great deal to the character of the lane.
- There is only one tree of note on the other side of the lane, which is a very young ash. It is considered that the garage would be a suitable distance away and that no harm would be likely to come to the tree.

Residential Amenities

- The proposed dwelling would not have an unacceptable impact on neighbouring properties in the locality, given its distance from neighbouring properties. Whilst the dwelling would be visible from the neighbouring Old Inn Cottage, the impact would not be so unacceptable to refuse on this basis.
- The proposed windows to the front of the property at first floor level would serve a dressing room, ensuite bathroom, landing and a study/bedroom. Whilst Most could be reasonably conditioned to be obscurely glazed to prevent overlooking to properties in Hawthorn Close, the screening along the boundary opposite and the changes in levels are such that it is not considered that it would result in significant overlooking in this respect. The study/bedroom could not be obscurely glazed as it would not meet the criteria in Circular 11/95 concerning conditions. It is this room which has greatest potential for overlooking to properties in Hawthorn Close, being at the eastern most part of the plot. However there is significant landscape screening on the opposite side of the road to the proposals, together with the land levels which drop significantly beyond this vegetation into the amenity area within this

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 30 March 2006

neighbouring property. It is therefore considered that a refusal on overlooking grounds could not be sustained in this respect.

Highways

- Vears Lane is a prospectively maintainable private street in a poor state of repair. It is narrow and does not benefit from pedestrian paths or street lighting. The road forms a junction with St Vigors Way to the east and a junction to the south with Church Lane. Whilst visibility to St Vigors Way is acceptable, visibility with Church Lane is substandard and does not meet current standards.
- A previous application on land adjacent to Colden Cottage, Vears Lane was considered by an appeals inspector, who considered that there is a visibility problem.
- An access junction of the nature of Vears Lane/Church Lane would require visibility splays of 2.4m by 90m in both the easterly and westerly directions. At present the splays are significantly less than this, and it appears that there is little scope for the applicant to improve the situation with land under his control. It is therefore considered that the proposal should be refused on highway grounds.

Public Open Space Provision

- Whilst payment was received towards public open space provision on the previous application. This has not allowed for annual increase and the contribution is therefore deficient and does not meet the requirements of the policy in terms of public open space provision.

Recommendation

REFUSE – subject to the following refusal reason(s):

Conditions/Reasons

01 The proposed dwelling, by virtue of its size and bulk, and prominent location within a relatively small plot would undermine the rural character of the lane to its detriment and would therefore be contrary to Policy EN5 of the Winchester District Local Plan (Adopted) and Policy DP3 of the Revised Deposit to the Local Plan.

02 The road leading to and from the site has a substandard junction with Church Lane, which is inadequate to accommodate safely the additional traffic which the proposed development would generate.

03 The proposal is contrary to Policy R2 of the Hampshire County Structure Plan (Review) and Policy RT3 of the Winchester District Local Plan in that it fails to make adequate provision for public recreational open space to the required standard.

Informatives

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

Hampshire County Structure Plan Review: UB3, R2

Winchester District Local Plan Proposals: EN5, H1, T9

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP3, DP5, H2, T2