

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE

20 March 2006

Attendance:

Councillors:

Busher (Chairman) (P)

Beveridge (P)

Johnston (P)

Davies (P)

Read (P)

Others in attendance:

Councillors Berry (for the site visit only), Mitchell and Saunders

Officers in attendance:

Mr D Dimon, Principal Planning Officer

Mr N Culhane, Council's Highways Engineer

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1. **CONSTRUCTION OF 4 NO. DETACHED DWELLINGS AND ASSOCIATED PARKING AND CYCLE STORAGE AFTER DEMOLITION OF EXISTING HOUSE AT 59 BEREWEEKE AVENUE, WINCHESTER SO22 6EP (CASE REFERENCE 05/02877/FUL/08 REFERENCE NUMBER W13299/02)**
(Report PDC616 refers)

The Sub-Committee had been appointed at the 8 March 2006 meeting of the Planning Development Control Committee at which Members requested the site visit to consider the relationship between the proposed and existing buildings, the impact of the development on the gardens of neighbouring properties and highway issues.

Prior to the Sub Committee meeting Members had visited the application site accompanied by the Ward Members, Councillors Berry, Mitchell and Saunders and the applicant's architect Mr Warren. The proposed new dwellings had been pegged out on site and Members had noted the position of the access driveway and the likely effect on neighbouring properties. The Sub-Committee also considered the effect of the application from the front and rear gardens and kitchen/dining room of the immediate neighbour to the north, 61 Bereweeke Avenue and, to the south, the rear garden of 34 Stoney Lane.

At the meeting of the Sub Committee held in the Guildhall, Winchester, Mr Dimon explained that the application sought permission for the demolition of the existing dwelling on the site, which was a 1930s bungalow. In its place and within the garden of the property, the applicant proposed the erection of 2no one bed units and 2no two bed units. The proposed buildings had footprints respectively of 40 and 50sq metres and were single storey to eaves height but with steeply pitched roofs with first floor accommodation contained within the roof space.

The site was situated on the western side of Bereweeke Avenue (a short distance to the north of its junction with Stoney Lane) and its rear boundary abutted a garage court off Westman Road. The land rose from the south to the north and the application site was 0.11 hectares. Members noted that although there was a

landscaping condition included within the recommendation, none of the small trees within the site were protected and some had already been felled leaving only one poor quality apple tree that was also to be removed.

The officers recommended that the application be approved, subject to the conditions as set out in the Report.

Mr Fell (who lived at the neighbouring property to the north, 61 Bereweke Avenue) addressed the Sub-Committee in opposition to the application. In summary he stated that as the proposed two bed dwelling (Unit 4) that fronted onto Bereweke Avenue was further forward than his property and as its gabled end was side-on to his front garden, its effect would be overbearing to both the street scene and to the front of his property. He also stated that the proposed two middle dwellings (the one bed dwellings, Units 2 and 3) would also be overbearing to his property and would result in a loss of light to his garden. He advised that this would be particularly apparent during the winter months when the angle of the sun was reduced. Mr Fell was concerned about the potential for overlooking of his property from the first floor bathroom rooflight of the proposed dwelling at the rear of the site (Unit 1, a two bed dwelling, nearest to the Westman Road garage court). In conclusion, Mr Fell contended that the application was an overdevelopment of the site and would result in potentially dangerous overspill parking on Bereweke Avenue, near its junction with Stoney Lane.

In response to Mr Fell's comments regarding overlooking, the Sub-Committee agreed to an additional condition to ensure that the bathroom window of Unit 1 was both obscured and non-opening.

Councillor Mitchell spoke as a Ward Member against the application. In summary, he raised concerns with regard to the layout of the proposed dwellings which he considered would dominate and be detrimental to the amenities of 61 Bereweke Avenue. Councillor Mitchell also stated that the proposed buildings were likely to result in a loss of light and would overlook a property in Stoney Lane.

Councillor Saunders also spoke as a Ward Member against the application. In addition to the concerns raised above, Councillor Saunders stated that the application had insufficient space for vehicles to turn on-site which could result in vehicles reversing from the access road onto Bereweke Avenue. She also reminded Members that Planning Policy Guidance Note 3 (PPG3) allowed developments with lower densities which may better reflect the character of the surrounding area.

Mr Warren spoke as the applicant's architect in support of the application. He stated that the dwellings had been designed to provide low cost housing for local people with a design that would cause minimal disruption to existing neighbours.

In response to Members' questions, Mr Dimon confirmed that there had been no specific work undertaken to calculate the possible loss of light to 61 Bereweke Avenue resulting from the development as there was nothing unusual in the proposed proximity of the buildings. Furthermore, he clarified that the closest distance between 61 Bereweke Avenue and the proposed dwellings was 4 metres compared to the 2 metres of the existing bungalow which was proposed to be demolished.

The Sub-Committee discussed the parking issues relating to the application and Mr Culhane explained that it was not possible to refuse the application for highways reasons. However, he did raise a minor concern regarding the inability of large service vehicles to pull into and turn within the site, although this manoeuvre could be completed by normal sized vehicles. In response to comments regarding on-street

parking on Bereweke Avenue resulting from the development, Mr Culhane explained that this was currently unrestricted and that none of the recent accidents at the Bereweke Avenue/Stoney Lane junction could be attributed to parking on Bereweke Avenue.

Members also noted that the proposed on-site car parking met current standards and following debate, it was agreed to add a further condition to designate these spaces to the units they serve.

A Member raised concerns regarding the relationship between the proposed dwelling nearest Bereweke Avenue (Unit 4), the street frontage and particularly its relationship with 61 Bereweke Road. In response, Mr Dimon referred Members to the new dwellings on the corner of Bereweke Avenue and Stoney Lane which were closer to the street frontage than the proposed dwelling.

During discussion on the density of the development, Mr Dimon stated that the proposed density was 34.6 units per hectare and that this would fall below PPG3 guidance if the development was reduced by one unit. The Sub-Committee also considered that if the density was reduced, it could result in a new application with larger units which may have a greater impact on neighbouring properties than the proposed application.

In considering how to minimise the effect of the application on the neighbouring property, the Sub-Committee also discussed the effect of rotating the square footprint of the dwellings so that gabled ends faced 61 Bereweke Road. However, following debate, it was agreed that the application as set out would be less imposing, as by placing the buildings with their roofs parallel to the boundary with number 61 meant that the slope of the roof would draw the total height of the building away from this boundary and avoid the high brick gable end with its window facing number 61.

At the conclusion of the debate, the majority of Members agreed to grant planning permission subject to the conditions as set out in the report and additional conditions that dealt with:

- i) designating the on-site car parking
- ii) landscaping details to include retention of the front hedgerow along the boundary with number 61
- iii) restricting the height of the new dwellings (details to be agreed by the Director of Development)
- iv) obscured and non-opening bathroom window on Unit 1

RESOLVED:

That the application be approved subject to the following conditions:

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

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

- 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.

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

- 03 Plans and particulars showing the detailed proposals for all the following aspects of the development shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The approved details shall be carried out as approved and fully implemented before the building(s) is/are occupied.
- (a) The finished levels, above ordnance datum, of the ground floor of the proposed building(s), and their relationship to the levels of any existing adjoining buildings.
 - (b) The details of materials/treatment to be used for hard surfacing.
 - (c) The alignment, height and materials of all walls and fences and other means of enclosure.
 - (d) The detailed design and materials for the cycle storage and bin enclosures.

Reason: To secure properly planned development and since no details have been submitted.

- 04 No development shall commence until details of the ground floor level and overall height of the buildings hereby permitted, relative to existing site ground levels and the height of number 61 Bereweke Avenue, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the height of the development is satisfactorily related to the existing adjoining development.

- 05 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

- 06 The existing hedge between the front gardens of 59 and 61 Bereweke Avenue, as marked XX on the plan hereby approved, shall be retained at a height not less than 2 metres from ground level at no 61. The hedge shall be protected during construction works by the erection of fencing in accordance with the advice of BS 3857/2005 and any gaps or damage shall be made good with new planting of the same species as that existing in the first planting season following the completion of the development.

Reason: In the interests of maintaining the existing visual amenity that the hedge provides.

- 07 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.

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

- 08 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 windows, dormer windows or rooflights other than those expressly authorised by this permission shall, at any time, be constructed in any elevation(s) of the dwellings hereby permitted.

Reason: To protect the amenity and privacy of the adjoining residential properties.

- 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), the rooflights to the bathrooms on units 1 and 4 shall be non opening and glazed with obscure glazing with the bathrooms served by mechanical ventilation. The rooflights shall be retained in such condition in perpetuity. COLIN there was on mention earlier of this condition affecting unit 4, only unit 1 –or perhaps this was already in there

Reason: In the interests of the privacy and amenity of the neighbours.

- 10 The Parking space and turning area shown on drawing No D0353/01A hereby approved shall not be used for any other purpose than the parking and turning of cars. Before the development is first occupied the parking spaces shall be assigned to the units they serve and clearly marked on site to denote this, such marking shall be thereafter retained to the satisfaction of the Local Planning Authority.

Reason: To ensure the provision and retention of the parking and turning areas in the interests of local amenity and highway safety.

- 11 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

- 12 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

Reason: In the interests of highway safety.

INFORMATIVES

1. 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.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-
Hampshire County Structure Plan Review UB3, H7, R3,
Winchester District Local Plan Proposals: H.1, H.7, EN.5, RT.3
Emerging Development Plan:-
WDLP Review Deposit and Revised Deposit: H.2, H.7, DP.3, RT.3
3. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or Bank Holidays. Where allegations of noise from such works are substantiated by the Environmental Health and Housing Department, a notice limiting the hours of operation under the Control of Pollution Act 1974 may be served.
4. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Health and Housing Department, an Abatement Notice may be served under the Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under the Clean Air Act. 1993.

The meeting commenced at 11.00am and concluded at 11.55am.

Chairman