

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City  
Council  
Planning Department  
Development Control

TEAM MANAGER  
SIGN OFF SHEET

<b>Case No:</b>	07/02496/FUL	<b>Valid Date</b>	8 October 2007
<b>W No:</b>	12466/11	<b>Recommendation Date</b>	
<b>Case Officer:</b>	E WALTERS	<b>8 Week Date</b>	<b>3 December 2007</b>
		<b>Committee date</b>	
<b>Recommendation:</b>	<b>REFUSE</b>	<b>Decision:</b>	

<b>Proposal:</b>	Erection of 2 no. detached dwellings, conversion of existing house to 3 no. two bedroom flats and 1 no. four bedroom house with associated parking, cycle and bin stores
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<b>Site:</b>	Chestnut Mead Kingsgate Road Winchester Hampshire SO23 9QQ
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
y	N	N	Y	N	N	Y

COMMITTEE ITEM SIGN OFF		
		<b>REFUSE</b> for the reason(s) listed
	<b>Signature</b>	<b>Date</b>
<b>CASE OFFICER</b>		
<b>TEAM MANAGER</b>		

**AMENDED PLANS DATE:- 9/11**

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**Item No:** 5  
**Case No:** 07/02496/FUL / W12466/11  
**Proposal Description:** Erection of 2 no. detached dwellings, conversion of existing house to 3 no. 2 bedroom flats and 1 no. 4 bedroom house with associated parking, cycle and bin stores  
**Address:** Chestnut Mead Kingsgate Road Winchester Hampshire SO23 9QQ  
**Parish/Ward:** Winchester Town  
**Applicants Name:** Struan Investments Ltd  
**Case Officer:** Elaine Walters  
**Date Valid:** 8 October 2007  
**Site Factors:** Within 50m of Listed Building  
Tree Preservation Order  
**Recommendation:** Application Refused

### General Comments

This application is reported to Committee because of the number of support letters received.

Revised plans have been submitted which show corrections to drafting errors.

This is a resubmission of a previously refused scheme. The design of the scheme has been altered and the ridge heights of the new dwellings are lower. The previous refusal decision notice is appended in full to this report.

There is a second application, to be considered elsewhere on this Committee agenda, showing an alternative design for the two dwellings to the rear.

### Site Description

The site area measures 0.19ha. This is a rectangular shaped plot, perpendicular to Kingsgate Road. Levels rise gently from the road by approximately 2m to the rear boundary line.

The building on site is Chestnut Mead, a non-listed but historic building in the Conservation Area, it was in use as 10No. student bed-sits but is now vacant.

There are mature trees and hedging on the boundaries of the site. The larger trees are protected under Conservation Area legislation. Some trees toward the rear of the site are proposed to be felled and this is set out in an Arboricultural Assessment submitted with the application.

There is a hardstanding at the front of the site with vehicle access from Kingsgate Road.

The northern boundary is marked by a brick wall of approximately 2m in height, separating this site from a pathway which connects Kingsgate Road to St Cross Road.

The character of this part of the St Cross Conservation Area is typified by large Victorian villas, set in spacious plots and screened with mature trees and hedging. The dwelling to the south of Chestnut Mead is a detached 1970's property, measuring approximately 8m to the ridge line.

### Proposal

It is proposed to convert the existing building of Chestnut Mead into 3 No. flats and 1No. 4 bed house. Two new dwellings of 5 bedrooms are proposed to be erected in the rear garden. The ridge line of the proposed new dwellings measures approximately 8.5m in height.

Facing bricks with slate roofs are proposed to match the materials of Chestnut Mead.

The existing driveway is to be extended to the north of Chestnut Mead to serve the two new dwellings behind and tandem parking is proposed to the side of each new house.

### Relevant Planning History

**W 12466/04** Side extension to provide 4 no two bedroom flats with associated parking and Landscaping - Permitted 1999

**W12466/07** Residential redevelopment of existing flats to provide 12 no. two bedroom

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apartments with alterations to car parking and provision of landscaping - Refused -  
Appeal dismissed 16 Dec 2003

**W12466/08 LBCA** Demolition of existing flats and associated storage/garage facilities - Refused  
- Appeal dismissed 16 Dec 2003

**W12466/09** (AMENDED DESCRIPTION) Erection of 2 no. detached dwellings; conversion of  
existing house to create 3 no. dwellings with conservatory to side of existing house;  
associated parking/cycle and bin stores. Refused 25 May 2007

**W/12466/10** Erection of 2 no. detached dwellings, conversion of existing house to 3 no. two  
bedroom flats and 1 no. four bedroom house with associated parking, cycle and bin  
stores. To be determined at Committee, as a separate item on this agenda.

## Consultations

### Conservation:

Proposals to preserve Chestnut Mead by conversion to four separate dwellings would be  
acceptable, however, the parallel proposal to build two new houses to the immediate rear of the  
property would, as a result of the amount of development proposed, be damaging to the  
established character and appearance of the Conservation Area.

The applications as a whole are therefore considered to be contrary to Policy HE.5 of the  
Winchester District Local Plan Review, and cannot be supported.

### Engineers: Drainage:

No objection. New dwellings can be connected to public sewer. Drives should use permeable  
material, with an inceptor drain.

### Engineers: Highways:

Sustainable location therefore parking proposed is acceptable. Propose conditions.

### Environmental Protection:

No objection but suggest informatives regarding hours of work on site.

### Landscape:

Had concerns and sought amended plans. Existing trees are not accurately plotted on the site  
layout. Access to bin stores and bicycle stores may be a problem. Suggest one shared gate onto  
the path to the north. If front hedge is to be removed then proposed new trees will need to be set  
further back from boundary to avoid longer term issues with overhang.

### Trees:

The arboricultural impact assessment and method statement report are acceptable.

The inaccuracies on the proposed layout did not affect the tree report; this aspect was assessed  
and can be dealt with adequately by conditions, should planning permission be granted.

### Environment Agency:

Low environmental risk.

### English Heritage:

Local Authority should assess the issue of enabling development in line with EH guidance. Any  
development to the rear should be subservient to Chestnut Mead in mass, height and proximity,  
located perhaps as an attached pair, to the rear end of the site.

### Southern Water:

The developer will have to enter into formal agreements with Southern Water for water supply  
and connection to the public sewer.

### Estates:

No objection.

## Representations:

### City of Winchester Trust:

Welcomes retention of Chestnut Mead but regrets the new houses are 3 storeys. Prefer this  
scheme [to 07/02490/FUL] which has a simpler design and no railings to the passageway. The  
archway between the new dwellings should be omitted.

17 letters of concern and objection have been received from separate addresses, for the following

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reasons:

Overdevelopment and harm to Conservation Area

- The height, scale, grouping and cramped layout of the new dwellings will make them look like a massive block.
- The existing appearance of a villa in large grounds will be entirely lost here. The new houses are not subsidiary in form or character to the existing house. The development forms a new street scene perpendicular to Kingsgate Road.
- The garden will be intensively sub-divided into small gardens and car parking contrary to the Winchester Conservation Strategy.
- Once the front hedge is removed and replaced, the double tandem development will be visible.
- It will be visible from the corner with Garnier Road and from St Catherine's Hill.
- There are no new material considerations to justify a change in the City Council's position since the previous scheme was refused (07/00841/FUL).

Design and layout

- The height has been reduced by 10% from the refused scheme, to approximately 9m but the new houses are still 3-storey. The building footprint is still 400sq m, more than double the current footprint and covering 20% of the site (the average here is 11%).
- The new houses are only 9m from the northwest boundary, while Chestnut Mead is 30m away.
- The previous scheme avoided the 'preponderous' effect of new brick dwellings now proposed.

Harm to neighbours amenity

- The new dwellings will overlook neighbours, even in summer through boundary trees.
- Increasing the occupancy of the site from 10 single bed-sitters to 19 or 20 double bedrooms will increase noise and traffic pollution, which would be unneighbourly.
- The retained trees overshadow the new dwellings and there will be pressure to remove them or to install additional windows. Amended designs may be sought if permission is granted now.
- The perspectives are misleading; the Pightle is set back and would not dominate views here.

Loss of trees

- 6 of the 12 important Conservation Area trees will be felled and others pruned and crowned. The trees attenuate noise from the St Cross Road traffic and garage and screen neighbours. The trees are a habitat for wildlife.

Enabling development

- It is not clear whether the new houses are intended to be enabling development under English Heritage guidelines. If so, some important issues need to be resolved on the financial appraisal.

Traffic

- There is insufficient parking for the development, with no provision for visitors; this will compromise the amenities of residents and neighbours. On-road parking is constrained.
- Kingsgate Road is already a bottleneck for traffic.

Undesirable precedent

- This proposal would create an undesirable precedent for other developments having similar adverse effects on the trees, building lines, Conservation Area, etc.

Neighbour letters and Site Notice

- Publicity undertaken was inadequate. *NB: Letters were sent to neighbours, a site notice and a newspaper advert were posted for this application. The publicity was in line with the Council's adopted procedures.*

Discrepancies

- The application forms and plans contain inaccuracies and inconsistencies. *NB: These issues have now been corrected by the applicant.*

Reasons aside not material to planning and therefore not addressed in this report

- There is a covenant on the site to prevent the erection of more than one dwelling.
- The support letters are substantially identical. They do not consider the key planning issues and the signatories are not local to the application site. They should have negligible weight.

11 letters of support received.

- The existing house is an eyesore and derelict. The proposal renovates it and enhances the area.

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**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

No saved policies are relevant to this application

Winchester District Local Plan Review

DP.1, DP.3, DP.4, DP.5, HE4, HE.5, HE8, H3, H7, RT4, W1, T2

National Planning Policy Guidance/Statements:

PPS 3 Housing

PPG 15 Planning and the historic environment

Supplementary Planning Guidance

Winchester Conservation Area Project

Other Planning Guidance

The Future of Winchester Study

**Planning Considerations**

Principle of development

The principle of residential development here is acceptable, however the character and appearance of the Conservation Area must be preserved or enhanced by the proposed new development.

The density of the proposed scheme equates to 31.6 dwellings per hectare, which is in accordance with both Policy DP3 of the Local Plan and PPS3.

This proposal also meets the Council's Housing Mix policy with 50% 2 bedroom dwellings. The relevant Local Plan policy H7 also specifies that the floorspace of small dwellings should not exceed 75m<sup>2</sup> (measured internally) and this is as proposed.

Public Open Space contributions were paid on the previously refused scheme and the applicant has agreed to pay the additional contribution required for this application. This contribution is awaited at the time of completing this report.

Enabling Development

The Design & Access Statement advised that the proposed new houses formed an enabling development to fund the repair of Chestnut Mead. However, the applicant has subsequently confirmed that the application should not be considered on this basis. They have consequently not provided the information required for the proper assessment of enabling development, as set out in English Heritage's Policy Statement 'Enabling Development and the Conservation of Heritage Assets' (2001). The proposals therefore fall to be judged on their own merits, against national and local plan policies.

Impact on character and appearance of Conservation Area

In 2003 an Appeal Inspector dismissed an appeal for the demolition and replacement of Chestnut Mead with a development of flats. The inspector concluded that Chestnut Mead '*does make a positive contribution to the character and appearance of the conservation area*'.

The Inspector also found that: '*Although smaller modern houses have been built on either side of the appeal site, these are set back and screened by planting, and the sense of spaciousness in the layout and the distinctive contributions of the much taller older properties in the street scene is maintained.*' Since the appeal, permission has been given to replace the smaller house to the north of Chestnut Mead with a new 3-storey building – The Pightle – in a largely traditional style with steeply pitched roofs and gables. Construction is now substantially complete.

The effect of the conversion of the existing building to separate residential units and the effect of proposed new development on the character and appearance of the Conservation Area are assessed below.

The changes to the external appearance of Chestnut Mead proposed as part of the conversion works, including the southern single storey extension, are considered to be appropriate in both their form and extent, and to maintain the building's positive contribution to the area's character and appearance.

The degree to which the garden of the property is paved to facilitate parking would, however,

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have a detrimental effect on the area's character.

The Winchester Conservation Area Project notes (para 9.8) that new development '*... should avoid prominent parking facilities*'.

Chestnut Mead is a substantial house on a large plot and, as such, is characteristic of this part of the Winchester Conservation Area. It is not inconceivable that a house of this size could have had a small range of outbuildings providing a coach-house and stable, set away from the main house and an appropriate scheme designed along these lines could be acceptable in principle. However, this current scheme proposes two substantial (5 bed) houses, sited in close proximity to the existing building. This form of development resembles a new street scene perpendicular to Kingsgate Road, rather than a range of service buildings to the rear of Chestnut Mead.

The proposed quantum of new development would be damaging to the character and appearance of the Conservation Area by virtue of its scale, massing and position in relation to Chestnut Mead, as the established character predominantly comprises large houses in large open gardens. As such, it is contrary to Policy HE.5 of the Local Plan.

It is considered that there is no justification for over-riding Local Plan policy. Initially the applicant asserted that this proposal was enabling development and that the quantum of development proposed was the only means of retaining the historic asset of Chestnut Mead. This element of the application was then withdrawn by the applicant.

The elevational form of the new houses clearly has some affinity with the red brick architecture of both Chestnut Mead and other houses in the area, and could be considered contextual in this respect. This contextualism does not, however, outweigh the harm that would be caused to the character and appearance of the Conservation Area by dint of the quantity and scale of development proposed.

Therefore the height, scale and massing of the proposed new development is considered to be overdevelopment of the site and harmful to the character and appearance of the Conservation Area.

Neighbours amenity:

The 2 No. new dwellings have been designed to try to minimise overlooking to neighbours, particularly to the nearest neighbour, Carlyon, to the south. The upper floors in the rear elevations have screened oriel windows which face only to the west of the site.

The new houses are 9m from the rear boundary, whilst Chestnut Mead is 30m away. In addition, the boundary trees, screening neighbours, are deciduous, allowing clearer views in the winter months. Nevertheless, the nearest corner of the new houses will measure approximately 27m to the properties on St Cross Road and this is considered to be sufficient distance to prevent materially harmful overlooking.

The proposed development would lead to some increased noise and traffic on this application site, but the likely levels involved would not constitute material harm to neighbours' amenity and does not therefore warrant the refusal of this application.

Trees:

The Tree Officer has raised no objections to the Arboricultural Impact Assessment and the proposed loss of some trees, nor the proposed methodology or tree protection measures.

Traffic and Parking:

The Highways Engineer does not raise an objection to this application although there is a need for one more allocated parking space to meet the minimum adopted standards of 1No. parking spaces per 2 bed flat. This is a sustainable location and therefore, under current planning policy, the Local Planning Authority could not refuse the application if there is a small shortfall in parking.

Wildlife habitat:

A two phase ecological survey has been carried out on site by a qualified specialist. This found evidence of bats roosting on site. Since bats are a European Protected Species, a Natural England development licence will be required. Construction mitigation measures for bats and other species are outlined in the report, which are satisfactory according to Natural England. These mitigation measures would form the basis of a condition if permission were to be granted.

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Other Matters

Neighbour notification

On this application notification letters were sent to neighbours adjoining the site, in line with the Council's adopted procedures. The application was also advertised with a site notice to notify the wider public of an application and, whilst the gate post was overgrown, the site notice was clearly visible. An advertisement was also placed in the local paper. This covers all three means of advertising planning applications and is in accordance with statutory requirements.

Discrepancies

The applicant has corrected and clarified errors on the plans. They clarify that the Tree Report was based on an accurate survey which was also submitted. The inaccurate site layout has been revised and windows shown on plans have been shown on revised elevations.

The revisions made to the submitted drawings were corrections and not material alterations in the siting, design or layout of the new development and so neighbours were not re-consulted.

Materials

It is considered that the use of facing brick on both new dwellings does not harm the character and appearance of the Conservation Area in itself. The Conservation Officer has not raised an objection on this basis.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for public open space, 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**

Application refused for the following reason:

1 The proposed development by reason of its location, scale and design, would be seriously detrimental to the character and appearance of the Winchester conservation area contrary to the Winchester Conservation Area Project and policies DP.3, HE4 and HE5 of the Winchester District Local Plan Review 2006.

**Informatives:**

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

Hampshire County Structure Plan Review: None

Winchester District Local Plan Review: DP.1, DP.3, DP.4, DP.5, HE4, HE.5, HE8, H3, H7, RT4, W1, T2