Winchester City
Council
Planning Department
Development Control

# **Committee Decision**

TEAM MANAGER SIGN OFF SHEET

Case No:	08/01204/FUL	Valid Date	6 June 2008	
W No:	05135/04	Recommendation Date	8 July 2008	
Case Officer:	Mr James Jenkison	8 Week Date	1 August 2008	
		Committee date		
Recommendation:	Application Permitted	Decision:	Committee Decision	

	8 no. dwellings comprising 4 no. two bed, 1 no. three bed and 3 no. four bed with
Proposal:	associated garages and car parking and formation of new access from Rareridge Lane
	(RESUBMISSION)

Site: Land To The Rear Of Properties Hazeldene To St Osyth Rareridge Lane Bishops Waltham Hampshire

Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
yes	yes	no	yes	no	no	yes

# APPROVE Subject to the condition(s) listed Signature Date CASE OFFICER TEAM MANAGER

AMENDED PLANS DATE:- 4 July 2008.

Item No: 5

Case No: 08/01204/FUL / W05135/04

**Proposal Description:** 8 no. dwellings comprising 4 no. two bed, 1 no. three bed and 3

no. four bed with associated garages and car parking and formation of new access from Rareridge Lane (Resubmission)

Address: Land To The Rear Of Properties Hazeldene To St Osyth

Rareridge Lane Bishops Waltham Hampshire

Parish/Ward: Bishops Waltham

**Applicants Name:** Mapledean Developments Ltd

Case Officer: Mr James Jenkison

Date Valid: 6 June 2008

**Site Factors:** 

**Recommendation:** Application Permitted

### Appended:

Planning Inspector's decision on dismissed appeal for planning application 07/01851/FUL. Site plan of scheme dismissed at appeal.

### **General Comments**

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

Amended plans have been submitted which do not materially impact upon neighbouring properties but include the following matters:

The wall for Plot 8 has been given a concave rather than convex curve, to allow a landscape feature to be placed at the end of the driveway.

A building aspect in position P3/G3 between Plots 3 and 4 has been removed and the space between the two plots widened from 2.7 to 3.3 metres.

The roof of G1/G2 has been lowered.

A previous application for 8 dwellings in a different form (ref: 07/01851/FUL) was refused primarily on design grounds and dismissed at appeal (appeal attached at the end of this report). The current application differs from the refused scheme in the following respects:

- (i) The refused scheme consisted predominantly of a row of houses across the width of the application site and backing onto the rear boundary, which forms the settlement boundary of Bishops Waltham. The scheme now proposed has four buildings located to the rear of the site with one building consisting of a modest office above a garage. The buildings are spaced apart, particularly at 2-storey height, with discernable gaps between buildings, including a shared amenity space between Plots 7 and 8.
- (ii) The refused scheme had a pair of semi-detached houses with rear gardens set perpendicular to Hazeldene-Willowbank, with unrelieved flank walls and back garden fences facing over the public domain. The proposed scheme avoids or minimises the use of flank walls and garden fences facing over the

- public domain, and where this does occur the walls have been relieved with windows or design features, and the scheme layout allows this without impacting detrimentally on neighbour's privacy.
- (iii) The proposed scheme creates a traditional street scene of houses facing onto the street on both sides. The houses on either side of the newly created street have been located so as to face over gaps in the building line rather than the front elevations of dwellings, maintaining perceptions of space and outlook.
- (iv) The refused scheme consisted of very angular building forms with deep walls and steeply pitched roofs, increasing the height of buildings to 9 metres and resulting in a 3<sup>rd</sup> floor in the roofspace of buildings. The proposed scheme promotes buildings with more narrow depths for the main building element and extended building elements to the side and rear. This has lowered roof heights to approximately 7.5 metres, reduced building masses, and introduced a variety and scale in the roofscape which better reflects that of existing detached houses facing over Rareridge Lane.
- (v) Houses of the proposed scheme which back onto Hazeldene- Willowbank have a similar building form and size and similar spacing between building forms, reflecting more accurately the character of the locality.
- (vi) The refused scheme had a public realm almost completely dominated by hard surfaces (buildings, walls, fences, driveways, parking spaces) and gaps which did not effectively promote landscaping, space between buildings or views of the mature trees along the rear boundary of the site. The proposed scheme offers much greater amounts of landscape areas in the street scene in terms of front gardens and a substantial amenity area and views of existing trees along the rear boundary are afforded by the larger gaps between buildings and because of the lower height of the buildings.

It is therefore considered that the proposed scheme overcomes the reasons for refusal of the previous scheme and the concerns raised by the Planning Inspector when dismissing the appeal.

### **Site Description**

The site comprises 0.31 hectares of relatively flat land (sloping downwards slightly towards the street) including the back gardens of Hazeldene, Fernbank, Willowbank, Woodhaven, and St. Osyths as well as a 6.8 metre wide strip of land along the west side garden of Hazeldene. The properties at Hazeldene, Fernbank, Willow Bank, Woodhaven, and St. Osyth have back gardens approximately 60-70 metres deep. There are a number of trees of varying species and maturity within the gardens, with hedgerows forming the common side boundary with properties in Byron Close. The back boundary of the application site forms the settlement boundary and is well vegetated, with mature trees and other planting forming a dense landscape screen between the settlement and the countryside.

Rareridge Lane is located at the northern edge of Bishops Waltham and comprises mainly a linear suburban development of detached houses on rectangular plots with large and deep back gardens.

To the west of the application site, adjacent to the north-west side boundary, a more modern form of suburban development has taken place, consisting of much more closely spaced detached houses along Rareridge Lane and Byron Close. The primary aspects of

these buildings do not face over the site and there is a conservatory/side extension to No. 50 Rareridge Lane close to the common boundary where the entrance to the proposed development is to be located.

### **Proposal**

The proposal is for eight detached, semi-detached and link detached dwellings in the back gardens of Hazeldene - St. Osyth. The net residential density achieved, including space beneath existing trees on the site, is approximately 24 dwellings to the hectare. However, if the space beneath the branch spread of the mature trees is excluded in net site area calculations, the density increases to 32 dwellings to the hectare, which is within the government guidance set out in PPS3 and an appropriate density given the edge-of-settlement location of the proposal, and the character of surrounding development.

The building forms proposed reflect the extended house types which exist along Rareridge Lane through the roof forms and building footprints. The design is also reflective of the design of the existing houses along Rareridge Lane, incorporating bricks, tiles, bay windows, enclosed porch extensions, decorative features in gable ends and windows framed by stone cill work and header arches.

The proposed dwelling on Plot 1 will be located approximately 12 metres away from the side boundary with No. 12 Byron Close, and approximately 14.5 metres from the side wall of the dwelling and the proposed garage for Plot 8 (annotated G8 on the submitted plans) is located approximately 4 metres from the side boundary with No. 12 Byron Close. The rear walls of Plots 2-5 at 1<sup>st</sup> floor level are located approximately 32-37 metres away from the rear walls of Fernbank and Willowbank and the south flank wall of Plot 1 at 1<sup>st</sup> floor level is located approximately 29 metres away from the rear extension of Hazeldene. The proposed dwellings on Plots 6-8 are located approximately 6-7 metres from the rear boundary of the site. The side wall of the proposed dwelling for Plot 6 is located approximately 2 metres from the side/rear boundary of Jedburgh.

The proposed access is to be located between Hazeldene and No. 50 Rareridge Lane. The width of the access will range between 3 and 5 metres and have a continuous strip 2.2 metres wide along the side boundaries of No. 50 Rareridge Lane and No.10 Byron Close. Part of this strip of land is proposed as a footpath segregated from the driveway.

Sixteen car parking spaces are proposed.

Plain clay tiles are proposed for the roofs of the proposed development except for Plot 1, where a slate roof is proposed. All of the proposed houses are intended to be faced by red brick and have PVCu casement windows. Most of the dwellings are proposed to incorporate tile hangings where gable ends exist.

### **Relevant Planning History**

**07/01851/FUL / W05135/03** - 8 no. dwellings comprising 4 no. two bed, 2 no. three bed and 2 no. four bed with associated garages and car parking; formation of new access from Rareridge Lane - Refused 08/10/2007 - Appeal Dismissed 12/05/2008.

### Consultations

### Engineers: Drainage:

Public sewer available for foul water disposal with stormwater going to soakaways.

Water butts and permeable paving should be used wherever possible.

No objection subject to building regulations approval being obtained.

### Engineers: Highways:

Proposal is acceptable from a highways point of view.

Model conditions recommended (Conditions 6, 7, 8, 9 and 15).

Financial contribution of £35, 096 required towards the Hampshire Transport Contributions Policy.

### **Environment Agency:**

Assessed the application as having low risk.

## Southern Water:

Foul sewage can be provided and Southern Water is not aware of any particular problems in the vicinity of the site. Adequacy of soakaways to be checked by Council's technical staff.

### Representations:

### Bishops Waltham Parish Council:

Recommended that the Highways Engineer checks sightlines and splays at the entry/egress to the site, that drainage needs to be suitable for the development and that infrastructure is undertaken.

# 15 letters received from 12 neighbouring properties and an additional 2 letters objecting to the application for the following reasons:

- Proposal inconsistent with Planning Inspectors decision.
- Access entrance will be a traffic danger and Rareridge Lane used as a rat run.
   Also Rareridge Lane used for access to two schools.
- Proposal will increase flood risk.
- Loss of greenery, trees and wildlife habitat.
- Overlooking and loss of privacy and amenity to neighbours.
- Noise and pollution to neighbours adjacent to driveway.
- Proposal still too suburban and too high a density for the location of the site.
- Impact of construction activity and traffic.
- Proposal out of character and style with the area.
- Buildings in back gardens will destroy the character of the area.
- Insufficient services available.
- Single storey houses more appropriate.
- Scale, design and layout is too much.
- Terrace housing not in keeping with Rareridge Lane.
- Roadway will allow future development of neighbouring properties.
- Proposed boundaries mostly brick walls.
- Tree line will be replaced by rooftops.

### **Relevant Planning Policy:**

Adopted Winchester District Local Plan Review 2006 DP1, DP3, DP4, H3, H5, H7, RT4, T3, T4, T5

### National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

### **Planning Considerations**

### Principle of development

The site lies within the policy area of Bishops Waltham where, in principle, new housing development is acceptable.

### Density

The scheme would achieve a net density of 32 dwellings per hectare, in line with PPS3 and Local Plan Policy H7. The building footprint for the proposed development compares favourably to that of Byron Close and the increased dwelling density is achieved by the requirement of Local Plan Policy H7 to include 50% small dwellings in the scheme. The appropriateness of the density is indicated by the fact that achieving the required level of car parking spaces for the site has not necessitated excessive amounts of space to be used for hard surfaces. By comparison, Byron Close (a similarly sized development) has 11 closely spaced detached houses with limited space between building forms and very limited space in front of houses for landscaping.

### Design/layout

The scheme has been designed and laid out in a manner to reflect its location at the edge of the settlement, whilst at the same time ensuring that an effective street scene is created that seeks to have houses facing over the main driveway with well-landscaped front gardens and also to maintain spacious perceptions. This has been achieved by having relatively widely-spaced dwellings backing onto the countryside with the closely-spaced dwellings more centrally located within the site, and with the front elevation of dwellings facing over gaps between opposite buildings rather the front elevation of dwellings directly opposite (with the exception of Plot 2). In this manne, the layout of the proposal responds positively to its location at the village boundary.

Building sizes and spacing between them have been achieved which reflect the size and footprint of the houses fronting Rareridge Lane. This layout also ensures that the back gardens of dwellings align with those of neighbouring sites and that the trees along the boundaries are able to be retained. By breaking the roof mass into segments, the proposed dwellings maintain a lower height and reflect the segmented roof masses of the existing dwellings fronting Rareridge Lane.

### Impact on character of area and neighbouring properties

The sizes of the back gardens of properties along Rareridge Lane are of sufficient depth to ensure that a spacious development can be achieved whilst also achieving a satisfactory residential density. Plots 1-5, set back to back with the existing dwellings facing over Rareridge Lane, are separated by distances ranging from 32-37 metres, well above the usual type of distances found in many suburban locations, and allowing windows in the rear elevations to remain clear glazed without materially harming the

privacy of the existing dwellings. By comparison, the distance between the principal walls of the rear elevations of No. 50 Rareridge Lane and No. 10 Byron Close is 23 metres.

The proposed development will be screened from the adjacent countryside by the mature tree and hedge line to be retained at the rear boundary (Condition 5), and the dwellings will be screened from Rareridge Lane by the existing properties, ensuring that the proposal will have minimal visual impact when viewed from these locations.

The main dwellings on Plots 1 and 8 are set well away from the side boundary with Byron Close properties, and a single width garage with an office above for Plot 8 has been located at the outside bend of the driveway and 4 metres from the side boundary with No. 12 Byron Close. This proposed garage/office has an eaves level of just 3.6 metres and a ridge height of 5.6 metre and will not have windows facing over No. 12 Byron Close and a condition has been recommended to prevent window and roof light insertions (Condition 15). The proposed garage/office acts to maintain a coherent building line for the scheme, whilst maintaining a size and scale which will ensure that it does not have a materially overbearing impact on No. 12 Byron Close. The proposed dwelling for Plot 8 is to be set 17 metres from the side boundary with No. 12 Byron Close and the only 1<sup>st</sup> floor window proposed in the side elevation facing the rear garden of No. 12 Byron Close is an obscure glazed bathroom window (Condition 14).

The front elevation of the proposed dwelling for Plot 1 faces the side elevation of No. 12 Byron Close, with a distance of 14.5 metres separating the elevations. No. 12 Byron Close has recently been extended (planning application ref: 07/02374/FUL), and has a large number of windows in this side elevation facing over Hazeldene. However, the principal windows of the habitable rooms of this property face towards its rear garden or along Byron Close. Because of this, the windows facing over Hazeldene are either windows for non-habitable rooms or are considered to be secondary windows. The proposed dwelling on Plot 1 is therefore considered not to have a materially harmful impact on the privacy and amenities of that property.

### Landscape/Trees

The proposed scheme retains existing landscape features and incorporates landscaped areas which would provide a good level of amenity to properties within the proposed scheme and would help to ensure that the amenities of neighbouring properties are not unduly compromised. Front garden areas available for landscaping, ranging from 2 to 3 metres in depth, extend along the width of building frontages, ensuring that well-landscaped front gardens can be introduced which offer effective breakages between driveways to garages and parking areas.

Existing mature trees and hedgerows at the side and rear boundaries are to be retained and, along with the spaces between buildings, heights of buildings and new landscaping areas of the proposed scheme, will ensure that buildings sit comfortably within the site and that the development will not detract from this part of the village or the countryside beyond. Conditions 3-5 have been recommended to ensure the protection of existing landscaping and the implementation of new landscaping and hard surfacing materials.

### Highways/Parking

The proposed scheme provides for 14 on-plot parking spaces and 2 off-plot parking spaces, which is considered to be acceptable for a scheme of this density and range of dwellings. Parking spaces are located adjacent to or very near the dwellings they are

intended to serve and have been arranged in a manner which ensures that they are separated by landscape areas, breaking up the visual mass of the pavement area.

A raised platform has been introduced adjacent to the communal landscape area central to the scheme and will be finished in a different size and textured paving block to the driveway. The use of paving blocks and kerbstone edging for the access and driveway, along with the landscaping areas and wall and roof finishes to front elevations of buildings, will provide a high quality visual finish to the entrance to the site.

The location of the entrance to the proposed development at the outside of a bend in Rareridge Lane, and the 4.8 metre width of the access at the entrance, act to improve visibility and traffic safety and there is considered to be an acceptable level of visibility at the junction. The access is the same as that of the planning application that was dismissed at appeal and neither the Planning Inspector nor the Highways Engineer raised an objection to the visibility at the access. Conditions 6-9 recommended by this report cover access construction and the activity of construction traffic.

### Drainage

Southern Water and the Council's Drainage Engineer have not objected to the application on drainage grounds. Sustainable urban drainage solutions such as water butts and soakaways are able to be adopted to reduce stormwater runoff, and the majority of hard surfacing proposed for the development is paving blocks, which allows rainwater to percolate into the ground (Condition 13).

### Other Matters

No. 50 Rareridge Lane and Nos. 10 and 12 Byron Close, adjacent to the proposed access, will be separated from the driveway by a hedgerow along the common boundary and a pedestrian footway, ensuring that the carriageway is located 2.2 metres from the common boundary. The Planning Inspector did not seek to dismiss the appeal of the previous scheme because of any harm to the amenities of adjacent properties as a result of the proposed access, and it is considered that the driveway of the proposed scheme will not have a materially harmful impact on neighbours amenities.

### Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for public open space and affordable housing provision, 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.

### Public Open Space

The development does not provide any on-site public space and a financial contribution for public open space purposes is therefore appropriate and has been calculated at £16,908.

### Affordable Housing

A development of this scale in Bishops Waltham would not require the provision of affordable housing.

Sustainable Transport Improvements (Hampshire Transport Contributions Policy).

The application was received after 28 March 2008 and the Council's policy on requiring financial contributions for sustainable transport improvements is therefore applicable. The sum required to be contributed to the fund is £35,096.

### Recommendation

Application Approved, subject to the following conditions and the applicant making the appropriate provision for the Hampshire Transport Contributions Policy and for public open space through the open space funding system:

### **Conditions**

1. 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 (as amended).

2. The materials to be used on the external finishes of the development hereby approved shall be as set out in the materials schedule date stamp received 4 July 2008 and approved as part of this planning application unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

3. The proposed access and drive (including the footway), parking spaces and other hard surfaces and landscape works shall be laid out, planted and constructed in accordance with the submitted plan titled 'External Surface Materials & Indicative Landscaping Proposals', drawing No. HRL/PL/116-B dated May 08 and date stamped as received 4 July 2008 and approved as part of this planning application. None of the dwellings of the development hereby approved shall be occupied until the landscaping and hard surfacing approved has been implemented unless otherwise approved by the Local Planning Authority.

NOTE: A licence is required from Hampshire Highways Winchester, Central Depot, Bar End Road, Winchester, SO23 9NP prior to the commencement of access works.

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

4. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

- 5. In this condition, "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars to be submitted with this planning application and including trees annotated T1-T21 (excluding T16-T19) in the Arboricultural Impact Study by Dermot Cox submitted with this planning application.
- a) No existing boundary hedgerow planting or retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree or boundary hedgerow be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998.
- b) If any tree or hedgerow planting is removed, uprooted or destroyed or dies, another tree/hedgerow planting shall be planted at the same place and that tree/hedgerow planting shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
- c) The erection of fencing for the protection of any retained tree and hedgerows shall be undertaken in accordance with British Standard 5837:2005 before any equipment, machinery, or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure the protection of trees and hedgerows which are to be retained.

6. The gradient of the drive shall not exceed 8% within 6 metres of the edge of the adjoining carriageway.

Reason: In the interests of highway safety

7. 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.

8. 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.

9. The roads and footways shall be laid out and made up in accordance with the specification, programme and details to be approved by the Local Planning Authority. No dwelling erected on the land shall be occupied until there is a direct connection from it

completed to the approved specification (less the final carriageway and footway surfacing) to an existing highway.

Reason: To ensure that the roads and footways are constructed to a satisfactory standard.

10. The dwellings shall be constructed in accordance with the approved plans and at no stage thereafter shall any of the dwellings hereby approved be combined to form a larger dwelling unit.

Reason: To ensure that a mix of small and larger dwellings is retained in accordance with Policy H7.

11. Details of the floor slab levels and existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the site. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of the locality and neighbouring residents.

12. None of the dwellings of the development hereby approved shall be occupied until a system for the disposal of sewage and surface water (including methods for the retention/management of greywater and stormwater within the site, such as water butts) has been provided on the site in accordance with details (including layout plans, sections, calculations and identification of management responsibilities post implementation) to be first submitted to and approved in writing by the Local Planning Authority.

NB: The scheme to be submitted for approval should be prepared in consultation with Southern water and should incorporate measures such as water butts.

Reason: To ensure satisfactory provision of foul and surface water drainage and to prevent flooding.

- 13 The windows at 1st floor level in the elevations or roof slopes of the dwellings/garage on the plots of the approved plans listed below and hereby permitted shall be glazed in obscure glass and thereafter retained.
- (i) west elevation of the dwelling on Plot 8 (facing No. 12 Byron Close).
- (ii) en-suite window of the south elevation of the dwelling on Plot 8.
- (iii) en-suite window of the west elevation of the dwelling on Plot 1 (facing No.12 Byron Close).

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

14. 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, and no enlargement of the windows expressly authorised by this permission shall, at any time, be constructed above ground floor level in the elevations listed below:

- (i) all walls and roofs in the west side elevation of the garage office on Plot 8 (facing No. 12 Byron Close).
- (ii) west elevation of the dwelling on Plot 8 (facing No.12 Byron Close).
- (iii) north side elevation of the building comprising Dwellings/Plots 8-10.

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

15. The garages and parking spaces hereby approved shall not be used for any other purpose than the parking of cars.

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

### Informative

This permission is granted for the following reason:

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.

The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Winchester District Local Plan Review 2006: DP1, DP3, DP4, H3, H5, H7, RT4, T3, T4, T5