

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City  
Council  
Planning Department  
Development Control

TEAM MANAGER  
SIGN OFF SHEET

<b>Case No:</b>	08/01032/FUL	<b>Valid Date</b>	28 May 2008
<b>W No:</b>	12466/12	<b>Recommendation Date</b>	4 August 2008
<b>Case Officer:</b>	Elaine Walters	<b>8 Week Date</b>	<b>23 July 2008</b>
		<b>Committee date</b>	
<b>Recommendation:</b>	<b>Refuse</b>	<b>Decision:</b>	<b>Committee Decision</b>

<b>Proposal:</b>	Side extension to provide 4 no two bedroom flats and conversion of existing building to provide 2no two bedroom flats and 4 no 1 bedroom flats, with associated parking, landscaping and bin/cycle store [AMENDED DESCRIPTION]
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<b>Site:</b>	Chestnut Mead Kingsgate Road Winchester Hampshire
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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

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
<b>CASE OFFICER</b>		
<b>TEAM MANAGER</b>		

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**AMENDED PLANS DATE:-**

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**Item No:** 2  
**Case No:** 08/01032/FUL / W12466/12  
**Proposal Description:** Side extension to provide 4no two-bedroom flats and conversion of existing building to provide 2no two-bedroom flats and 4 no 1 bedroom flats, with associated parking, landscaping and bin/cycle store (AMENDED DESCRIPTION)  
**Address:** Chestnut Mead Kingsgate Road Winchester Hampshire  
**Parish/Ward:** Winchester Town  
**Applicants Name:** Mr Richard Waite  
**Case Officer:** Elaine Walters  
**Date Valid:** 28 May 2008  
**Site Factors:** Conservation Area  
**Recommendation:** Application Refused

### General Comments

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

### Site Description

The proposal site is located on the west side of Kingsgate Road, towards its southern end, and comprises Chestnut Mead and its curtilage. The building is a large late-nineteenth century house of three storeys, in red brick with a slate roof.

It is not listed but it is an historic building in the conservation area. It was most recently in use as 10 No. student bed-sits but is now vacant. In the summer of 2007 the building was made wind, weather and vandal proof, by the boarding of all external openings.

The site area measures 0.19ha and this is a rectangular shaped plot, perpendicular to Kingsgate Road, with levels rising gently from the road by approximately 2m to the rear boundary line.

The applicant removed the mature front boundary hedge and undergrowth from the site in February 2008 but there are mature trees to the rear of the site, the larger of which are protected because the site lies within the conservation area. Whilst the submitted Arboricultural Assessment states some of the trees on site are proposed to be felled, the application drawings show only one tree to be removed and this was felled on site prior to February 2006.

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, Carlyon, is a detached 1970's property measuring approximately 8m to the ridge line.

### Proposal

The proposed development was previously the subject of a planning application which was granted permission in October 2002 (99/01596/FUL) and the consent expired in

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October 2007. The plans are missing from the Council's 1999 file, however, it appears that this application is a re-submission of the originally approved scheme.

It is proposed to convert the existing building, Chestnut Mead, into 4No. flats (2No. two-bed and 2No. one-bed), and to form a rear extension of 4No. two-bed flats.

The ridge line of the proposed extension will measure approximately 7.6m in height.

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

The existing access and hardstanding to the front of the site are to be used for access and parking. A new bin and bicycle store is proposed to be erected adjacent to the northern boundary wall.

The new extension projects approximately 4m beyond the side wall of Chestnut Mead, further toward the neighbour Carlyon to the south. The new extension will measure approximately 12m from the boundary with Carlyon at its closest point.

The proposed density of development on site is 42 dwellings per ha. The proposal meets the Council's policy on Housing Mix, with 100% smaller one and two bedroom dwellings.

### Relevant Planning History

**96/03800/OLD / W12466/02** - Three storey extension to existing three storey building to provide 3 no. bedsitters and 3 no. single bedroom flats and ancillary parking spaces - Withdrawn -13/03/96

**99/01596/FUL / W12466/04** - Side extension to provide 4 no two bedroom flats with associated parking and landscaping - Permitted - 03/10/02.

**03/00126/FUL / W12466/07** - Residential redevelopment of existing flats to provide 12 no. two bedroom apartments with alterations to car parking and provision of landscaping - Refused - 03/04/03 - Appeal Dismissed -16/12/03.

**03/00194/LBC / W12466/08LBCA** - Demolition of existing flats and associated storage/garage facilities - Refused - 03/04/03 - Appeal Dismissed - 16/12/03.

**07/00841/FUL / 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 - 25/05/07.

**07/02490/FUL / W12466/10** - 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, replace northern boundary wall with railings (Amended description) - Refused - 10/01/08 - Appeal Submitted.

**07/02496/FUL / W12466/11** - 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 - Refused -10/01/08 - Appeal Submitted.

### Consultations

#### Conservation:

The relevant conservation considerations in this case are the effect on the character or appearance of the conservation area of the following:

#### (a) The conversion of the existing building:

The present front door and entrance arch are prominent in the street elevation and their removal would rob the elevation of its logical architectural expression;

Locating the kitchens at the front of the building, within the entrance 'tower', would require flues and vents, further disfiguring the front elevation.

The proposed lift over-run tower must be constructed and detailed to the highest quality to match the existing if it is not to be visually detrimental to the appearance of the

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building.

The extent of hard standing in the front garden would have a significantly detrimental effect on the area's character. The use of a more informal surfacing material, such as hoggin or bound gravel, over a minimum area of the site would be desirable. The Winchester Conservation Area Project notes (para 9.8) that new development '*... should avoid prominent parking facilities*', and in this part of the conservation area, where the street character consists of well planted boundaries, the contrasting starkness of the present proposals would have a particularly detrimental impact.

(b) The proposed two storey extension:

The extension is both over-large and poorly designed in relation to Chestnut Mead. It has a footprint equal to, if not greater than, the existing house and could not be said to be subordinate in its scale or massing to the original building, except in so far as its roof is lower than that of the original house.

Neither the roof height nor the eaves height of the extension relate in any way to the existing building, and the proposal has the overall appearance of a poorly designed modern suburban house attached to the back of the Victorian mansion.

Its detailing does not accurately reflect the proportions and detailing of the existing house, but neither does it respond in an understated modern way to the proportions, scale and grain of the earlier building. Therefore, the proposal does not respect the character, scale and plan form of the original building, as required by Policy HE.5.

The prominence of the extension in the conservation area now only serves to highlight the inappropriateness of this design response, and the harm that it would cause to both the character and the appearance of the conservation area. The proposal would not preserve the established character and appearance of the conservation area, nor, by virtue of its size, bulk and poor design, would it enhance the area. This is particularly the case since, as the front hedge was removed earlier in 2008, the building is now fully exposed to view, and the extension would be likewise.

Engineers: Highways:

The principle of this development is acceptable regarding highway matters.

The submitted layout plan (drg. No. 2169-04) shows 14No. on-site car parking spaces, which complies with the Hampshire Parking & Strategy standards. A bin and cycle store facility is also indicated.

Engineers: Drainage:

No objection on drainage grounds provided the extension receives Building Regulations approval. New dwellings can be connected to the public sewer. Access drives should have an inceptor drain.

Landscape:

A 2006 Tree Report was submitted with this application, which recommends trees for removal. However, the applicant clarifies that this is not necessary to facilitate this proposal and any tree removal could be subject to further on-site consultation with the Arboricultural Officer.

Arboricultural Officer states: Conditions needed for the following: tree protection, a new hedge on the frontage, and a new replacement tree there. A landscape plan should be submitted to mitigate the loss of the willow tree to the rear of the site.

Environment Agency:

Low environmental risk.

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Southern Water:

Southern Water requires a formal application for a connection to the foul sewer and requests a condition to ensure surface water drainage is agreed before work starts.

Hants County Council Ecologist:

Ecological reports have been submitted with the application.

Breeding birds have been confirmed on site and works must therefore be restricted to outside the breeding season.

Due to the presence of bats on site, Natural England must be consulted and must be satisfied that the impact on bats is acceptable.

Important to clarify whether trees will be removed and, if so, to ensure they have been assessed for bat use.

Natural England:

Comments awaited.

English Heritage:

Development to the rear should be subservient to the principal building in mass, height and proximity. The development should perhaps be located to the rear as an attached pair.

The site is well screened by the wall to the north and mature trees. These should be retained and strengthened. Our Enabling Document would apply as needed.

The house contributes to the character of the conservation area in this part of Kingsgate Road. We are disappointed with the current proposed design.

English Heritage earlier encouraged a more modern but understated design with a distinct sense of visual and physical separation. The current design, whilst subservient in its height, does not add to the quality of the building. Despite its two storey form, it has a sense of bulk. The attachment seems ill-considered. Any extension might better use a single storey link.

The extent of the car-parking on the frontage does not aid the setting or approach to the building. The previous designs showed potential for convincing architectural composition, the same cannot be said of this scheme.

**Representations:**

City of Winchester Trust: Objects

The return to the original permitted development is welcomed. However, still objects to the barren asphalt car park in front. Fourteen spaces is considered much too high and a more imaginative landscape scheme for the front of the house is needed.

20 letters received objecting to the application for the following reasons:

- Size and design of the extension will harm the appearance of the conservation area, it proposes a concrete block attached to a Victorian villa, losing the spacious setting of Chestnut Mead. Site is highly visible from Garnier Road. Overdevelopment of the site.
- Mass and design: Proposal increases the size of the building by 80% and doubles its footprint. The hard surfacing at the front will cover a large proportion of the site.
- Levels: The building stands 1m above the road level, and since the hedgerow was removed the house is highly visible from the road. The front hardstanding is prominent above road level.
- Traffic: The 10No. bedsits here did not generate much traffic whilst 14No. spaces

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here will increase traffic crossing the pavement in conflict with pedestrians, especially schoolchildren.

- Neighbours: Carlyon to the south will be overlooked. Properties to the west will be overlooked in winter when the trees are bare. Noise and emissions on site will be increased. The extension will be overbearing on neighbours.
- Trees and hedging: The mature garden here has been grubbed out. The loss of trees set out in the Arboricultural Report would increase overlooking to neighbours.
- Drainage: There is already run-off on to Kingsgate Road, which will increase.
- Housing Mix: Two or four of the proposed two-bed flats should be turned into three or four-bed family apartments.
- Affordable housing: Some flats should be set aside for key workers' housing.
- Future of Chestnut Mead: If planning is declined for the excessive development will the developer let the building rot?
- Resubmission: The applicants quote Circular 08/93 which is superseded.
- Precedent: This application would set an unwelcome precedent if allowed.

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

- Market: the market for small dwellings is stagnant and this would create a part-occupied building.
- Developers should not be rewarded for allowing a permission to lapse.
- An explanation of the financial incentives that developers pay in order to secure a planning decision should be made transparent and public.
- Are there any conservation areas left?
- Is there a champion for the heritage of this area?
- This land was owned by the Church Commissioners and there was a covenant to restrict development to a single residential dwelling.

6 letters received supporting the application for the following reasons:

- The building is currently an eyesore, this will save the building, renovating it and will improve the surroundings.
- The building has become a magnet for thieves, vandals and vagrants.
- The flats are smaller, more affordable dwellings, which the Council wants, and will bring vitality to the area.

**Relevant Planning Policy:**

Winchester District Local Plan Review

DP.1, DP.3, DP.4, DP.5, DP9, 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

**Planning Considerations**

Principle of development

The principle of extending a non-listed building in a conservation area is acceptable, subject to the impact on the conservation area, on neighbours and other interests of

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acknowledged importance as discussed below.

The applicant states that this is a resubmission of an expired permission, and previous decisions are material considerations.

The decision referred-to by the applicant was granted following a resolution by the Planning Development Control Committee in November 1999. In view of the length of time which has elapsed since the permission was issued in October 2002, it is appropriate to consider whether there have been any material changes in circumstances, including to planning policy, which have occurred since permission was granted in October 2002, and which are material to the current application.

The relevant changes for consideration are:

- The 1998 Winchester Local Plan has been superseded by the 2006 Local Plan Review.
- In December 2002 the neighbouring dwelling to the south, Carlyon, was granted planning permission for the erection of a rear conservatory, which would now be overlooked by the proposed south facing balconies on the proposed development.
- The Winchester Conservation Area Project was adopted in 2003.
- In 16 December 2003 the Appeal Inspector dismissed an appeal proposal to demolish Chestnut Mead and concluded that Chestnut Mead '*does make a positive contribution to the character and appearance of the conservation area*' and considered that its demolition would not be justified by the proposals put forward in the appeal application.
- In February 2008 the applicant removed the mature front boundary hedge and undergrowth from the site. This increases views into the site from the public realm in the conservation area. Whilst previously the proposed extension would only have been visible from the access drive, now it will be visible from along the road in front of the site and from the junction with Garnier Road. The removal of vegetation also increases the possibility for harmful overlooking from the proposed development to neighbouring properties.

In light of the above, it is considered that there has been a material change in circumstances and therefore the Council can re-assess the application's merits and does not have to grant permission for the scheme simply because it was previously approved in 2002.

#### Impact on Conservation Area

Policy HE.5 of the Winchester District Local Plan Review 2006 requires extensions to buildings in conservation areas to respect '*the character, scale and plan form of the original building*' and be '*subordinate to it*' and '*not dominate principal elevations*'. It also requires that '*appropriate materials and detailing are proposed*' and that '*the extension would not result in the loss of features that contribute to the character or appearance of the conservation area*'.

The proposed extension is out of keeping with the scale and design of Chestnut Mead. The extension is off-set to the south of the main building and will therefore be visible in views from the conservation area public realm.

The mix of roof styles, with gables, dormers and hipped roofs gives the extension an incongruous appearance. This mix of roof styles is visible in the view from the public realm and, together with the side view of the proposed private balconies, this will result in an incongruous, unsympathetic and bulky extension to the existing Victorian villa which will harm the appearance of the conservation area.

The loss of landscaped garden space around Chestnut Mead and the extensive car park in front of the building is also contrary to the advice in the Winchester Conservation Area Project and will harm the appearance of the conservation area.

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Impact on neighbours' amenity

The proposed first floor balcony on the south elevation, which leads off the main reception room, will cause unacceptable overlooking to the habitable rooms and private amenity space at Carlyon which lies to the south.

In 1999, when the previous application was first considered, it appears there was substantial mature vegetation on the party boundary which would have helped to limit any overlooking. This has now been removed, opening up views into the neighbouring property. In addition, in December 2002 planning permission was granted and implemented to erect a rear conservatory to Carlyon. This was not a material consideration in 1999.

Landscape/Trees

The submitted Arboricultural Assessment dates from February 2006 and was submitted with the previous applications, in 2007, for new dwellings on this site. The report states that some of the trees on site are proposed to be felled, whilst the applicant states in the Design and Access Statement that it would not be necessary to fell those trees to facilitate this proposed extension and they would not propose to remove them without further consultation on site with the tree officer. The submitted drawings show one tree annotated to be removed, but it has already been felled and was not included in the 2006 Arboricultural Assessment.

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

Highways/Parking

The Highways Engineer does not raise an objection to this application.

Intervisibility between cars and pedestrians at the access could be improved with a suitable landscape solution, however, this issue in itself does not warrant the refusal of this application.

The proposed parking meets the Hampshire Parking and Strategy Standards.

This is a sustainable location where residents could also walk or cycle to local services and facilities.

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 are outlined in the report, for bats and other species, which would form the basis of planning conditions and the development licence application, should planning permission be granted.

Drainage

Foul drainage can be disposed of to the public sewer. Surface water run off can be directed to soakaways and, should planning permission be granted, then an interceptor drain would be necessary on the main driveway to prevent surface water flowing onto Kingsgate Road.

Housing Mix and Affordable Housing

The application proposes market housing with no element of affordable housing, and this accords with Council policy for a scheme of this size.



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The proposal meets the Housing Mix policy, with 100% smaller one and two bedroom dwellings.

Open Space Contributions

A contribution of £12,776 is required towards the provision of Public Open Space in accordance with the adopted Local Plan Policy RT4.

Highways Contribution

The Council has sought a financial contribution towards Highways/Traffic improvements, in accordance with the Hampshire County Council policy that was adopted by Winchester City Council on 2 April 2008.

Other Matters

Housing market issues are not a material planning consideration.

**Recommendation**

REFUSE, for the following reasons:

**Reasons:**

1. The existing building occupies a prominent site within the conservation area. The proposed extension by reason of its size, siting and design would not relate sympathetically to the character and appearance of Chestnut Mead and this, combined with proposed changes to the principal elevation of the building and the extent of hard surfacing to provide parking for the development, would be detrimental to the character and appearance of the Winchester Conservation Area contrary to the Winchester Conservation Area Project and Policies DP3, HE4 and HE5 of the Winchester District Local Plan Review 2006.
2. The first floor south facing windows and balcony, proposed in the extension, would cause harmful overlooking to the neighbouring property Carlyon, to the detriment of their residential amenity. The proposal is therefore contrary to Policy DP3 of the Winchester District Local Plan Review 2006.
3. The proposal is contrary to Policy RT4 of the Winchester District Local Plan Review 2006 in that it fails to make adequate provision for public recreational open space to the required standard, and would therefore be detrimental to the amenities of the area.
4. The proposal is contrary to Policy DP.9 of the Winchester District Local Plan Review in that it fails to make adequate provision for improvements to transport and the highway network in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and burden imposed on the existing network arising from this development.

**Informative**

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, DP9, HE4, HE.5, HE8, H3, H7, RT4, W1, T2