



Meeting Planning (Viewing) Sub-Committee
Date and Time Tuesday, 9th October, 2018 at 11.00 am.
Venue Walton Suite, Guildhall, Winchester

AGENDA

1. **Apologies and Deputy Members**

To record the names of apologies given and Deputy Members who are attending the meeting in place of appointed Members.

2. **Disclosures of Interests**

To receive any disclosure of interests from Members and Officers in matters to be discussed.

Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests, and on Predetermination or Bias in accordance with legislation and the Council's Code of Conduct.

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.

BUSINESS ITEMS

- | | Report Number | Ward |
|--|----------------------|-------------|
| 3. Where appropriate, to accept the Update Sheet as an addendum to the Report. | | |
| 4. Planning Applications Schedule | | |



Extract
PDC1116
Item 9

5. Item 9: The Nook, Bank Street, Bishops Waltham SO32 1AN Case Number 18/01503/HOU (Pages 5 - 16) PDC1116 Report Extract

Item 9

Attached:

- Extract of Report PDC1116 (item 9).
- Extract of Update Sheet from 20 September 2018 (item 9).
- Extract of draft minutes of the meeting of the Planning Committee held on 20 September 2018.

PROCEDURAL ITEMS

L Hall
Interim Head of Legal Services

City Offices
Colebrook Street
Winchester SO23 9LJ

1 October 2018

Agenda Contact: Dave Shaw, Principal Democratic Services Officer

**With the exception of exempt items, Agenda, reports and previous minutes are available on the Council's Website www.winchester.gov.uk*

MEMBERSHIP OF THE SUB COMMITTEE

Chairman: Ruffell (Conservative)

Vice-Chairman: Read (Conservative)

Conservatives

Liberal Democrats

McLean

Clear
Izard
Rutter

Deputy Members

Berry

Laming

Quorum = 3 members

DISABLED ACCESS:

Disabled access is normally available, but please phone Democratic Services on 01962 848 264 or email democracy@winchester.gov.uk to ensure that the necessary arrangements are in place.

Please note that although members of the public are welcome to attend, there will be no further opportunity to make representation to the Sub Committee, as representations would have been heard at the original Planning Committee.

PLANNING (VIEWING) SUB COMMITTEE

Planning (Viewing) Sub Committees are held when the Planning Committee has decided that it is not possible to determine an application, without visiting the application site to consider at first hand particular, material planning considerations. The reasons for the visit are agreed at the Planning Committee, following a preliminary discussion, and may be as a result of officer advice. The reasons are also recorded in the minutes of that meeting. These are attached to this agenda as background information.

Although Ward Councillors and members of the public are welcome to attend the subsequent Sub Committee meeting (members of the public and parish council representatives are not allowed to attend site viewings), there will be no further opportunity to make representation to the Sub Committee as these would have been heard at the original Planning Committee.

If the Planning Committee has decided that the Sub Committee should not specially report back to Committee, then a decision will be made at the meeting.

The Viewing Sub Committee's membership is drawn only from those Planning Committee members (including deputies) who attended the meeting of the Committee held on **20 September 2018**. Only those present at this Committee will be able to vote on the application.

The Human Rights Act 1998:

Please note that the Human Rights Act 1998 makes it unlawful for the Council to act in a way incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise.

In arriving at the recommendations to grant or refuse permission, careful consideration has been given to the rights set out in the European Convention on

Human Rights including Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination in enjoyment of convention rights) and Article 1 of the first Protocol (the right to peaceful enjoyment of possessions).

The Council is of the opinion that either no such rights have been interfered with or where there is an interference with the rights of an applicant or objector, such interference is considered necessary for any of the following reasons:-

- ◆ The protection of rights and freedoms of others
- ◆ Public safety
- ◆ The protection of health or morals
- ◆ The prevention of crime or disorder
- ◆ The economic well being of the country.

It is also considered that such action is proportional to the legitimate aim and in the public interest.

PROCEDURE:

At the site visit prior to the Sub Committee meeting -

Members, officers, and the Ward Member(s) will visit the site(s) (in the company of the developer) immediately prior to a Sub Committee meeting, to familiarise themselves with the site and the planning issues.

Ward Members and developers will be permitted to point out factual aspects of the site and the proposed development only, and will not be allowed to present their case (whether for or against the proposal). The developer will be encouraged to inform the Officers of the features on site that are relevant so that the Officers can point these out to Members and also to ensure the safety of Members and Officers while they are on the site. The Sub Committee may, with the consent of neighbours and at the Chairman's discretion, visit neighbouring properties to view the application site. The visiting of neighbouring sites will be coordinated by the Planning Case Officer.

The public and Parish Council representatives will not be invited to attend the site visit but may attend the subsequent Sub Committee meeting.

At the meeting

At the start of the Committee meeting, the Chairman will introduce the Councillors and officers at the table. Any Councillor's declarations of interest will also be announced at this point. If the interest is considered by the Councillor to be significant, he/she will leave the meeting when it reaches that item on the agenda.

The officer's presentation

On each item, the planning case officer will introduce the application to the Committee. They will concentrate on showing details of the proposals with the aid of

projected visual material, including photographs of the site and plans. The length and details of the presentation at the meeting will be proportionate to the nature and scale of the proposal. The officer will make a recommendation to the Committee to either approve or refuse the application and, in the latter case, will state the reasons for this.

The officer is required to make a recommendation and the presentation will include material to explain why the scheme is being recommended for permission or refusal. However, officers will not restate the information set out in the report which relates to the assessment of the planning merits of the case. Specialist officers dealing with issues such as design, historic environment and highways may also be available at Committee to provide advice on such matters and a legal representative will attend all Planning Committee meetings.

Members' Questions

After the presentation, there will be an opportunity for the Councillors on the Committee to ask questions of the officers, usually based on the planning themes set out in the report.

The Councillors' Debate

The Councillors will debate the application and may pick up any issues raised during public participation before a vote is taken to either;

- permit,
- refuse or
- defer (usually for a Viewing Sub-Committee or further information).

If the Committee votes against the officer's recommendation, the reasons for this will be discussed and explained. A summary of the Committee's reasons will be included in the minutes.

Voting

Every Member has one vote when a matter before the meeting requires a decision. In the event of an equality of votes, the Chairman may exercise a casting vote and that vote may be cast in any way he wishes.

A Member may abstain from voting, or vote differently from how they may have indicated during the debate, without further explanation. The way each Member voted will not be recorded in the minutes, unless a motion to have a Recorded Vote has been passed.

After the meeting

After the meeting, the minutes will be available from the Council's website and a decision notice will be sent to the applicant/agent. Applicants have a right of appeal against a Committee decision to refuse planning permission, or any conditions imposed on permission, and any appeal will be considered by an Inspector appointed by the Secretary of State. Where an application has been permitted, there

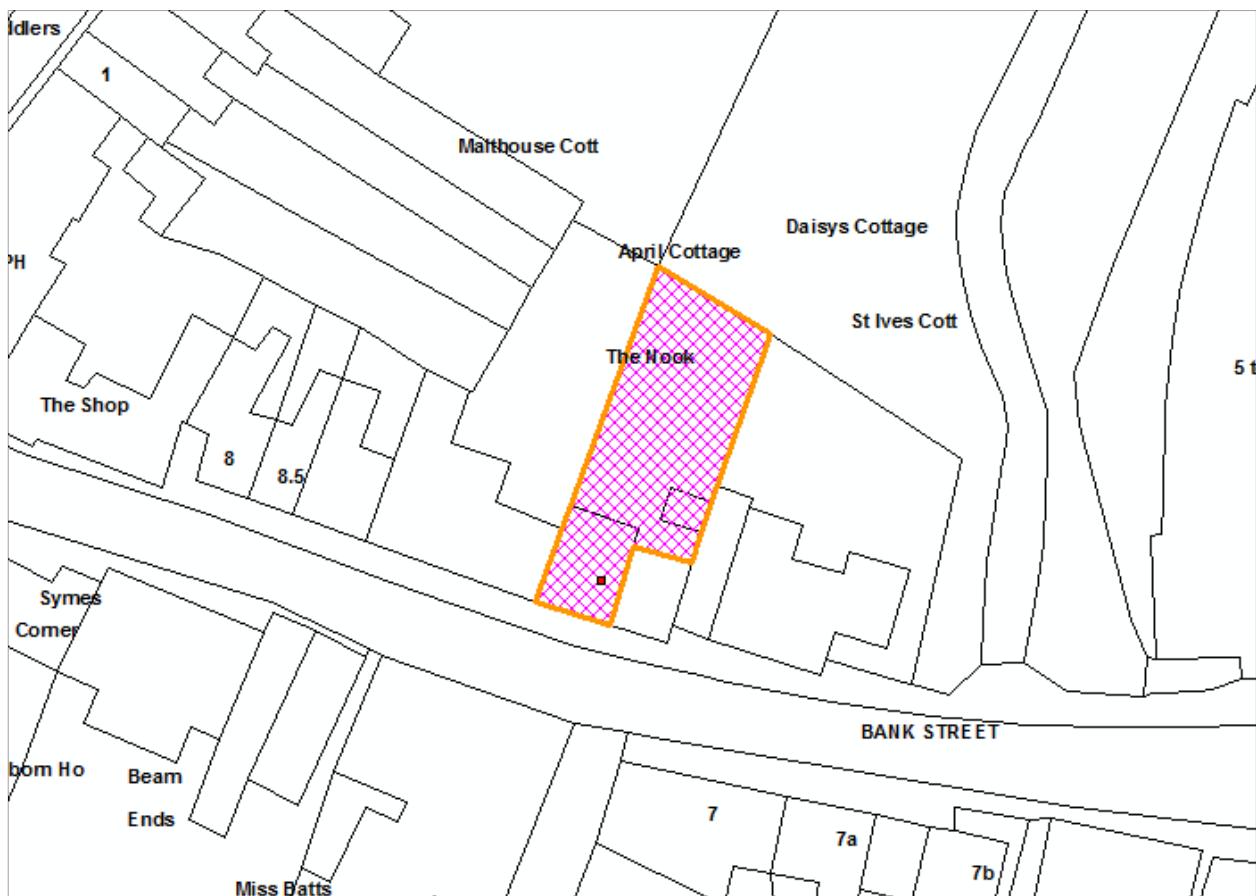
is no opportunity for objectors to appeal, other than to the Court by way of judicial review on a

Planning Viewing Sub Committee – 9 October 2018

PDC116 - item 9 - Report – 20 September 2018 - EXTRACT

Case No: 18/01503/HOU
Proposal Description: Proposed Single Storey Rear Extension
Address: The Nook Bank Street Bishops Waltham SO32 1AN
Parish, or Ward if within Winchester City: Bishops Waltham
Applicants Name: Mr & Mrs S Eatwell
Case Officer: Curtis Badley
Date Valid: 18 June 2018
Site Factors: Bishops Waltham Conservation Area

Recommendation: Application Permitted



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General Comments

The application is reported to Committee due to the number of comments received contrary to the officer's recommendation for permission.

The application is a resubmission of a previous scheme for a single storey rear extension on the same site which was withdrawn on 21st March 2018 following officer advice. The previous scheme introduced a pitched roof featuring an oak and glazed gable end with a flat roof link to the existing property.

Following subsequent pre-application discussions, the scheme has been revised and the current proposals seek to introduce a contemporary single storey extension unit under a flat roof with a flat central roof lantern. The extension would be linked to an existing outbuilding via a wraparound glazed link which would house an external WC.

Site Description

The Nook is a three bedroom property located within the settlement boundary of Bishops Waltham. The property is an unlisted building located within the Bishops Waltham conservation area adjacent to the town centre boundary of Bishops Waltham.

The Nook forms part of a small terrace of two storey cottages which front Bank Street. The front of the property is traditional in appearance and positively contributes to the surrounding conservation area. The property is of moderate size and contains a good sized rear garden which is enclosed by a close boarded fence with brick pillars and gravel boards to the West, by a brick wall to the North and by a close boarded fence to the East.

The rear of the property features a cat-slide roof with two dormer windows and a flat roof narrow rear extension which projects 1.3 metres from the rear elevation at eaves level. To the immediate rear of the property there lays an concrete patio bounded by brick retaining wall of approximately 1 metre in height. Within the relatively flat rear garden which is set at a higher level than the existing property there exists a timber shed and brick built outbuilding currently used for ancillary accommodation located along the Eastern boundary of the site.

Proposal

The proposal is for a single storey rear extension with a flat roof to provide an extended kitchen, provision of a w/c. /shower room and glazed passageway between the proposed rear extension, w/c and existing ancillary building. The proposed extensions and internal alterations seek to create additional living space.

The proposal projects 6.3 metres from the rear elevation of the existing property at 3.2 metres in total height. The proposal replaces the existing single storey flat roof rear extension. The proposed materials consist of plain rendered walls above a brick plinth, white painted hardwood glazed doors and windows and an extensive green roof and glazed rooflight.

The front elevation of the property remains unaltered as part of the proposals and the existing access to the rear of the property is retained.

Relevant Planning History:

07/00828/FUL – (Permitted 15.05.2007) Erection of 2 no dormers and pitched roof over existing ground floor flat roof; and internal alterations

18/00187/HOU – (Permitted 21.03.2018) Single storey rear extension

Consultations:

WCC Head of Historic Environment:

No objection raised from a conservation perspective as the 'the impact of the proposals upon this part of the conservation area would be low'. It is advised that a condition be attached in order to ensure the use of good quality materials and joinery.

Representations:

Bishops Waltham Parish Council:

Objection comments received on the grounds that the proposal is contrary to policy DM17 of WD Local Plan Part 2 in that the proposal will have a unacceptable impact on adjoining properties by reason of its design and scale. Additional comments received state that the legal issues concerning access to the properties adjacent to the development should be clarified prior to any development.

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

- Privacy of neighbouring properties
- Overbearing and dominating impact
- Overshadowing and loss of light
- Property density
- Not in keeping with surrounding area
- Access issues

No letters of received supporting the application.

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

- Financial benefits of development
- Problems arising from the construction period of any works e.g. noise, construction access, placement of skips, hours of working (covered by Control of Pollution Act)
- Matters controlled under building regulations or other non-planning legislation e.g. structural stability etc.
- Loss of Property Value
- Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of access etc.

Relevant Planning Policy:

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Winchester District Local Plan Part 1 – Joint Core Strategy (2013)

MTRA 2: Market Towns and Larger Villages;
DS1: Development Strategy and Principles;
CP13: High Quality Design
CP20: Heritage and Landscape Character

Winchester District Local Plan Part 2 – Development Management and Site Allocations Development Plan Document (2017)

DM1: Location of New Development;
DM15: Local Distinctiveness;
DM16: Site Design Criteria;
DM17: Site Development Principles;
DM18: Access and Parking
DM27: Development in Conservation Areas
DM28 Demolition in Conservation Areas

National Planning Policy Guidance/Statements: National Planning Policy Framework 2018

Supplementary Planning Guidance
Winchester District High Quality Places (2015)
Bishops Waltham Village Design Statement (2016)

Planning Considerations

Principle of development

The application site is located within the settlement boundary of Bishops Waltham where the principle of extending an existing residential property is generally acceptable, where it can be carried out in accordance with national and local planning policy and without harm to the character and appearance of the surrounding area and amenities of neighbouring properties.

The site is situated in the Bishops Waltham Conservation Area and therefore the impact of the development on the character and appearance of the Conservation Area is an important consideration. Key Issues in this respect are (S.72 P (LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF Section 12).

The existing dwellinghouse is to be remodelled and extended to create additional habitable accommodation. The principle of the proposed development is considered to be acceptable.

Impact upon the character of the existing property and surrounding area:

The proposals introduce two flat roof rear extensions with a glazed link. The contemporary flat roof design and use of contrasting materials are considered to

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suitably contrast to the host dwelling. The glazed link is lightweight in form and continues to respect the character and distinctive form of the original separate buildings.

This proposal is subservient to the existing dwelling and projects a suitable distance from the rear elevation to ensure that the proposal is proportionate to the existing dwelling. The low overall height and minimal roof form allow the existing rear elevation to be clearly read and a suitable relationship of the new addition and existing dwelling to be retained. This low roof form ensures that the eaves of the original building are maintained and the dormer windows above remain uninterrupted.

The proposal is not visible from the public realm and is screened from Bank Street due to its location to the rear of the property and screening received from existing built form. The existing boundary treatment is to be retained as part of the proposal.

Based upon the above assessment, the proposed development is considered to be in keeping with the character and appearance of the existing property and surrounding area and complies with policy CP13 of the LPP1, policies DM15, DM16 and DM17 of the LPP2 and the advice provided within the High Quality Place Supplementary Planning Document (2015) and the Bishops Waltham Village Design Statement (2016).

Impact upon Neighbouring Properties:

Neighbouring property, Daisys Cottage is the attached dwellinghouse which sits to the East of the proposed single storey rear extension and adjacent to the rear w/c outshot. The proposal will be visible from the side access way which leads adjacent to the Eastern shared boundary. No windows exist within the rear elevation and West side elevation of neighbouring property, Daisys Cottage.

The proposal extends alongside a close boarded fence and gateway which forms part of the private access which currently runs along the rear elevation of the Nook. The proposed extension and glazed link is recessed from this neighbouring property by a distance of 0.7 metres and extends at a height of 2.65 metres in comparison to the 1.85 metre high neighbouring fence. A glazed habitable room exists to the rear of the side access way for ancillary use of this neighbouring property. Views of the proposal from this room are screened by the existing brick built ancillary outbuilding to the rear of The Nook.

St Ives Cottage is the neighbouring property which sits to the East of the proposal. No windows exist within the West elevation of St Ives Cottage that would allow views of the proposal from this neighbouring dwelling. Views of the proposal from the rear garden of this property are screened by the existing single storey garage which runs adjacent to the proposed development site. Due to the moderate nature of the proposal and absence of additional openings as seen from this neighbouring property and neighbouring property, Daisys Cottage, the proposal is not considered to create a significant adverse overbearing, overlooking or overshadowing impact on these neighbouring properties.

April Cottage is the adjacent dwelling located to the West of the proposed extension. The proposal is set back from this neighbouring property and features a low level flat roof which is considered to minimise any potential impact upon this neighbouring property. The extension is set back from this neighbouring property and does not introduce any additional openings facing this neighbour.

A 2.3 metre high brick wall forms the existing boundary treatment and is retained as part of the proposals. Due to the moderate nature of the proposal and presence of high level boundary treatment which screens the proposal, the proposal is not considered to create a significant adverse overbearing, overlooking or overshadowing impact on these neighbouring property.

It is understood that the applicant owns the amenity space to the rear of neighbouring Daisy Cottage and amenity space to the rear of The Nook. It is also understood that an access runs along the rear of the terrace with wooden gates allowing access behind The Nook for use of the adjacent neighbouring properties, Daisys Cottage and April Cottage.

Concern has been raised by neighbouring properties regarding the location of the proposed extension and the enclosure of the rear garden access path by two further doors. The effect of development on a private right of way does not constitute a material consideration in planning terms, and so notwithstanding these issues of land ownership, the grant of planning permission does not override any other legal requirements as may be necessary.

Based upon the above assessment, the development is not considered to adversely affect the residential amenities of neighbouring properties and accords with policy DM17 of the LPP2.

Highways/Parking

The considered application is for a single storey rear extension and does not involve a net increase in bedroom numbers and the house maintains three bedrooms. As such, the proposal is not considered to result in the material change in the amount of parking required associated with the extended dwelling.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

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

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

02 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in section 10 (materials) of the associated application forms.

02 Reason: To ensure a satisfactory visual relationship between the new development and its surroundings.

03 The development hereby approved shall be constructed in accordance with the following plans:

Location Plan (Drawing Number: L01) Received: 18.06.2018

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Proposed Plan, Section and Elevation (Drawing Number: P01B) Received: 18.06.2018
Proposed Plan (Drawing Number: P02A) Received: 18.06.2018
Proposed Section (Drawing Number: P03A) Received: 18.06.2018
Proposed East and West Elevation (Drawing Number: P04) Received: 18.06.2018

03 Reason: In the interests of proper planning and for the avoidance of doubt.

Informatives:

01 In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) (July 2018), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

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

The Local Plan Part 1 (2013): MTRA2, DS1, CP13, CP20
The Local Plan Part 2 (2017): DM1, DM15, DM16, DM17, DM18, DM27, DM28
High Quality Places Supplementary Planning Document (2015)

03 This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.

04 All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

05 Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practice
<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

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06 Please be advised that Building Regulations may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

07 The applicant should note that this permission does not give any property rights to building on or encroach over or under the adjoining property. The applicant may be required to serve notice under the Party Wall etc Act 1996.

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Update Sheet – 20 September 2018 - EXTRACT

Item No	Ref No	Address	Recommendation
9	18/01503/HOU	The Nook, Bank Street, Bishops Waltham, SO32 1AN	Application Permitted
<p>Officer Presenting: Curtis Badley</p> <p><u>Public Speaking</u> Objector: Paula Turner Parish Council representative: Cllr Robert Shields Ward Councillor: - Supporter: Simon Eatwell-Applicant</p> <p><u>Update</u></p> <p>Additional public comments received from Miss C Turner of Daisys Cottage with concern raised regarding the adjacent garden path as shown within attached photographs.</p>			

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Planning Viewing Sub Committee – 9 October 2018

Draft Minute Extract – 20 September 2018

Item 9: Proposed Single Storey Rear Extension

The Nook, Bank Street Bishops Waltham

Case number: 18/01503/HOU

The Head of Development Management referred Members to the Update Sheet which set out an additional public comment received with concern raised regarding the adjacent garden path as shown in attached photographs. The Head of Development Management also clarified that the proposal's projection should state 4.1 metres and not 6.3 metres as set out in the Report.

During public participation, Paula Turner, and Robert Shields, Bishops Waltham Parish Council, spoke in objection to the application and Simon Eatwell, applicant, spoke in support of the application and answered Members' questions thereon.

The Committee agreed to defer the decision to a meeting of the Planning (Viewing) Sub Committee to be held on Tuesday 9 October 2018 to commence at 11:00am. The Planning (Viewing) Sub Committee would visit the site before the meeting in order to assess the impact of the proposed single storey rear extension on neighbouring properties.

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