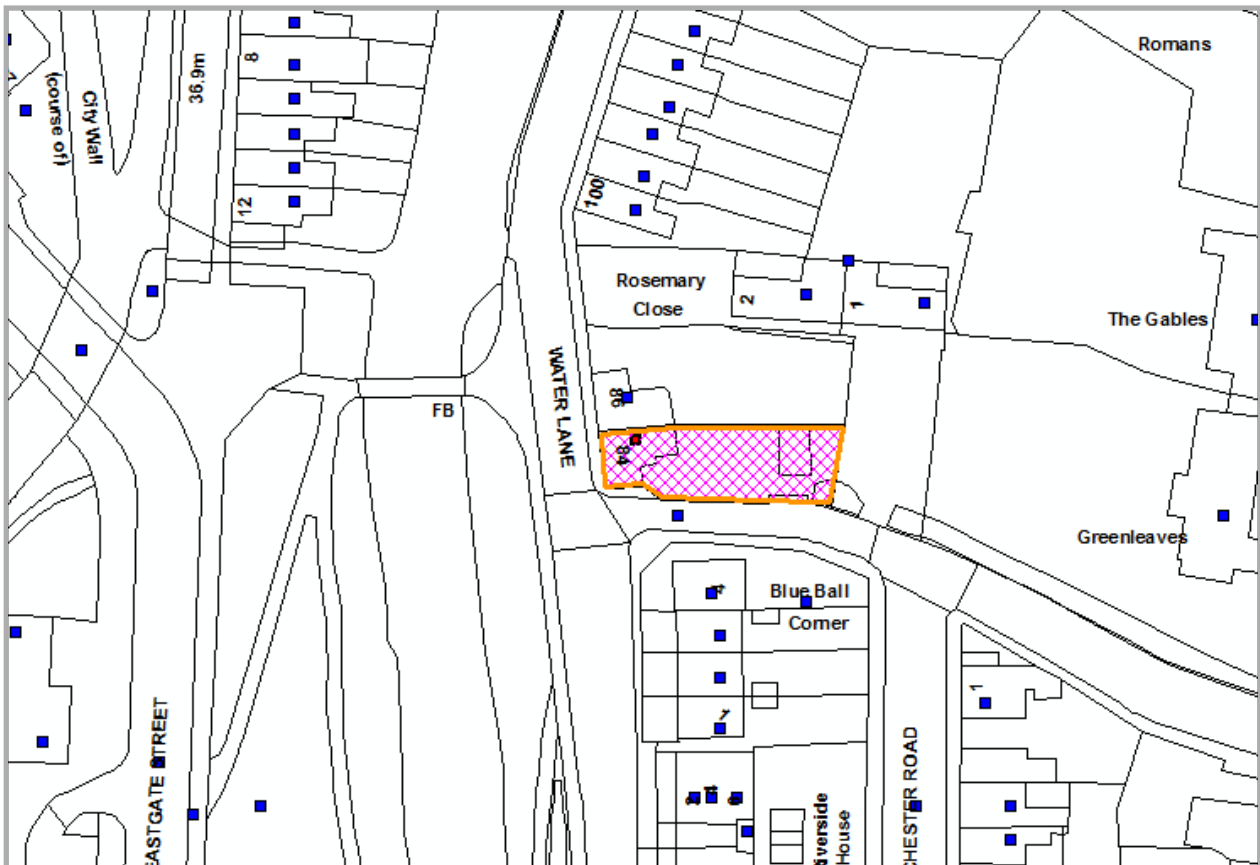


Case No: 17/02476/HOU
Proposal Description: Proposed demolition of existing garage and construction of ancillary accommodation to main house. Felling of no.1 conifer tree (amended proposal).
Address: 84 Water Lane Winchester Hampshire SO23 0ES
Parish, or Ward if within Winchester City: St Bartholomew
Applicants Name: Ms Emmy Watt
Case Officer: Marge Ballinger
Date Valid: 27 September 2017
Site Factors: Winchester Conservation Area
Archaeological Land
Contaminated Land
35m (approximately from SSSI – Itchen River)

Recommendation: Application Permitted



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Case No: 17/02476/HOU

General Comments

This application was reported to Committee as 10 objections from 9 addresses were received opposing amended drawings submitted 15 March 2018 and this is contrary to the officer's recommendation.

Site Description

84 Water Lane is a semi-detached red brick 2-storey dwelling on a site of approximately 250 s.m. The dwellinghouse fronts the property at Water Lane and runs up an incline following Blue Ball Hill to the east. Water Lane runs parallel with the Itchen River.

The existing dwelling house has been previously extended and a detached garage has been sited to the east end of the property near the east boundary to an adjacent dwelling's garden. There is a side entrance gate and drive off of Blue Ball Hill and off-street parking for one vehicle on a drive located by the existing garage.

The site has a walled south boundary. The rear garden has been terraced with steps up to a grassed area in the middle of the rear garden, and another set of steps and small boundary wall with hedges to screen the drive area from the lower garden.

The site lies within the wider area utilised as a cemetery during the Roman period. To the north of the property are two Grade II listed dwellings (Rosemary Close), and the site's rear boundary sits adjacent to land to the rear of 1 Rosemary Close.

Proposal

The proposal is to demolish the existing 15 s.m. detached garage and construct a single storey building to provide ancillary accommodation (25 s.m approximately) to the main dwellinghouse. There will also be a large conifer tree removed that currently abuts the existing garage.

Relevant Planning History

- 77/00221/OLD (W01405/01) - Erection of a garage – permitted 28.11.1977
- 78/00252/OLD (W01405/02) - Erection of house and garage – refused 17.04.1978
- 82/00192/OLD (W01405/03) - Erection of single storey extension and garage – permitted 23.08.1982

Consultations

WCC Head of Historic Environment – no objection to amended proposal

The application's original design considered was a larger brick structure to replace the existing garage. The Historic Environment officer's feedback stated that the original proposal appeared 'overly domestic' and 'introducing such a large brick built outbuilding of the size and design would add considerable amount of built form to the plot.'... 'the proposals would not gain officer support in its current form and re-designing the unit to reduce its size and height, and employing materials (such as the use of timber or lightweight glazing) to instil the unit with a more ancillary appearance would be advised on this occasion.'

Case No: 17/02476/HOU

Meetings and discussions were held with the agent, and the Historic Environment officer supports the amended proposal based upon the previous advice of reducing the size (especially the height) and its use of timber in its design to achieve what would be an obvious ancillary building to the main dwellinghouse. '...The new unit would replace an existing outbuilding of limited merit, it would be of a scale and size that would not dominate its surroundings'. The proposal occupies the rear garden where neighbouring gardens contain outbuildings such as storage sheds, glasshouses, and garages. No objection, subject to conditions.

WCC Head of Historic Environment: Archaeology – no objection to amended proposal, subject to conditions.

WCC Engineers: Highways – no objection to parking or access of amended proposal.

WCC Head of Landscape: Ecology – no objection, subject to conditions.

WCC Head of Environmental Protection: Contaminated Land – no objection

WCC Head of Landscape: Tree Officer – no objection

Representations:

City of Winchester Trust: objection

'...this is a sensitive site within the Conservation Area, ... it is not at all clear that it is appropriate to introduce a new self-contained unit within the garden of this house.'

Cllr Rosemary Burns, St Bartholomew Ward Councillor: objection

- No present need for an ancillary building.
- The development would involve removing an existing garage, conifer and further excavation into a known historic site, next to a garden of a Grade II listed building.
- The boundary/bank has suffered slippage from previous excavation works and anticipates additional erosion and subsidence with further excavation.
- Inappropriate design, size would not preserve nor enhance the character of the Conservation area.

Ten contributors provided letters objecting to the amended plans for the following reasons:

- A previous planning application for a house (with a garage) on this site has previously been refused.
- The development is for an independent dwelling, not ancillary accommodation.
- Objection to any new buildings or structures in this area would not be in-keeping with the character of Blue Ball Hill.
- The design is not in-keeping with the area.
- Highways safety would be impacted as there is currently no turning area onsite for vehicles to enter and exit; potential increase to traffic to a small steep road.
- Disturbance to a site with potential human remains.

Case No: 17/02476/HOU

- There would be a precedence set for new buildings in the area.

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

- Speculation to the reason for the current ancillary need and the current occupants' desire for ancillary accommodation. (The occupants are elderly parents of the applicant and owner).
- Disturbance to the east bank would create further erosion and interruption to the adjacent neighbouring garden. (Reference amended existing site drawing dated 19 April 2018 detailing ownership boundary to the existing fence line.)
- Impinging on views from Rosemary Close (Grade II Listed dwellings).
- There were no consultations with neighbour prior to submitting the application.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy:
DS1

Winchester Local Plan Part 2:
DM2, DM5, DM16, DM17, DM26, DM27, DM28

National Planning Policy Guidance/Statements:
National Planning Policy Framework, Section 12

Other Planning Guidance:
High Quality Places SPD

Planning Considerations

Principle of development

The proposal site is located within the Winchester Settlement Boundary where the principle of constructing domestic extensions and outbuildings is considered acceptable providing it complies with the relevant policies set out below. Structures that contain ancillary accommodation, such as the proposal, are considered appropriate within domestic curtilages as their use remains associated with the host dwelling. The ancillary nature of the accommodation can be controlled through condition to prevent the formation of a separate dwelling house which may not be appropriate for the area.

Design/layout

The new building's original drawings were amended as the overall size, scale and design impact of the original drawings was considered to appear 'overly domestic' and dominating from what should be viewed as a secondary outbuilding to a rear garden of a dwellinghouse.

The new replacement building is proposed to be ancillary living space to the main dwellinghouse for the potential use of an on-site carer (external or family member) to the current occupants. There is no intention to use the proposed building as an independent dwelling and it is recommended that a condition is applied ensuring that the domestic use of the building remains ancillary in its function to be used in association with the main dwelling. It is noted that the minimum nationally described

Case No: 17/02476/HOU

space standard for new dwellings is 39 s.m and policy DM2 of the LPP2 requires this minimum standard to be met. The proposed building will be 25 s.m. and consists of one room with a separate W.C thereby limiting the scope for the building to be used as an independent dwelling.

Through negotiations a more modern design was considered appropriate as it was important to retain this building as subservient to the main dwelling by utilising a contrasting, high-quality design. Referring to High Quality Places SPD, contrasting materials can be acceptable if the design is of high quality and has a sympathetic relationship to the character of the area.

Impact on character of area and neighbouring property

Policies DS1, DM16 and DM17 refer to site design principles requiring all development to respond favourably to the character, appearance and variety of the local environment in terms of design, scale and layout; and not to have an adverse impact on adjacent sites by reason of overlooking, overshadowing or overbearing. In this case, the original designs were reduced resulting in a timber building of 5m x 5m in footprint that sits below the height of the original garage. Having a modern design retains a domestic separation of a building in a rear garden that would not impose on the original dwellinghouse. In addition to its subservience in terms of scale and mass it is considered appropriate to distinguish this new building through the use of subtle, light weight, contrasting external materials. The use of proposed slatted timber cladding and reduced glazing helps ensure the proposed building's minimal impact to the main dwellinghouse and also to the character of the area – as most of the primary dwellings are constructed of red brick.

Policy DM27 states that any new buildings must respond sympathetically to the historic settlement pattern, are of appropriate height and massing, proportionate and of good quality building materials, respects and will not erode the existing character of an area. Properties in Blue Ball Hill and the surrounding area have been adapted and extended in the past. For instance a new summer house was permitted for Blue Ball Cottage, the dwelling on the corner of Blue Ball Hill and Chester Road. In this case, the size, scale and materials proposed would conserve the character by using good quality design and materials of what would be expected as a rear garden building.

Policy DM28 states that planning permission would only be granted for the demolition of buildings in conservation areas if the building makes no positive contribution to the character, appearance or historic interest of the area. In this case, the loss of a 1980s brick structure (garage) would be welcomed as it is to be replaced with a more appropriate garden building.

Based upon the above assessment, it is considered that the replacement building would have an acceptable impact on the public views from Blue Ball Hill, Water Lane and the Itchen River and preserves the character and appearance of the conservation area.

The modest flat-roof design would not prove to have any overbearing or overlooking impacts on neighbouring properties. Windows to the south side elevations will sit behind and below the existing line of the wooden entrance gates. A small window to the east elevation serves the W.C. and faces onto the parking drive. Two rooflights are proposed that recess below the side walls on the flat roof. The proposed flat roof will be 3m in height, as opposed to the 3.5m of the original brick garage.

Case No: 17/02476/HOU

Landscape/Trees

The loss of a large conifer in the central garden will reduce the existing screening the tree has upon the existing garage. However, as the tree has grown quite large against the existing garage's foundations, its removal was supported by the WCC Tree Officer. The other trees and vegetation will be retained, or replanted if there is a loss so that the rear garden/drive retains its existing screening without potential damage to a new building's foundations.

Highways/Parking

The existing drive, entrance and gates will be retained, as well as the parking space to the west side of the existing garage. Blue Ball Hill is a small road with its 2-way access restricted when it joins Chester Road to the south. There is no further impact expected on highway safety as the proposal will not be altering any existing entrance to the site. As this is a central location to the City Centre, the Highways Engineer is satisfied that the reduction of garage parking would not have further impact due to the amenities that can be accessed locally by means other than the car.

Other Matters

Archaeology

The new building will require excavation into the bank to the east end of the boundary by approximately 1.75m-2m in order for a new retaining wall to be built. The wall to the building will also serve as part of that retaining wall. The remaining bank of trees and vegetation will be retained up to the boundary line (1-2m, following the line of the site).

It has been noted that this is a site utilised as a cemetery in the Roman times. There has been previous ground disturbance in the building of the original garage, as well as the building of the original cottages (around the 1840s) on the east side to Water Lane and more recently (1980s) on the south side of Water Lane. The Archaeology officer does not object to the proposal as long as conditions are in place to mitigate and report any findings.

DM26 policy refers to planning permission will be granted where the proposal includes a provision to preserve any archaeological remains and a mitigation scheme prior to works commencing. In this case, conditions will be added to control and mitigate any archaeological findings.

Ecology

As the site is located near the Itchen River and endangered species have been located within 50m of the site, a Preliminary Roost Assessment was surveyed and undertaken on 26th March 2018 by Plan Ecology Ltd. No evidence of bats was found and no potential roost features were identified. As a precaution, a condition will be added to remove the conifer outside of the nesting bird season (outside late February to August inclusive).

Also, a pre-commencement condition will be added for the LPA to approve a Construction Management Plan in order to reduce potential ecological impact during the construction phase.

Conclusion

It has been assessed that the proposal represents an appropriate building of size, scale and design to be used for ancillary use, and that its design and layout will not detract from the visual amenities or character of the main dwellinghouse, neighbours, or the Conservation Area. Its use as an ancillary building associated with the host dwelling is considered an acceptable purpose for the building maintaining the secondary relationship with the host dwelling. A condition is recommended to ensure that the use of the building remains ancillary. On this basis the proposed development is recommended for permission in accordance with the adopted policies of the Local Plan, subject to conditions.

Recommendation

Permission, subject to the following condition(s):

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. No development or any works of site preparation shall take place until the applicant or their agents or successors in title have implemented of a programme of archaeological mitigation works, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the local planning authority in writing. No development or site preparation shall take place other than in accordance with the Written Scheme of Investigation approved by the LPA. The Written Scheme of Investigation shall include:
 - The programme and methodology of site investigation and recording
 - Provision for post investigation assessment, reporting and dissemination
 - Provision to be made for deposition of the analysis and records of the site investigation (archive)
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To mitigate the effect of the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy.

3. Following completion of archaeological fieldwork, within 9 months (unless otherwise agreed in writing) a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication. The report shall be submitted to and approved by the local authority.

Reason: To ensure that evidence from the historic environment contributing to our knowledge and understanding of our past is captured and made publicly available. Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy.

4. Precautionary mitigation for clearance of the conifer should be undertaken as set out in the Preliminary Roost Assessment by Plan Ecology Ltd conducted 26th March 2018. The tree should be removed outside of the nesting bird season (late February to August inclusive). If this is not possible the tree should be checked for nests prior to felling. If a bird nest is found, it must be left in-situ and protected from works; no works can be undertaken in that area until the young birds have fledged from the nest site.

Reason: To protect all bat species and roosting sites from harm as per Schedule 5 of the Wildlife & Countryside Act 1981 and Schedule 2 of the Conservation of Habitats & Species Regulations 2010.

5. Prior to work commencing on the site, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:
 - Measures for the protection of surrounding ecology.
 - Use of fences and barriers to protect adjacent areas of ecological interest.
 - Avoidance of light spill and glare from any floodlights or security lighting installed.

The agreed details shall be fully implemented before the development is commenced and the development carried out in accordance with the approved details.

Reason: To secure ecological mitigation and protect biodiversity.

6. No works shall commence on the development hereby approved until a full material schedule has been submitted to and approved in writing by the Local Planning Authority. The submitted schedule must specify in detail the proposed materials and methods of workmanship proposed, supplemented by labelled samples to be agreed in writing by the Local Planning Authority prior to commencement of the works.

Reason: Details are required prior to works commencing to ensure the external appearance of the building preserves the character and appearance of the conservation area in accordance with Policies DM27 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF Section 12.

7. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling.

Reason: To accord with the terms of the application since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

8. The development hereby approved shall be constructed in accordance with the following plans: -

- Site Location and Block Plans, Dwg 1616(00)01 rev P2 dated 13.03.2018
- Proposed Ground Floor Plan, Dwg 1616(00)10 rev P2 dated 14.03.2018
- Proposed Elevations (South and East), Dwg 1616(00)30 rev P2 dated 13.03.2018
- Proposed Elevations (North and West), Dwg 1616(00)31 rev P2 dated 13.03.2018
- Proposed Section AA and Roof Plan, Dwg 1616(00)15 rev P2 dated 14.03.2018

Case No: 17/02476/HOU

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

Informatives:

1. In accordance with paragraphs 186 and 187 of the NPPF, 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.

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

The Local Plan Part 1 (2013) - DS1

The Local Plan Part 2 – DM2, DM5, DM16, DM17, DM26, DM28

High Quality Places SPD

3. 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.

4. 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.

5. 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>

6. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement

Case No: 17/02476/HOU

action being taken by the Council. The submitted details should be clearly marked with the following information:

- The name of the planning officer who dealt with application
- The application case number
- Your contact details
- The appropriate fee

Further information, application forms and guidance can be found on the Council's website

- www.winchester.gov.uk.