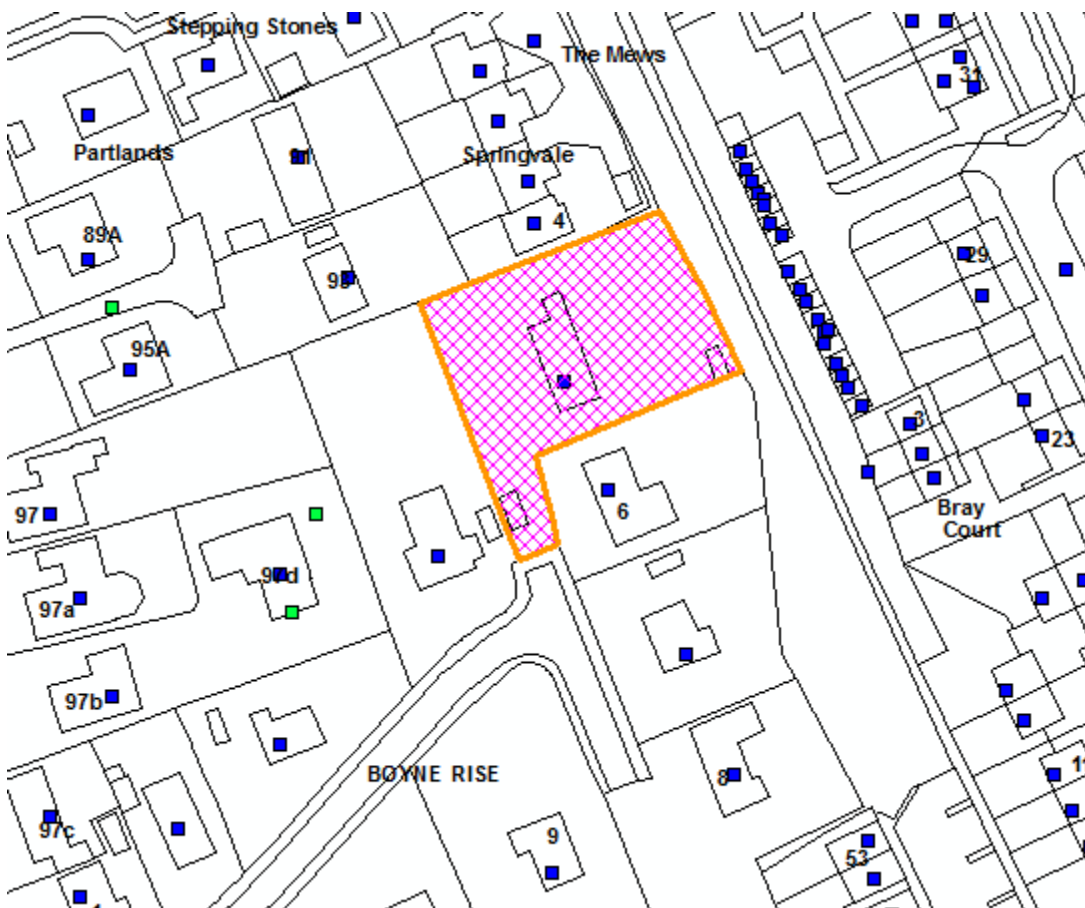


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 20/00018/FUL
Proposal Description: Demolition of existing dwelling and erection of 3no. houses. 2 no.3 Bedroom Houses, 1no. 4 Bedroom House
Address: 5 Boyne Rise Kings Worthy SO23 7RE
Parish, or Ward if within Winchester City: Kings Worthy
Applicants Name: C/o Agent
Case Officer: Mrs Megan Osborn
Date Valid: 3 January 2020
Recommendation: Application Permitted

Pre Application Advice: Yes



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General Comments

Application is reported to Committee due to the number of objections received contrary to the officers recommendation.

Amended plans have been submitted to show improvements in relation to the driveway, parking and access to the bins in response to the highways comments; the changes are considered acceptable.

This application is a resubmission of a previously refused application (17/01474/FUL) that was dismissed at appeal. The appeal inspector concluded that the development's orientation was not in keeping with the surrounding character and that the development would result in adverse impact to the neighbouring property to the south (no.6) in that the access driveway to the houses would cause an unacceptable level of harm to the living conditions of this neighbour. They also concluded that the development on the site was not too cramped and that the overall design of the dwelling was acceptable in relation to the character of the surrounding area and the Kings Worthy Village Design Statement.

Site Description

The site lies in the north eastern corner of Boyne Rise and to the west of a public footpath that runs to Forbes Road. Boyne Rise is a Cul-De-Sac of 13 dwellings accessed from Springvale Road. It runs in an easterly direction and slopes up to the east.

The site currently contains a detached house with rooms in the roof, a detached garage and four sheds. The site has one vehicular access which lies in the South Western corner of the site. The site slopes from the southern corner to the northern corner with a change of level of approx. 3.4m. The eastern boundary with the footpath contains several trees although none of any particular quality. The site area is approx. 1448m².

Proposal

The proposal is for the demolition of the existing dwelling and garage on the site and the proposal of 3 dwellings. The application proposes two no. three bed and one no. four bedroom dwellings.

Relevant Planning History

17/01474/FUL - AMENDED PLANS 06.12.2017 Demolition of existing dwelling and erection of 4 dwellings. Refused 6th February 2018. Appeal dismissed 4th October 2018.

Consultations

Service Lead for Environment:

Drainage: No objections, subject to condition 13.

Hampshire County Council: Highways: Changes recommended are now proposed and therefore no objections now made.

Southern Water: No objections, subject to condition 2.

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Representations:

Kings Worthy Parish Council object to the application for the following reasons:

- Lack of sufficient width for access of emergency vehicles.
- Bin storage; inappropriate area for access and also the noise effect on the neighbouring properties, No. 6 and No. 4.
- The proposed materials of the properties are not in-keeping with the surrounding properties.
- Sight lines are too high.
- Lack of visitor parking on site; there is no space for on-road parking for visitors as Boyne Rise itself is very narrow.

17 representations received objecting to the application for the following reasons:

- Design and appearance not in keeping.
- The height does not relate to surrounding dwelling in Boyne Rise.
- The site is too small for three dwelling and this will result in it being cramped.
- The increase in number of dwellings from one will result in extra disturbance to neighbours.
- The access is not adequate for additional dwellings, it would result in dangerous traffic movements into Boyne Rise.
- The bin location is too far from the houses.
- The drive should be widened to allow for access for bin lorries, ambulances and fire engines.
- There are not enough visitor parking spaces.
- This would impact the flooding in the area.
- This would result in overlooking towards 4 Boyne Rise and 93 Springvale Road. And The Mews.
- The foot link is not welcomed.
- The two storey dwellings are not in keeping with the bungalows in Boyne Rise.

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

- There is already a lot of development in the area.

4 representations received supporting the application for the following reasons:

- The architect/applicant has addressed the appeal inspectors objections and therefore this application is acceptable.
- This addresses the shortage of housing in the area.
- The old dwelling is in need of replacement and the new development complies with the relevant policies.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14, CP16

Winchester Local Plan Part 2 Joint Core Strategy: Development Management and Site Allocations:

DM1, DM2, DM14, DM15, DM16, DM17, DM18

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National Planning Policy Guidance/Statements:

National Planning Policy Framework
National Planning Practice Guidance

Supplementary Planning Guidance

Kings Worthy Village Design Statement
High Quality Design SPD 2015
National Design Guidance 2019

Planning Considerations

Principle of development

Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site is located within the built up area of Kings Worthy, where the principle of development for housing is considered acceptable subject to an assessment of development control criteria, which is considered further below. This is a resubmitted application from a previously refused proposal. The appeal decision is also a material consideration in the assessment of this application with significant weight. Changes have been made to the orientation of the dwellings and the number of dwellings, reduced from 4 to 3.

Policy CP2 of the Local Plan Part 1 considers housing mix. The policy requires that there should be a majority of 2 & 3 bed dwellings, unless local circumstances indicate an alternative approach should be taken. This application is for the addition of 2 no. 3 bedroom dwellings and 1 no. 4 bedroom dwellings. The proposal has a majority of smaller 3 bedroom dwellings and it is considered that this proposal is acceptable and in accordance with the policy.

Design/ Impact to character of area

The design of the proposed dwellings is considered acceptable.

The appeal inspector comments on this element of the previous application and states, *'The development would have a 'modern' styling. Whilst this would be dissimilar to the style of existing buildings in Boyne Rise or neighbouring the site, the immediate context lacks architectural distinctiveness.'*

The inspector goes on to mention other similar contemporary design buildings in the area and the guidance given in Kings Worthy and Abbots Worthy Village Design Statement 2017, *'A building of similar modern style exists in Forbes Road to the north, and my attention has also been drawn to guidance in Kings Worthy and Abbots Worthy Village Design Statement 2017 which provides scope for 'contemporary' architecture where appropriate. This advice broadly reflects guidance in the Framework. Whilst I therefore see no particular reason the use of modern styling should itself be harmful in this location, the visual contrast created by use of the proposed styling would nonetheless serve to draw attention to the building, which in this case would have the effect of emphasising discordant aspects of its form and positioning.'*

The design of the proposed development in comparison to the appeal development is

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similar in that it takes a contemporary approach with timber cladding elements and power coated aluminium dormers. The form however has been altered by adding more gables to the rear elevations to mirror the form of the neighbouring properties at 'The Mews' and the smaller gables to the rear of No.6 Boyne Rise, although this can't be seen as easily. The form is also changed on the west elevations in that it drops down to a one and a half storey building with dormers in the roof. This is more typical in terms of the character of the surrounding area, which shows some differences in heights up the valley from Springvale Road, with the housing rising up the hill.

The orientation of the buildings is also a fundamental change from this proposal in relation to the previous appeal decision, and this is therefore now acceptable in line with planning policies DM15, DM16 and DM17 of the LPP2 and the Village Design Statement.

Layout

The site is at the top of one side of a valley on the eastern side of Springvale Road with the houses generally orientated to follow the contours of the land. The houses in the surrounding area are largely single storey with some with dormers and rooms in the roof.

The previous application was for 4 dwellings to be located on a west-east orientation of the site, which was dismissed at appeal as the inspector stated *'the orientation of the proposed buildings would as such be at odds with that of the buildings within its setting'*. This proposal is for three dwellings on a north-south orientation of the site, when looking up to the site from Springvale Road the dwellings now work with the natural contours of the site and therefore align with the orientation to the sloping site. The proposal is therefore considered to be in keeping with the surrounding character of the area and as identified by the Inspector.

The inspector also mentions the location of the buildings in relation to the footpath to the rear of the site in that the proposed building would have been located very close to the footpath at the rear, which would establish a clear visual presence to the detriment of the character of the green corridor. This application pulls the built form away from the rear boundary of the site and the dwellings are now more in line with the neighbouring properties on either side of this development at 'The Mews' and 6 Boyne Rise. This gives space in relation to the footpath and respects the spatial characteristics of the area whilst harmonising with the layout of the neighbouring properties.

Due to the reduced impact of the proposed development in relation to the footpath, coupled with the benefits that this footpath would provide resulting in a permeable site, it is considered that the footpath link is acceptable and is essential in providing connectivity for the residents of this site to the amenities beyond.

The layout is acceptable and is in accordance with Local Plan Policy DM16.

Residential amenities

The driveway on the previous application leads up from the access from Boyne Rise and then wraps around the southern boundary of the site adjacent to no.6 Boyne Rise. The appeal inspector states, *'The access and driveway...would, in my opinion, give rise to a degree of noise and disturbance whose effect on the occupants would be appreciably*

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adverse in nature. This would be exacerbated by the additional effects of the increased proximity and exposure arising from turning and extension of the driveway along the side boundary, and noise caused by manoeuvring of vehicles within the site. This application is now for one less dwelling, and therefore the amount of the traffic using the site will be less than the previous application and the driveway has now been moved away from the southern boundary with no.6 Boyne Rise and goes through the middle of the site. Therefore due to the changes made it is considered that this would not result in adverse impact on the neighbouring amenities due to noise and disturbance.

There are windows proposed on the southern elevation of plots 3, near the boundary of no.6 Boyne Rise, however these have been conditioned to be obscurely glazed to avoid any unacceptable overlooking from these windows (condition 15).

The windows on the north elevation of plot 2 and the southern elevation of plot 1 do not align and therefore there is not an overall concern of overlooking from these windows to one another, a condition is proposed on to prevent any further windows on these elevations (condition 16).

There are windows proposed on the north elevation of plot 1, however one will be obscurely glazed, as it is a bathroom, and the others are high level windows and therefore would not result in adverse overlooking from these windows.

There are 1st floor windows on the western elevations of the plots 1,2 and 3, which are bedroom windows, these will give a degree of overlooking towards number 4 Boyne Rise, however this is limited due to this distance away from this neighbouring dwelling and this is replacing a window in the existing dwelling, no. 5 Boyne Rise, that already has a degree of overlooking from this front window towards the garden of no, 4 Boyne Rise.

It is considered that the proposal would not result in an adverse impact in terms of overbearing or overshadowing as a result on this application and is therefore acceptable in accordance with DM17 of the LPP2.

Landscape/Trees and Ecology

There is an over view of the proposed landscaping shown on the proposed site plan, a landscaping condition is proposed for further details to be submitted for this application.

There are no TPO trees on this site and no other significant trees and therefore there are no constraints in relation to trees.

An up to date ecology report has been submitted and includes the additional ecology information as requested. Is this is adhered then there are no objections to the recommendations in the report.

Therefore this application is in accordance with planning policy CP16 of the LPP1 and DM15 of the LPP2 and Habitats Regulations.

Highways/Parking

The proposed site layout has been amended to realign the driveway so that it is in line with the existing carriageway, to revert the vehicle crossing with Boyne Rise back to its original form, to change to the bin enclosure at the end of the driveway, to change the width of the driveway to allow a 3m width and move the passing bay closer to the bend

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to improved visibility of users, to move the bin and cycle stores of the individual dwellings to decrease the drag distance of the bins and more security of the bikes, and lastly to remove some landscaping around parking spaces to prevent this being trampled on.

There is the required amount of parking on the site for the size of the dwellings proposed with one visitor space. As a result of the above changes there are no highways objections and the development is in accordance with planning policy DM18.

Nitrates

Excess levels of nitrates can damage freshwaters and the marine environment by a process known as 'eutrophication', promoting excessive growth of algae that chokes other life and leading to harmful effects on the SPA. Development within Winchester District that would result in over night accommodation or excessive amounts of nitrates, such as dwellings, require nitrate calculations to demonstrate a deficit, neutral or surplus of nitrates being generated on site. Developments that would result in a surplus of nitrates therefore require mitigation to prevent harm to the SPAs in the district. As such a Grampian condition in line with the Winchester City Council Position Statement on Nitrate Neutral Development has been agreed to secure appropriate mitigation prior to occupation.

The Planning Authority has undertaken updated Appropriate Assessment in line with the adopted Position Strategy for Nitrates and condition 12 has been included to obtain mitigation measures. Following this process, the Council can demonstrate it has undertaken an Appropriate Assessment in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 and policy CP16 of the Local Plan Part 1.

Drainage

The site is within Flood Zone 1 and is at very low risk of surface water flooding. The geology is chalk. A foul sewer is available and must be used for foul drainage.

Surface water should drain to soakaways and permeable hardstandings, ideally these would be designed for the 1 in 100 year storm event plus an allowance for climate change. Infiltration testing is required.

Any shared drainage will require a maintenance plan, this has been conditioned (condition 4 and 5).

Other Matters

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Conclusion

The application accords with the Development Plan and the following policies: DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14 and CP16 of Winchester District

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Local Plan Part 1, DM1, DM2, DM14, DM15, DM16, DM17 and DM18 of Winchester District Local Plan Part 2 and The High Quality Places SPD.

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 development hereby permitted shall be carried out in accordance with the plans listed below unless otherwise agreed in writing by the local planning authority:

Proposed site plan 1714-100-E
Proposed block plan 1714_101_A
Ground floor plan 1714_200_C
First floor plan 1714_210_C
Plot 1 Elevations 1714_300_B
Plots 2 and 3 Elevations 1714_302_B
Context elevations 1714_304_A
Location plan 1714_001
Site survey 1714_002

02 Reason: To ensure the development is built in accordance with the plans approved.

03 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

03 Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

04 The developer must advise the local authority before development commences (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development. The information submitted shall be approved and agreed in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

04 Reason: To ensure satisfactory provision of foul and surface water drainage.

05 Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before development commences.

05 Reason: To ensure satisfactory provision of foul and surface water drainage.

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06 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.

06 Reason: In the interests of highway safety.

07 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.

07 Reason: In the interests of highway safety.

08 A detailed scheme for hard and soft landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

09 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are first occupied. Development shall be carried out in accordance with the approved details and thereafter retained.

09 Reason: In the interests of the visual amenities of the area.

10 No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority.

10 Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

11 The proposed access and drive, including the footway crossing shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

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

11 Reason: To ensure satisfactory means of access.

12 No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear.

12 Reason: To make proper provision for off street parking.

13 Prior to the commencement of the development hereby permitted, detailed information demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use (110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of a 'design stage' Standard Assessment Procedure (SAP) calculation and a water efficiency calculator shall be submitted to and approved in writing by the Local Planning Authority.

13 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

14 The development shall be carried out in accordance with the measures set out within the Extended phase 1 ecological survey update and phase 2 bat survey update carried out by Andrew Quale Ecological Consultant of May 2020. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

14 Reason: To provide adequate mitigation and enhancement for protected species.

15 Details of the biodiversity enhancement features shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall include the type and location of any bat boxes, bird boxes, hedgehog highways or native species planting. These biodiversity enhancements shall be sited prior to the development coming into its intended use and retained thereafter.

15 Reason: To ensure a net gain in biodiversity and to comply with CP16 and the NPPF 2019.

16 The first floor window(s) in the south (side) elevation of plot 3 and the bathroom window in the north (side) elevation of plot 2 and the bathroom windows in the south and north (side) elevation of plot 1 hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

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

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17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly authorised by this permission shall, at any time, be constructed in the north south and west elevation(s) of the development hereby permitted.

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

18 Prior to the occupation of the dwelling hereby permitted detailed information demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use(110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of an 'as built' stage SAP calculation and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval. The development shall be occupied in accordance with the approved details.

18 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

19 The development hereby permitted shall NOT BE OCCUPIED until:

- a) A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.

19 Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.

Informatives:

In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,

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- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated of any issues after the initial site visit.

02. This permission is granted for the following reasons:

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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM1, DM2, DM14, DM15, DM16, DM17 and DM18

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. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

06. 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 on this please refer the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

07. 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 action being taken by the Council.

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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.

08. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".



Appeal Decision

Site visit made on 21 August 2018

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 October 2018

Appeal Ref: APP/L1765/W/18/3197685

5 Boyne Rise, Kings Worthy SO23 7RE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Senna against the decision of Winchester City Council.
 - The application Ref 17/01474/FUL, dated 2 June 2017, was refused by notice dated 6 February 2018.
 - The development proposed is described as 'amended plans 06.12.2017 demolition of existing dwelling and erection of 4 dwellings at 5 Boyne Rise Kings Worthy SO23 7RE'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given above is a revised description to that shown on the planning application form. It was agreed between the parties whilst the planning application was being assessed, and reflects the fact that the planning application was determined on the basis of revised plans.
3. The revised National Planning Policy Framework (the Framework) came into force during the course of the appeal. The parties have been given the opportunity to comment on the implications of the guidance on the appeal, and I have also taken it into account in determining the appeal.

Main Issue

4. The main issues in this appeal are the effects the development would have on:
 - the character and appearance of the area; and,
 - the living conditions of neighbours at 6 Boyne Rise, with particular regard to noise and disturbance.

Reasons

Character and Appearance

5. The site lies on one side of a valley. It is located at the top of Boyne Rise, a short cul-de-sac containing detached single storey bungalows of simple form, which rises upslope from its junction with Springvale Road, a main route through the settlement.
6. The position of the plot and existing vegetation means that the existing bungalow is not clearly viewed from the frontage on Boyne Road. It is however visible from

<https://www.gov.uk/the-planning-inspectorate>

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adjoining plots, and the footpath which runs within a broad green corridor to the rear of the site. It is also clearly visible within views from Springvale Road and as a component of broad views from the rising ground on the opposite side of the valley.

7. Buildings within Boyne Rise, including 5 Boyne Rise, are predominantly orientated to follow the contours of the sloping ground. Buildings on all 4 sides of the site are similarly orientated and the pattern is reinforced by the alignment of the footpath. The pattern is also typical within broader setting, including on the opposite side of the valley.
8. Though Plots 1 and 4 of the proposed building are comprised of elements that would follow the contours of the slope, the proposed building form would as a whole cut across them. The orientation of the proposed building would as such be at odds with that of buildings within its setting.
9. This conflict would be immediately apparent both viewed between properties, and despite the turned form of Plot 4, and some existing screening of adjacent boundaries, also in views from the footpath to the rear. Viewed from Springvale Road, and as a component of the views allowed from the opposite side of the valley, the differing orientation would also be clearly apparent and appear discordant.
10. The positioning of bungalows within Boyne Rise on a slope means that some differences in height between uphill and downhill elevations occur. Nonetheless the buildings are of regular single storey form. The Mews and buildings to the east of the site are generally taller, or contain taller elements, though all are again simple in form. The proposed building would be composed of elements of varied height whose forms would be individually simple but which together would present complex appearance. This would be particularly true of the roof form, and would be accentuated by the orientation of the building, given that the building would be staggered up the slope. Viewed in context the building would as such appear strongly atypical in form and thus alien in context. This would again be visually appreciable across a broad area, as well as presenting immediate conflict with neighbouring bungalows. The latter would be exacerbated by the greater scale of the proposed building.
11. The footpath to the rear of the site currently forms a broad green corridor along which gardens, high hedges and other vegetation provide frequent separation and screening from surrounding development. Though the extent of screening is likely to vary on a seasonal basis, separation is strengthened by the fact that buildings within the immediate vicinity neither front onto the path nor appear to provide direct pedestrian access to it. Whilst this reduces surveillance of the path, it nonetheless lends visual attractiveness and a distinct character.
12. The above qualities are currently undermined by the positioning of the garage court on the side of the path opposite the site. Screening along the site boundary is also patchy, though the existing bungalow is located some distance from the boundary maintaining a sense of separation from the path. The proposed building would however be located very close to the path and establish a clear visual presence. A pedestrian link would also be formed. In both regards the development would be at odds with the prevailing character and visual qualities of the path. This would not be mitigated by enhanced low level planting, and would accentuate the harm already caused by the garage court on the opposite side of the path.
13. Whilst it is possible that the surveillance of the path from Plot 4 might be beneficial in terms of providing a safer environment for its users, in practice this benefit

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would be spatially limited. Given that direct views into the dwelling would be also be allowed from the path it would seem likely that occupants would be inclined to screen these views from within, largely negating the limited benefit.

14. The development would have a 'modern' styling. Whilst this would be dissimilar to the style of existing buildings in Boyne Rise or neighbouring the site, the immediate context lacks architectural distinctiveness. A building of similar modern style exists in Forbes Road to the north, and my attention has also been drawn to guidance in Kings Worthy and Abbots Worthy Village Design Statement 2017 which provides scope for 'contemporary' architecture where appropriate. This advice broadly reflects guidance in the Framework. Whilst I therefore see no particular reason the use of modern styling should itself be harmful in this location, the visual contrast created by use of the proposed styling would nonetheless serve to draw attention to the building, which in this case would have the effect of emphasising discordant aspects of its form and positioning.
15. The Council additionally notes that the development would be cramped. Individual plots would indeed be supplied with significantly less space than is typical for individual dwellings within Boyne Rise. Plot sizes would however be roughly similar to those of the Mews immediately adjacent. The proposed plot sizes would therefore draw some reference to the existing context, however this would not alleviate the harm otherwise caused by the design of the proposed development.
16. For the reasons set out above I conclude that the proposed development would have a significant adverse effect on the character and appearance of the area. It would as such be inconsistent with the objectives of Policy DM15 of the Winchester District Local Plan Part 2 2017 (LPP2), which seeks amongst other things, to secure development that respects the qualities, features and characteristics that contribute to the distinctiveness of the local area; Policy DM16 of the LPP2 which amongst other things requires developments to respond positively to the character and appearance of the local environment in terms of design, scale and layout; and, Policy CP13 of the Winchester District Local Plan Part 1 Joint Core Strategy 2013, which seeks to ensure that design responds positively to its neighbours and the local context. Consequently the development would also fail to comply with guidance in the High Quality Place Supplementary Planning Document 2015, which broadly mirrors the above policy objectives.

Living Conditions

17. The distance of the top of Boyne Rise from Springvale Road, and the buffering of dwellings at the top of Boyne Rise by the footpath and vegetation to their rear, means that they are not subject to significant direct exposure to traffic noise at present.
18. The access to No 5 stands adjacent to that serving the adjoining bungalow, No 6. The narrow driveway of No 5 runs parallel with the frontage of No 6 and contains a small single garage. Separation between the driveway and front elevation of No 6 is provided by a shallow forecourt to the front of the latter, and hedge which currently provides partial screening. As such some noise and disturbance to the occupants of No 6 will have occurred through use of the driveway and garage belonging to No 5 in the past, but this would have been at a low level consistent with the established residential context.
19. As the proposed development would involve a net increase of 3 dwellings on the site, the existing access and driveway would see a significant increase in use. The driveway would, in addition, be turned and extended along the side boundary with

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No 6, and service a total of 12 parking spaces, 2 of which could be located directly opposite the neighbouring frontage.

20. The substantial increase in vehicular use of the access and driveway immediately opposite the frontage of No 6, would, in my opinion, give rise to a degree of noise and disturbance whose effect on the occupants would be appreciably adverse in nature. This would be exacerbated by the additional effects of increased proximity and exposure arising from turning and extension of the driveway along the side boundary, and noise caused by manoeuvring of vehicles within the site.
21. Though the appellant notes the existing presence of hedging along the boundary with No 6, and proposes to augment this, in many places along the side boundary this hedging is overgrown and would in fact need to be heavily cut back to achieve the layout proposed. There would also be limited space available across the frontage of No 6 to allow any substantial thickening. Furthermore, though hedging might eventually be effective in screening views between the properties, it is unlikely that it would be effective in mitigating the effects of increased noise and related disturbance arising from use of the access, driveway and parking spaces.
22. The appellant argues that impact on the living conditions of neighbours was not specifically identified in the Council's decision notice. The decision notice does however note an effect on the 'residential amenities' of neighbouring properties, and non-compliance with Policy DM17 of the LPP2. Policy DM17 in part addresses matters related to the effects of development on the living conditions of neighbours. Though the Council did not specifically reference the relevant part of Policy DM17, the Council's appeal statement does nonetheless provide appropriate clarification.
23. For the reasons set out above I conclude that the development would cause an unacceptable degree of harm to the living conditions of neighbours at No 6 and as such be inconsistent with Policy DM17 of the LPP2, which requires, amongst other things, that development does not cause unacceptable levels of pollution to neighbours by means of noise.

Other Matters

24. Refusal of the planning permission was made by Council members against the recommendation of their officer. Council members are not however bound to follow such recommendations.
25. I note and have taken into account the relevant parts of the Framework to which the appellant refers, specifically in relation to design and housing supply. However, they do not alter my judgement regarding the significant harm that I have identified would arise to the living conditions of neighbours and the character and appearance of the area as a result of the development.

Conclusion

26. For the reasons set out above, and with regard to all other matters raised, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR