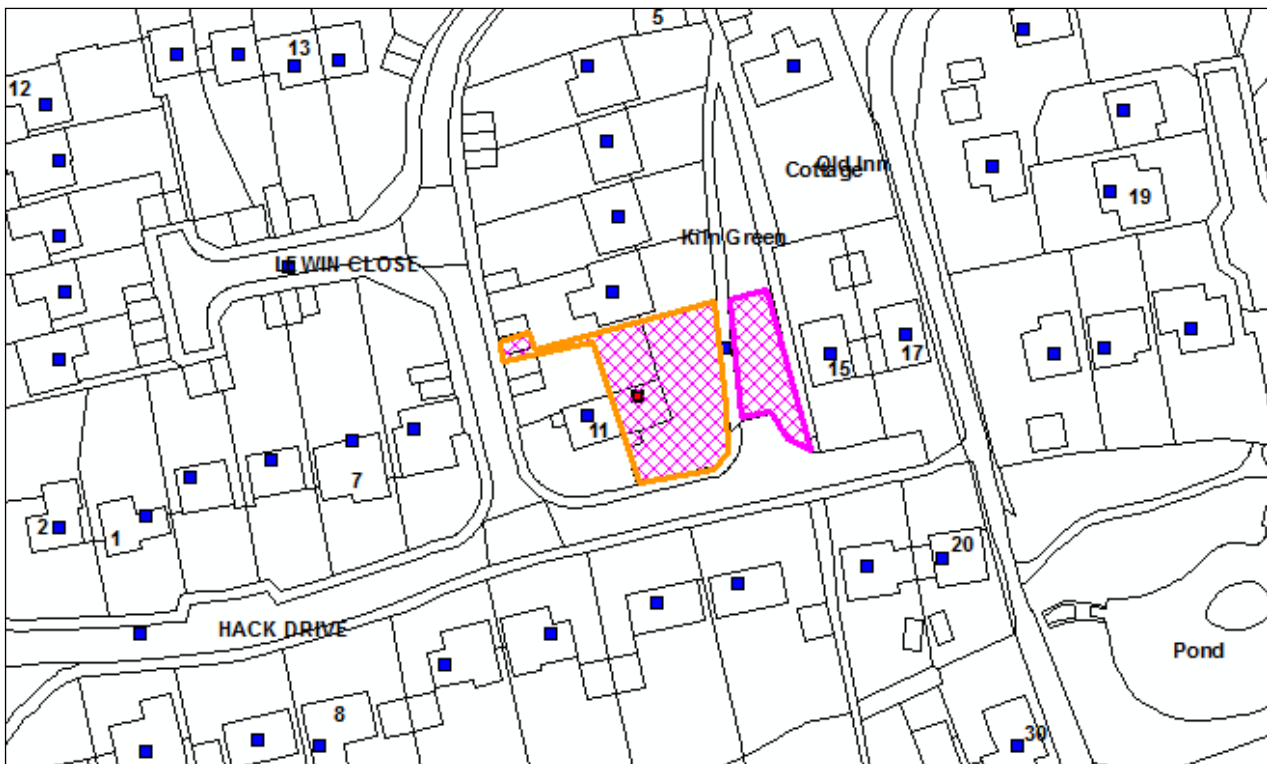


WINCHESTER CITY COUNCIL  
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**Case No:** 20/01388/HOU  
**Proposal Description:** Conversion of integral garage to integral annexe with bay window to the front and level threshold side access door. Erection of timber outbuilding to include workshop/ garden room and facilitate the change of integral garage use for use ancillary to the dwelling at 13 Hack Drive.  
**Address:** 13 Hack Drive Colden Common SO21 1UD  
**Parish, or Ward if within Winchester City:** Colden Common  
**Applicants Name:** Mr Darren Holyoake  
**Case Officer:** Liz Marsden  
**Date Valid:** 16 July 2020  
**Recommendation:** Permit

**Link to Planning Documents :** [Planning documents](#)

**Pre Application Advice:** Yes



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**General Comments**

**Application is reported to Committee due to number of comments received, contrary to officer's recommendation.**

**Councillor Cook, request for application to be determined by Planning Committee, see Appendix 1**

**Site Description**

The application site has an overall area of around 660sq.m which is divided by a footpath that runs north/south leading from Hack Drive to properties in Kiln Green and continuing further north. The largest part of the site has a semi-detached house, which has been previously extended to the side and the smaller section, an area of approximately 180sq.m, is a grassed area, with hedge planting along the eastern boundary and lower plants along the eastern side, where it abuts the footpath. There is a further footpath, along the eastern boundary which separates the site from the adjacent property. The land slopes up slightly from the road.

There is vehicular access to the house via a short drive to the front of the property and a small garage located to the north-west, accessed from Lewin Close. The small site is used for parking a vehicle on and is accessed off a hammerhead turning area.

The surrounding area is characterised by residential development of a variety of building types, including detached, semi-detached houses and chalet type dwellings and bungalows.

**Proposal**

There are two elements to the proposal, the conversion of the existing integral garage to create an annexe, providing a living area, bathroom and shared utility room and a detached garage/workshop/storage building on the smaller area of land. External alterations to the house would comprise the replacement of the existing garage doors with a bay window and the introduction of a door into the side (eastern) elevation.

The garage building has a footprint of 50 sq.m and is set at a minimum distance of 1m from the western footpath and, at its closest point 2m from the eastern footpath. The rear of the building will be around 4.6m from the adjacent property, 15 Hack Drive and the front 5.9m. It is 3.5m from the edge of the turning head. It is designed with a shallow pitched roof, the overall height of which is 3.9m to the ridge, with the eaves height being 2.5m. The building is to be clad in timber with a tiled roof.

**Relevant Planning History**

14/00599/FUL - Two storey side extension, single storey rear extension and extension to existing single garage – Permitted 18.06.2014

**Consultations**

HCC Engineers: Highways: (pre-application advice)

No objection in principle subject to the applicant confirming the extent of the highway.

Garage doors should not open out over the highway.

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**Representations:**

Colden Common Parish Council – Object for the following material planning reasons:

- The proposal doesn't comply with policy DM6. This area of open space contributes towards the visual amenity and character of the area and should be retained.
- Development on this area will contravene policy DM15 as it will have a detrimental effect on the views down Kiln Green and will affect the setting of Right of way 11. This local distinctiveness is part of the planning guidance in Colden Commons Village design statement (area d). Area d is a distinctive form of development largely around traffic free greens and various green spaces. "New development should not disrupt the form or rhythm of areas with a distinctive character or result in the loss of focal greens or landscaped areas"
- The proposed building will not respond positively to the character, appearance of the local environment, and therefore does not meet the site design criteria under policy DM16. This exacerbated by the topography of the area and impact on the views down and up Kiln Green from the top and bottom of Right of way 11.
- The application does not meet the requirement of policy DM16, DM17 (LPP2), AB5, AB6, HQS4 HQS5 (High Quality Places) as it will have an unacceptable impact on the neighbouring property in terms of overshadowing, overbearing and loss of their amenity. Development of this area of open space will bring about a feeling of enclosure.

24 letters received objecting to the application for the following material planning reasons:

- Garage building too large and design is not in keeping with others in the surrounding area which do not have pitched roofs.
- Result in loss of open space and have an adverse impact on the character and appearance of the area
- Adverse impact on amenity of adjacent properties through loss of outlook, privacy and light.
- Contrary to Village Design statement
- Overdevelopment of the site
- Potential for conversion to a dwelling
- Will result in neighbours appearing to be boxed in, particularly those in Kiln Green
- Will exit directly onto a turning space and potentially result in blocking it
- Use of workshop could lead to noise and disturbance to neighbours. Possible change of use needed
- Property been extended previously and proposed bay window out of keeping.
- The property already has a garage and off road parking and proposal not needed.
- Adverse impact on footpath as users will feel that they are crossing private garden
- Adverse impact on surrounding plants
- Potentially dangerous to users of the footpath as they would not be able to see vehicle movements from the garage
- Site already used for parking and damaging the road.

1 letter of support received raising the following material planning reasons:

- The site is much tidier than its overgrown state under previous owner when there

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would have been no view from no.15

- There are other out of character extensions in the area which have eventually blended in
- The building wouldn't interfere with anyone
- Land was offered to Parish Council when sold in 2012

**Relevant Planning Policy:**

Winchester Local Plan Part 1 – Joint Core Strategy  
MTRA1

Winchester Local Plan Part 2 – Development Management and Site Allocations  
DM15, DM16, DM17, DM18, DM24

National Planning Policy Guidance/Statements:  
National Planning Policy Framework

Supplementary Planning Guidance  
High Quality Places 2015

Other Planning guidance  
Colden Common Village Design Statement 2012.

**Planning Considerations**

Principle of development

The site is located within the settlement boundary of Colden Common where extensions and incidental buildings to existing residential properties are generally acceptable, subject to their impact on the character and appearance of the surrounding area and neighbour amenity.

Design/layout

The existing integral garage is to be converted into an annexe for elderly relatives and can be achieved with minimal external alteration to the building, with the existing garage door being replaced by a bay window, similar in size and projection to those on the frontage of 15 and 17 Hack Drive. The proposed detached building has been designed as a replacement for the storage of the equipment and vehicle (vintage camper van) currently contained within the garage. This vehicle cannot be accommodated in the existing detached garage (even with its increased width) fronting Lewin Close due to the limited height of that garage. In addition the opportunity has been taken to provide a small workshop area, such as commonly found in domestic garages, for use in connection with the dwelling.

Whilst the majority of garages in the vicinity are small flat roofed structures closely related to the dwellings they serve, the current proposal is for a larger freestanding structure. The design of the building has sought to minimise its overall height, whilst enabling it to be used for the purposes required and it is considered that the proposed shallow pitched roof will result in a more attractive appearance than if a building of the size and height proposed reflected the flat roofed nature of other garages in the area.

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The materials to be used, in terms of timber cladding to the walls, whilst again not in keeping with the brick that predominates in the area, does result in a lighter weight structure, similar in construction to the type of outbuilding commonly found within domestic curtilages. It should perhaps also be noted that, whilst the area of land on which the building is to be located cannot be considered to be curtilage as it is separated from the dwelling by the footpath, it would otherwise fall within permitted development rights in terms of its size and purpose for which it will be used.

Impact on character of area

The site is set towards the end of a cul-de-sac and there would be limited passing traffic. It is, however, visible in the immediate vicinity, from both the road frontage and the adjacent footpaths. It is recognised that the new building, by reason of both its materials and design, is not entirely in keeping with the houses in the vicinity, though these are not themselves uniform in style, with significant variation between the bungalows, chalet-style bungalows and full two storey houses, in terms of both height and roof form. In addition there is some variety in materials with the use of tile hanging, render and white weather boarding in the vicinity. The building is set back from the road, on the same line as the adjacent houses and will not therefore be unduly conspicuous in this setting. The proposal is therefore considered to comply with the design and character policies DM15, DM16, DM17, DM18 and DM24 of the LPP2.

There is considerable concern over the loss of this green space which it is considered, by objectors to the proposal, contributes to the character of the area and is distinctive of this part of Colden Common. The site is not specifically referred to in the Colden Common Village Design Statement (VDS), or noted on the plan identifying open spaces and Housing Greens. The planning advice in the VDS requires new development to respect the form and rhythm of area and retain focal greens and landscaped areas. In this case the location of the building is such that there are good sized gaps between the properties to either side, similar to the spacing of the housing along Hack drive, thereby retaining the spacious nature of the area. There is no suggestion that it is proposed to reduce the open plan nature of the site by means of inappropriate boundary treatment, with only a low hedge along the footpath on the western boundary.

Neither will the position of the building in relation to the footpaths to either side have a significant impact on the ability of people to use the paths or unduly impact the views along it. The garage is set at a minimum of 1m from the nearest path to the west and would not impede in any way the passage of pedestrians. The site is also a very short section of the overall length of the public footpath to the east, which would have been more enclosed by trees prior to the clearance of the site and it is not considered that the garage building will have an unduly detrimental impact on the path or its users. The proposal does not therefore conflict with the advice of the VDS.

Impact on neighbouring property

The conversion of the existing integral garage to an annexe would result in limited alterations, comprising the addition of bay window on the frontage and a door in the side elevation. Neither of these features will result in any direct impact on adjacent properties through loss of privacy or outlook.

The primary impact of the new garage/storage/workshop building would be on the neighbour to the east of the site, 15 Hack Drive, which has windows in its side elevation looking towards the site. The windows at ground floor level, as shown on the original

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application drawings were narrow, high-level, openings though as constructed they have been increased in depth and provide views out. Both the side windows serve rooms with other, larger, windows with the lounge, on the southern elevation of the property having a large, slightly projecting bay window. The higher level window is located in a projecting dormer and serves the staircase to the first floor of the house.

Although there is hedge planting along the eastern boundary of the site, some of which is much taller than the close-boarded fence that bounds no.15, it is apparent that the new building will be visible in views from the side windows. However, the fact that the upper part of the side walls, together with the pitched roof can be seen, does not in itself justify a refusal on this basis. Taking the midpoint of the windows, the nearest point of the building is located 5m away and the highest point of the ridge, would be at a distance of 7.5m. Given this distance and the partial screening provided by intervening hedge plants, it is not considered that the impact of the building on the outlook from windows in no.15 would be unduly intrusive or overbearing.

The issue of loss of light to the rooms served by the side windows has also been raised. Although, as is apparent from old photographs, the site was formerly very overgrown and would have afforded little in the way of light or a view to the windows, though it is recognised that it is necessary to assess the current situation where no.15 benefits from the clearance of the site. In this case, given the limited height of the garage and the distance from the windows, it is not considered that it would result in a level of shading which would directly affect the light into the property or that a refusal could be justified on this basis.

Concern has been expressed that the building will reduce views from Kiln Green towards Hack Drive, although again it should be noted that these views are relatively recent. The dwellings in Kiln Green are orientated so that their principle elevation faces east into a currently wooded/overgrown area and any oblique views to the south are restricted by existing foliage and will not be significantly affected. The nearest point of the new building to no.1 Kiln Green is over 12.5m away and it is not considered that the building would be unduly intrusive or detrimental to the outlook from this property.

Based upon the above assessment the proposed development is not considered to give rise to significant harm to the residential amenity of the neighbouring properties and therefore complies with policy DM17 of the LPP2.

#### Landscape/Trees

The site of the proposed garage building was, until relatively recently very overgrown, similar to the remaining section of the land to the north. The site was cleared by the applicants and is currently a grassed area with trees retained in the north east and south west corners of the site. Hedges have been planted along the boundaries of both site with the footpaths.

#### Highways/Parking

The site on which the new building is to be located is currently used as informal parking for a vehicle associated with 13 Hack Drive, with access from the turning head. The applicants are aware of the necessity to obtain the appropriate licence from the highways authority for any works to connect to the public road.

The proposal will increase the number of bedrooms in the house from 4 to 5, but does

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not result in the requirement for additional parking to be provided on the site as the standards are the same. There is sufficient room on the frontage of the site and in the proposed garage, which will replace the existing integral garage, to provide the 3 parking spaces required by the standards.

Concern has been raised that the garage could lead to hazard to users, particularly children, of the adjacent footpath as it would not be possible to see vehicles moving until they emerged onto the road. However, the garage is set back over 3m from the end of the hammerhead and the low hedge line along the western boundary would ensure that any vehicle would be clearly visible to pedestrians in the vicinity before it reached the road.

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 proposed garage building can be accommodated on the site without significant or detrimental impact on the character and appearance of surrounding area or the residential amenities of occupants of adjacent properties and is therefore in accordance with policies of the Development Plan.

**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 shall take place above slab level until details and samples of the materials to be used in the construction of the external surfaces of the building 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.

Reason: To ensure the satisfactory appearance of the development

3. The garage building shall be used solely for purposes incidental to the occupation and enjoyment of the existing property as a dwelling (13 Hack Drive, Colden Common, SO21 1UD) and shall not be occupied as an independent unit of residential accommodation or for any other uses.

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Reason: To accord with the application and because the use of this building for residential or business uses would not be appropriate in this location.

4. The development hereby approved shall be constructed in accordance with the following plans:
- 20.013 116 rev. A – Site plan
  - 20.013 100 rev. A – House, existing and proposed plans and elevations
  - 20.013 110 rev. D – outbuilding plans and elevations.
  - Indicative site section

Reason: For the avoidance of doubt and in the interests of proper planning.

**Informatives:**

1. In accordance with paragraph 38 of the 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 pre-application advice was provided to the applicant.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-  
Local Plan Part 1 - Joint Core Strategy: MTRA1  
Local Plan Part 2 – Development Management and Site Allocations DM15, DM16, DM17, DM18, DM24  
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 Practise

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Code of considerate practise

Appendix 1

City Councillor's request that a Planning Application be considered by  
the Planning Committee

Request from Councillor:	CLLR Susan J. Cook
Case Number:	Planning Application 20/01388/
Site Address:	No 13, Hacta Drive HOU Colden Common Hampshire SO2110D
Proposal Description:	Conversion of integral garage to integral annexe to have window to the front and level threshold side access with a section of timber outbuildings to include utility garden room rear fence (note the change of integral garage structure)
Requests that the item be considered by the Planning Committee for the following material planning reasons:	Policy DM16 Local Plan Part 2 (2011) Development and Allocations DM16 Conflict of this application to the Village Design Statement New development should not disrupt the form, rhythm of the area with such distinctive character or result in loss of focal green or landscape effects

- Whilst requests will be accepted up to the determination of the application, Members should make their request as quickly as possible and preferably within the publicity period of the application. Otherwise the case may be determined under delegated powers soon after the expiry of the publicity period. The committee date for the application will depend upon when the request is received in relation to the committee cycle.
- It would be helpful if Members can indicate their preferred outcome to avoid it going to the committee unnecessarily
- Members should note that referral of an item to the Committee will require consideration as to whether a declaration of interests and / or pre-determination and bias may be necessary. If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting. *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.*

Once completed, please email this form to the relevant Planning Case Officer and the Development Manager.

6/8/2020

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