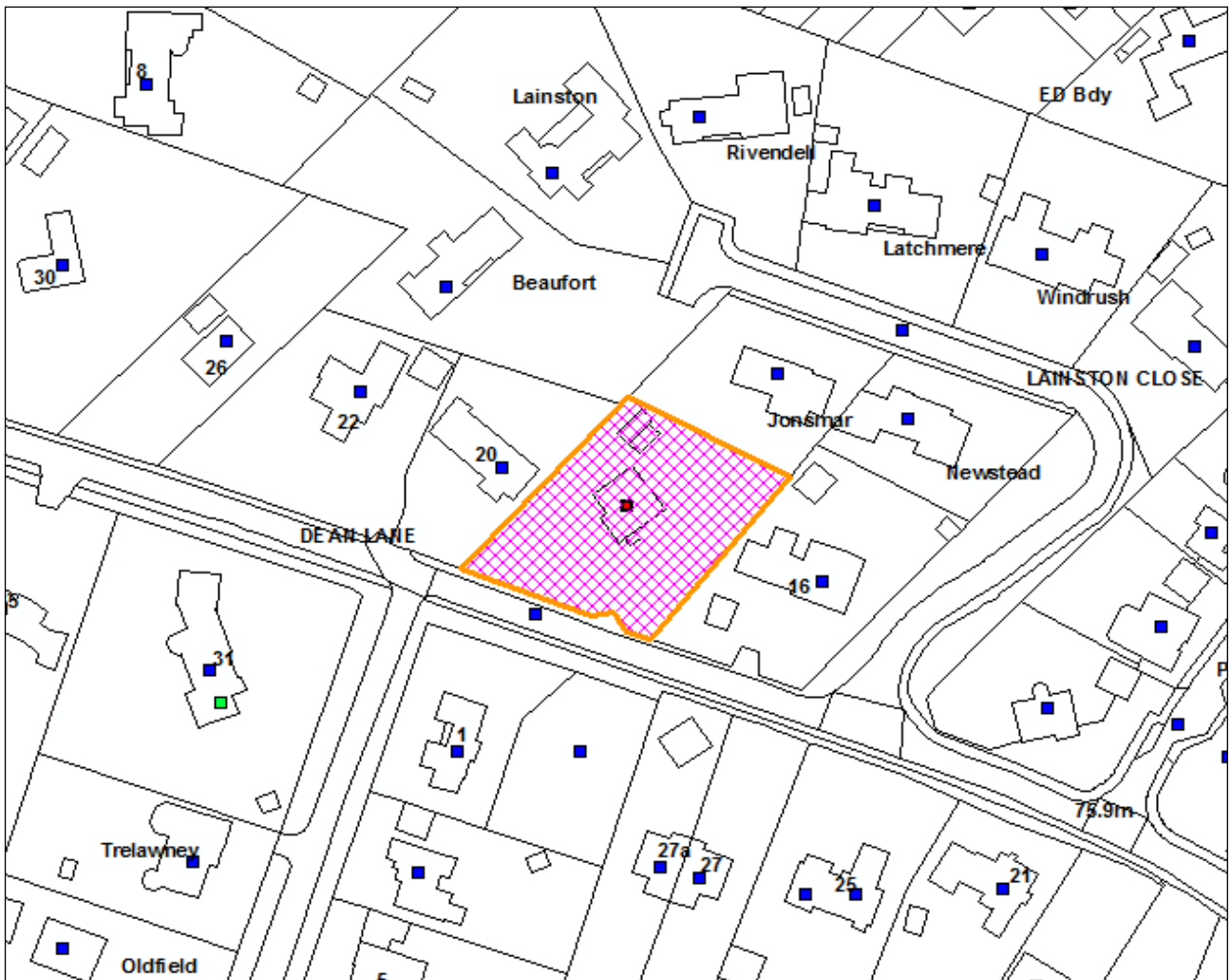


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 20/00886/FUL
Proposal Description: Application Reference Number: 18/01620/FUL Date of Decision: 15/11/2018 Condition Number(s): 2 Variation of approved plans to show alterations to the elevations and floor plans of the approved dwellings.
Address: 18 Dean Lane, Winchester, SO22 5LL.
Parish, or Ward if within Winchester City: St Barnabas
Applicants Name: Mr Stuart Mitchell
Case Officer: Catherine Watson
Date Valid: 22 May 2020
Recommendation: Permit

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

Pre Application Advice: None.



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General Comments

The application is reported to Committee due to the number of objections received, contrary to the Officer's recommendation.

Site Description

The site is situated on Dean Lane, approximately 1m to the north-west of the city centre and has an area of approximately 0.13 hectares. It is well connected to public amenities, with shops including Aldi and Waitrose situated nearby on Stockbridge Road, which is also a main bus route into Winchester.

The area is predominantly characterised by detached dwellings situated within relatively large plots and the ground slopes downwards to the south-east.

Proposal

An application for the variation of the plans approved under application number 18/01620/FUL, permitted by the Planning Committee on 15.11.2018.

Relevant Planning History

18/01620/FUL - Demolition of existing house and construction of two replacement dwellings. (AMENDED PLANS). PERMITTED 15.11.2018.

Consultations

Southern Water:

No objection to this application. The comments in our response dated 19.11.2018 remain unchanged and valid. The previous comments noted that a formal application for a connection to the foul sewer should be made by the applicant or developer and that an informative should be attached to any consent.

Representations:

City of Winchester Trust:

The WCC decision letter with conditions is not included with this or the 2018 application and therefore, it is not possible to comment.

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

- Proposed amendments would result in an unacceptable level of overlooking towards the property to the rear (Jonsmar).

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

- The conditions regarding the angled rear windows should not have been disregarded;
- Disregard for clear plans is not acceptable.

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0 letters of support received.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

CP13 – High Quality Design.

CP14 – The Effective Use of Land.

Winchester Local Plan Part 2 – Development Management and Site Allocations.

DM15 – Local Distinctiveness.

DM16 – Site Design Criteria.

DM17 – Site Development Principles.

DM18 – Access and Parking.

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance.

High Quality Places SPD.

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 situated within Winchester Town, where development is acceptable, subject to compliance with relevant planning policy.

The site has planning permission for the demolition of 1 no dwelling and the construction of 2 no dwellings. Construction works are now largely complete however, a number of material amendments have been made and are not in accordance with the approved plans. Therefore, permission is required to regularise these changes and this retrospective application has been submitted to vary condition 2 (approved plans) of application number 18/01620/FUL.

Design/layout

The approved scheme consisted of 2 no detached dwellings with split level roofs and 2 storey “turrets” to the rear. Materials were white render with slate roofs.

A number of alterations have been made which include changes to window and door sizes, orientation and positioning and the addition of rooflights, as well as the removal of the lower part of each rear turret and their replacement with bifolding doors. No changes have been made to the overall heights or footprints (save that of the turrets) or positioning of the dwellings and the materials remain the same as those approved.

There is also no change to the hard and soft landscaping, including the retention of any

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existing boundary planting to the rear and side boundaries.

Impact on character of area and neighbouring property

The most significant change is to the rear, being the removal of the ground floor section of the turrets on each dwelling. The turrets were designed so as to ensure the orientation of the windows serving the rearmost rooms, was such as to avoid significant overlooking of Jonsmar, to the north-east in Lainston Close.

Local residents and the occupants of Jonsmar, have written in objection to the removal of the ground floor section of these turrets and specifically to the introduction of a larger area of glazing in its place in the form of bifolding doors. It is suggested that increasing the amount of glazing in this way would result in significant additional harm by means of overlooking towards Jonsmar.

Looking at the plans and the positioning of the bifolding doors, they are of necessity situated further back from the rear boundary (approx. 1.5m) than the turret window would have been, although it is acknowledged that the turret window would have been smaller. Because of the set back, low level and also, the retained boundary shrubbery and trees to the rear and side boundaries which were considered to be an integral part of the previous permission, it ensures that the introduction of the bifolding doors would not cause any significant additional overlooking to that property.

With regards to the other changes to windows and doors, there have been minor changes to the size and orientation to the front elevations and on the sides, some windows have been removed or relocated and rooflights have been substituted. It is not considered that these changes would result in a significant change in visual appearance when viewed from Dean Lane or Lainston Close and there would be no additional harm by means of overlooking towards neighbouring properties. This is in line with the requirements of Policy CP13 of LPP1 and Policies DM16 and DM17 of LPP2.

Landscape/Trees

The majority of the landscaping works have been carried out, including the retention of existing hedges, shrubbery and close boarded fencing along the rear and side boundaries. To the front, a new mixed hedge is to be planted and along with the retention of the existing trees, a new mixed species hedge will be added. Condition 5 requires the retention of the existing trees and any proposed removal or works to these trees require the LPA to be notified. Any trees that are removed, uprooted or destroyed or which die requires another tree to be planted at the same place and of the same species and size.

Highways/Parking

There is no change in terms of parking provision or highway safety from the approved scheme, in line with Policy DM18 of LPP2.

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

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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

In conclusion, the alterations are acceptable and do not result in additional harm and therefore the application is recommended for approval.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

1. The development hereby permitted shall be completed by 15.11.2021.

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

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

Location Plan Dwg No AP001 received 05.10.2020
House Type 1 – Elevations Dwg No AE200 received 01.05.2020
House Type 1 – Elevations Dwg No AE201 received 01.05.2020
House Type 1 – Floor Plans Dwg No AE100 received 01.05.2020
House Type 2 – Elevations Dwg No AE202 received 01.05.2020
House Type 2 – Elevations Dwg No AE203 received 01.05.2020
House Type 2 – Floor Plans Dwg No AE110 received 01.05.2020

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

3. Before the development hereby approved is first brought into use, visibility splays of 2.0 metres by 43.0 metres (to a point measured 1 metre within the road from the edge of carriageway) shall be provided at the junction of the access and public highway. The splays shall be kept free of obstacles above 600mm from the level of the carriageway at all times

Reason: In the interests of highway safety.

4. Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that the dwelling shall meet the equivalent of Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

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

5. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars, and paragraphs (a) and (b) below

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shall have effect until the expiration of three years from the date of the occupation of the buildings for their permitted use:

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);
- b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: To prevent inappropriate work being undertaken, or harm to, retained trees.

6. The parking areas shall be provided in accordance with the approved plans before each of the dwellings are first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling houses as residences.

Reason: To ensure the permanent availability of parking for the property.

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 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:-

Local Plan Part 1 - Joint Core Strategy: CP13, CP20

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

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. Flexibility of hours may be acceptable due to the Covid-19 emergency in line with the Business and Planning Bill 2019-21 [Business and Planning Bill 2019-21](#)

5.

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

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Act 1974 may be served. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions. [construction site working hours](#)

6.

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>