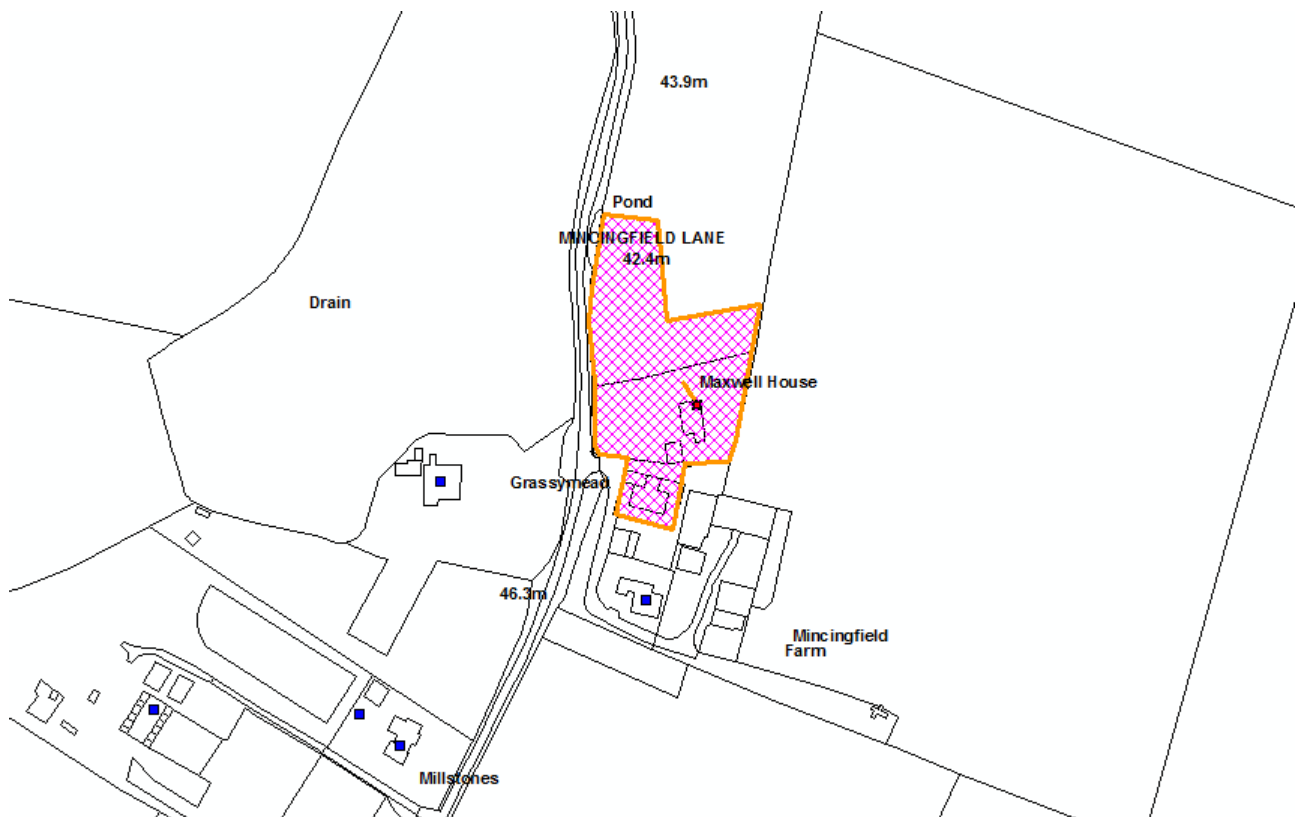


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 20/00720/HOU
Proposal Description: (Part Retrospective) Erection of detached 4 bay garage with gym and home office within roof space. Associated alterations to ground levels including the erection of retaining walls.
Address: Maxwell House Mincingfield Lane Durley SO32 2BR
Parish, or Ward if within Winchester City: Durley
Applicants Name: Mr Chris Southcott
Case Officer: Curtis Badley
Date Valid: 11 May 2020
Recommendation: Application Permitted

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q877T0BPJZ000>

Pre Application Advice: None



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General Comments

Application is reported to Committee because of the number of objections received contrary to the officers recommendation for approval. In addition, the application is reported to Committee by request of the Durley Parish Council.

The Local Planning Authority is aware of the works which have been undertaken and are known to have continued within the planning application process. The works which include but are not limited to earthworks, drainage works and the construction of retaining walls are being undertaken without the benefit of planning permission and at the applicant's risk. The current application seeks to both regularise these works and seeks permission for further works to construct an outbuilding and alter the landscape to accommodate this building. It is understood that the current application is the first stage of a long-term project to improve the appearance of the buildings and site each of which will be considered on a case by case basis, if planning permission is required.

Site Description

The proposal is located within the residential curtilage of Maxwell House, a detached dwellinghouse located within a rural setting along Mincingfield Lane. The large dwellinghouse (Maxwell House) is of neo-Georgian architectural style which was built in the 1970's to the southern end of an expansive plot. The property was built to the north of the adjacent cluster of buildings within Mincingfield Farm and residential properties and farms on the opposite side of the lane.

The plot also benefits from an existing stable block to the South of the site which is separated from the dwellinghouse by a row of established vegetation and an existing double garage outbuilding adjacent to the South West of the existing property. The existing garden wraps around the existing dwelling and features a large 'wildlife' pond to the front of the sloping site which steadily rises from West to East. There lies established tree lines to the East, South and West which make up the site boundaries.

Proposal

The proposal is for the part retrospective erection of a detached outbuilding, located ten metres to the North East of the existing dwelling, Maxwell House. The outbuilding is to be built of brick below a clay tiled roof with white upvc windows and doors. Within the ground floor of the outbuilding, a four bay garage is provided with a lobby and stairwell to the rear which provides access to the first floor via a side entrance. Above, the stairway leads up to a landing and storage area which are located centrally between a home gym and office. The majority of the 194m² total ground floor space of is allocated to the ground floor parking area and above the total usable first floor area is 82m². This storage, home gym and office space is proposed to be used in association with the main dwellinghouse.

A new driveway is proposed, leading to the north of the existing property and provides access to the new outbuilding including a large forecourt to the front to provide vehicle access and turning. In addition to these works the outbuilding is set into the existing hillside which has been partially excavated and held by a retaining wall.

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Relevant Planning History

76/00299/OLD (PER - 28.01.1976) Erection of dwelling with double garage

Consultations

WCC Service Lead for Built Environment - Enforcement:

Comments received which raise concern to the scale of the proposed garage which should be incidental in its relationship to the house. Additional concern has been raised for the proposal to become an ancillary dwelling or a separate dwelling at first floor level if not controlled by condition and location outside the original residential curtilage.

If minded to grant permission, it is recommended that conditions requiring that the use of the building remains incidental to the main house and details submitted following a grant of permission.

HCC Flood & Water Management Consultation Response:

Comments received which do not observe any proposed changes to an ordinary watercourse and no further comment is made on this basis.

WCC Service Lead for Environmental Services - Drainage Engineer:

Comments received which recognise that the site is within Flood Zone 1 and is at very low risk of surface water flooding within a sand based geology. It is further commented that any increase in roof or impermeable hardstanding area will require surface water drainage - Soakaways should be investigated as a priority and infiltration testing carried out for the design and that ground infiltration is prioritised over allowing runoff into existing surface water features and more detailed proposals are required on this basis to be secured via condition.

WCC Service Lead for Environmental - Environmental Protection:

The Environmental Protection team have no adverse comments to make regarding the principle of this development and recommend that strict planning controls are in place to ensure this development is used purely for domestic purposes ancillary to the main residential premises on the site.

WCC Service Lead for Environmental Services - Landscape:

Comments received which note that the building whilst incongruous in size would be cut into the slope and, as the site is almost entirely surrounded by mature trees, wider visual and landscape impact, for most of the year, is not considered to be significant. On this basis, no objection is made subject to the illustration of existing vegetation on site and the addition of tree and shrub planting to both soften the visual impact of the development in views from the lane and neighbouring property, Knowle House.

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Representations:

Durley Parish Council

Comments received in objection to the proposed garage which is too large and out of scale in comparison to the existing dwellinghouse and could be converted into a standalone dwellinghouse. The Parish Council does not object to the principle of a 4 bay garage, suggests that a smaller building with a lower roof would be more acceptable and queries the lack of toilet or shower facilities within the building.

Additional comments have been submitted by the Parish Council which concern the encroachment of the agricultural field and perceived increase in residential curtilage and garden area resulting from the proposal. Additional comments are made to the appearance of an additional access and concerns for future use.

Additional comments have been received from the Parish Council with regard to the retaining wall and excavation works which have been carried out which are out of character with the surrounding area, may not be safe and have the ability to create flooding and drainage issues.

14 letters received objecting to the application from 8 separate households for the following material planning reasons:

- Development upon agricultural land
- Extensive inappropriate landscaping works
- Suitability of retaining walls
- Unsympathetic to character of area
- Creation of drainage issues
- Excess water runoff from excessive hardstanding
- Damage to local landscape and ecology
- Damage to trees and hedgerows
- Excessive works which are out of proportion to area and house
- Creation of a standalone dwellinghouse / on site business

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy (2013)
CP20, MTRA1, MTRA4.

Winchester Local Plan Part 2 – Development Management and Site Allocations (2017)
DM15, DM16, DM17, DM23.

National Planning Policy Guidance/Statements:
National Planning Policy Framework, 2019

Supplementary Planning Guidance
High Quality Places, 2015
Residential Parking Standards, 2009

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Planning Considerations

Principle of development

The proposal is for the part retrospective erection of a detached outbuilding and associated alterations to the surrounding ground levels including the erection of retaining walls. The development falls in land designated within the countryside where there is a general presumption against new development in the countryside but where policies allow for ancillary outbuildings subject to the criteria set out in policy DM23. The principle of the creation of additional dwellings within this area is not considered acceptable.

Policy DM23 of the Local Plan Part 2 (2017) considers the impact upon the rural character of the area by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment. This policy states that extensions (and other ancillary development) should be proportionate in size to the existing dwelling and generally be subordinate to it. They should also generally reflect the character of the existing dwelling unless the existing character is not considered to be worthy of retention.

Design/layout

The proposed outbuilding is set within bank adjacent to the North side of the existing dwellinghouse. It is understood that the ground has been cut into and retaining using a retaining wall to the rear and side with the removed earth spread across the adjoining land.

The form and design of the proposed outbuilding is reflective of the character of the existing dwelling, using similar materials and form. The overall height of the scheme is limited by the half hipped roof form using traditional dormer windows in the front and rear in order to reduce the overall height.

Impact on character of area

Views of the site are limited as a result of established tree lines to the East, South and West which make up the site boundaries. Long views into the site are available to the North and through gaps within the Eastern boundary and from these views, the proposed works and outbuilding are set well into the site due to the building location cut into the hillside and positioning adjacent to existing built form.

As a result of the proposed retaining walls, the visibility of the scheme to the side and rear is reduced. The form and design of the proposed outbuilding is reflective of the character of the existing dwelling and is considered to provide a neutral impact upon the surrounding area. Whilst large, the proposal is not considered to overdevelop the expansive plot by virtue of the proposal size and ancillary function. The overall scale is reduced through the use of a hipped roof form and overall height reduced through a lower eaves height and reduced ground floor level. Furthermore, it is anticipated that the materials used within the construction of this outbuilding will achieve a successful relationship with both the existing host dwelling and the adjacent garage. It is therefore considered that there will be minimal visual intrusion or harm caused to the surrounding countryside, complying with policy DM23 of the Local Plan Part 2 (2017).

While the proposed outbuilding is a sizeable building in its own right, it is still subservient
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to the main house. By virtue of the proposal size and ancillary function, the proposed development is not considered to overdevelop the existing site. Given this and the close proximity between the house and proposed building which are linked by an extended driveway, it is not considered that the outbuilding could easily be separated from the main dwelling to form a separate dwelling. A condition is attached (condition 04) to ensure it is used for ancillary purposes to the main house in addition to the floor plans showing the facilities provided.

Based upon the above assessment the development is not considered to adversely affect the character and appearance of the property and the surrounding area and is in accordance with policy MTRA4 of the WD Local Plan Part 1 (2013) and policies DM16, DM17 and DM23 of the WD Local Plan Part 2 (2017).

Impact upon Neighbouring Amenity

Mincingfield Farm to the South and Grassymead to the South West are the nearest neighbouring property to the proposal, located in excess of 75m from the proposal. The two properties are partially screened from the proposal by the existing dwelling and established planting which is to be retained along the boundary. Due to the distance between neighbouring properties and screening of views both into and out of the site, the proposal is not considered to create a significant adverse overbearing or overshadowing impact on the neighbouring properties. The development is not considered to adversely affect neighbouring amenity and is considered to be in accordance with policy DM17 of the WD Local Plan Part 2 (2017).

Landscape/Trees

The site is almost entirely surrounded by trees which form the boundaries of the site. Following comments received by the WCC landscape team, additional tree planting is proposed to infill the limited gaps which remain in the East and West boundaries of the site which is to be secured by condition (condition 05). Furthermore, new native hedgerow is proposed to be positioned on the eastern bank of the existing surface water collection pond. This is considered to benefit the proposed scheme by increasing lag time of surface water runoff, improve on site screening and provide limited habitat reclamation in addition to stabilising the bank.

The landscaping plan also illustrates the retention of trees and hedgerow on site and the position of building works and associated landscaping which does not appear to include a new access driveway. Further, whilst there are no protected trees within the vicinity of the site, the proposed works are indicated to be undertaken away from the mature trees which exist on site. The cut and fill exercise which has been undertaken in order to screen the proposed building from the surrounding landscape has however resulted in a large amount of soil extraction which is understood to be spread over an extensive area to the north of the building in order to retain the natural sloping topography of the site.

Highways/Parking

The proposals under this application involve the use of the existing access and driveway to the house. The existing driveway will be extended to form parking areas outside the new garage building. The proposals have no highways implications and merely use the established access to the house.

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The applicant of the application owns a large area of land around the existing house (outlined in blue) which extends to over 4 acres. Mincingfield Lane is an unclassified road according to HCC and WCC records. For clarification planning permission is not required to form an access onto an unclassified road. The applicant may intend to form an access in order to access the field for maintenance. This however is not part of the current proposals which are under consideration as part of this application and may require planning permission subject to the scale of works proposed.

Drainage

The total amount of surface water drainage to the site will remain unaffected as a result of the proposals. The surface water currently follows the slope of the ground and discharges into a pond to the west of the site adjacent to Mincingfield Lane. This pond is merely a collection point for surface water and has formed naturally and is not specifically connected to any water course or ditches. The water from this pond naturally discharges into the surrounding water courses through ground percolation.

The proposals do not involve any alterations or diversions to existing water courses. The new driveway areas in front of the new garage will be permeable paving which will naturally discharge into the ground and work its way down to the pond. There is no significant increase in surface water runoff and due to the size and extend of the site and the pond facility surface water can be adequately drained. The HCC Flood team and WCC Drainage Engineer have made no objections. Further information has been collated and received as part of the current planning application process and on this basis, no further information is considered to be required following the determination of this application.

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 proposal represents a large building which has been significantly embedded into the landscape using retaining walls and additional planting. In consideration of the relative screening of the site, remedial works which have been undertaken and relationship with the existing house and site, the proposal is considered to be acceptable. The proposal would not have a significant adverse impact on the character and appearance of the property and area or amenities of neighbouring properties. The proposal therefore complies with policies CP20, MTRA1 and MTRA4 of the WD Local Plan Part 1 (2013) and policies DM15, DM16, DM17 and DM23 of the WD Local Plan Part 2 (2017).

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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.

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

02 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in section 5 (materials) of the associated application forms.

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

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

Site Location Plan (Drawing Number: 01 REVISION A) Received: 11.05.2020

Block Plan (Drawing Number: 02 REVISION A) Received: 11.05.2020

Proposed Site Plan (Drawing Number: 03 REVISION A) Received: 11.05.2020

Proposed Site Sections (Drawing Number: 05 REVISION A) Received: 11.05.2020

Proposed Floor Plans and Elevations (Drawing Number: 04) Received: 03.04.2020

Soakaway Details 1 of 2 (unlabelled) Received: 22.06.2020

Landscaping Plan (Drawing Number: 06) Received: 19.10.2020

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

04 The proposed outbuilding hereby permitted shall only be used for purposes ancillary to the dwelling house. At no time shall the development be occupied as an independent unit of accommodation.

Reason: To accord with the terms of the application and to prevent the creation of inappropriate units of accommodation, possibly leading to over intensive use of the site.

05 All landscape works shall be carried out in accordance with the submitted landscaping plan (drawing number: 06), dated 18.10.2020. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

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Informatives:

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

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

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

The Local Plan Part 1 (2013) CP20, MTRA4

The Local Plan Part 2 (2017): DM15, DM16, DM17, DM23

High Quality Places Supplementary Planning Document, 2015

Residential Parking Standards Supplementary Planning Document, 2009

National Planning Policy Framework, 2019

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.

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 <https://services.parliament.uk/Bills/2019-21/businessandplanning.html>

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. 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.

<https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>

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

For further advice, please refer to the Construction Code of Practice

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

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

Appendix 1

Durley Parish Council Response and Request for Committee Consideration

From: **Durley Parish Council**

Case No: 20/00720/HOU

Closing Date for comments: 12th June, 2020

Location: Maxwell House, Mincingfield Lane, Durley

Proposal: (Part Retrospective) Erection of detached 4 bay garage with gym and home office within roof space. Associated alterations to ground levels including the erection of retaining walls.

Comments

Durley Parish Council has no objection to a 4 bay garage, but do Object to these plans. The proposed garage is too large, and with a gym and office above, could be changed into a permanent separate dwelling at a later date. The scale of the proposed building in comparison with the existing dwelling house is out of keeping in its size. Councillors also questioned why there was no toilet or shower facilities in the building. A smaller building with a lower roof would be more acceptable.

The curtilage of the garden area appears to have been enlarged, and encroaches on an agricultural field, thus making the residential plot a lot larger in size that it was originally. This is a concern because the garage building would have more space to have a residential garden curtilage if it was ever split from the main house. There also appears to be plans to make an additional access onto Mincingfield Lane. This would also be a concern for future use if an access was made.

A large retaining wall and excavation work has already been carried out, and this has caused concern amongst many Durley residents who have passed by the property. Councillors are concerned about the safety aspect of such a large wall, which might not have had the approval of Building Control. Although it states on the application that the development cannot be seen from the road, it can clearly be seen from Mincingfield Lane and this is why many residents have seen the works going on before an Application is submitted or approved. The retaining wall is not in keeping with the rural character of Durley and we would ask that the environment agency be involved in commenting on the ground levels and any adverse effects this might have on the water off the site from the septic tanks or ground water levels as we would not wish to see flooding in Mincingfield Lane as has happened in the past.

Durley Parish Council objects to this application, but would be mindful to approve a smaller building for a garage.

Request for application to be considered by Committee:

(NB: Case Officer to forward form to Head of Planning Management if this section completed)

Signed: Anne Collins (Mrs)
Clerk to Durley Parish Council

Date: 9th June, 2020

Case No: 20/00720/HOU