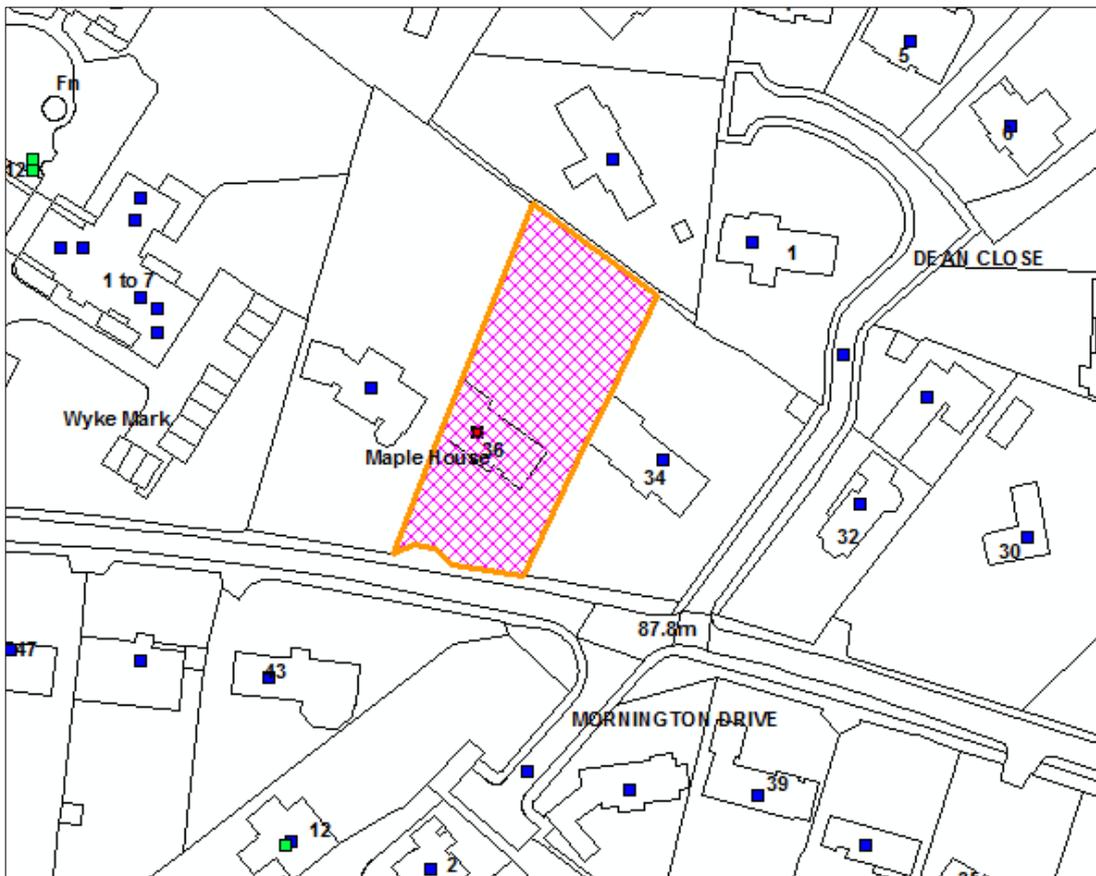


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 20/02734/FUL  
**Proposal Description:** (AMENDED PLANS) Replacement Dwelling.  
**Address:** 36 Dean Lane Winchester SO22 5LS  
**Parish, or Ward if within Winchester City:** St Barnabas  
**Applicants Name:** Mr Dighe  
**Case Officer:** Catherine Watson  
**Date Valid:** 9 December 2020  
**Recommendation:** Application Permitted

**Link to Planning Documents :** <https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple&searchType=Application>

**Pre Application Advice:** No



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**General Comments**

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

Amended plans were received on 10.02.2021 which remove the proposed summer house at the rear of the garden.

**Site Description**

The site is a residential plot with one detached dwelling. The plot measures approx. 0.15ha and is located in Dean Lane, within the settlement boundary of Winchester Town. Dean Lane is relatively verdant in character. The existing dwelling sits back from Dean Lane, with a small garden and gravel parking area to the front. To the rear is a large garden laid to lawn and boundary treatments include mature hedging, as well as some close boarded fencing. On the front boundary is an ironwood tree, subject to a TPO.

**Proposal**

The application is for the demolition of the existing dwelling and the construction of a replacement dwelling. Associated hard and soft landscaping works will be undertaken at the same time, including the relocation of the existing access further away from the TPO tree. It also includes additional tree planting to the front and rear as well as areas of sandstone paving to the rear and dressed tarmac to the front parking area. The original proposals also included a summer house situated in the north-east corner however, this has subsequently been removed from the application.

**Relevant Planning History**

None relevant.

**Consultations**

Service Lead for the Built Environment: Drainage:

The site is in Flood Zone 1, with a very low risk for surface water flooding. A foul sewer is available for foul drainage. Soakaways are proposed for surface water drainage. Infiltration testing is required.

Service Lead for Environmental Services – Natural Environment and Recreation team: Ecology.

The existing dwelling is a known day roost for common pipistrelle so a European Protected Species Mitigation (EPSM) license will be required. The recommendations in the Ecological Assessment submitted by Peach Ecology should be conditioned.

Southern Water:

A formal application for a connection to the public foul sewer is required.

**Representations:**

City of Winchester Trust:

The Trust has no comment to make.

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13 letters from 6 addresses received objecting to the application for the following reasons:

- Loss of light to Maple House;
- Overlooking to Maple House;
- The mass of the large dwelling would not fit in with the surroundings;
- The house is too high.

2 letters received neither objecting to nor supporting the application.

**Relevant Planning Policy:**

Winchester Local Plan Part 1 – Joint Core Strategy

DS1 – Development Strategy and Principles  
CP11 – Sustainable Low and Zero Carbon Built Development  
CP13 – High Quality Design  
CP16 – Biodiversity

Winchester Local Plan Part 2 – Development Management and Site Allocations

DM1 – Location of New Development  
DM15 – Local Distinctiveness  
DM16 – Site Design Criteria  
DM17 – Site Development Principles  
DM18 – Access and Parking  
DM14 – Special Trees, Important Hedgerows and Ancient Woodlands.

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

High Quality Places SPD  
Parking Standards SPD

**Planning Considerations**

Principle of development

The site is situated on Dean Lane, within the settlement boundary of Winchester. Residential development within the settlement boundary is acceptable in principle, subject to compliance with other relevant local and national policy. Relevant local policies are DS1 of LPP1 and DM1 of LPP2.

Design/layout

The existing dwelling is a detached, single storey property with a linked garage. Materials used consist of orange brick and concrete roof tiles. It is set back from Dean Lane and set in from the eastern boundary with 34 Dean Lane and runs immediately adjacent to the western boundary with Maple House.

The proposal is for a detached, two storey, four bed dwelling with single storey garage. The new dwelling is of a traditional design, detailing and materials and sits broadly in the same position within the plot as the existing. It utilises fair faced brickwork, clay hanging

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tiles, plain clay roof tiles, painted timber windows and doors with stone cills. There are two gables to the front elevation, one of which incorporates bay windows to the ground and first floor. The main roof is hipped and slopes down between the gables, with a low eaves height. The garage is to be constructed with materials to match the main dwelling and has a hipped roof. To the rear of the dwelling, there is a hipped gable at first floor level, along with two dormers. The window and door positioning and detailing is appropriate to the overall design of the dwelling. Both the main house and the garage sit away from the boundary with Maple House.

To the rear of the plot, the lawn will be retained but also enhanced with new footpaths and additional tree planting. To the front, an area of lawn will be retained and the existing access will be moved further to the west, which will bring it further away from the TPO tree. The drive and turning area will be constructed of dressed tarmac and surface water will drain into soakaways.

It is therefore considered that the design and layout, including materials and detailing, of the proposed development is of a high quality and proportionate to the dimensions of the plot. This is in line with policy CP13 of LPP1, DM16 and DM17 of LPP2, as well as the High Quality Places SPD.

Impact on character of area and neighbouring property

The immediate area of Dean Lane is characterised by large plots with centrally situated dwellings and both numbers 34 and Maple House reflect this pattern. Maple House, to the west, is a single storey dwelling, whilst number 34 Dean Lane is two storey. The ground levels slope down from west to east. The ridge height (above datum) of Maple House is 100.26m and the highest part of the roof at 36 Dean Lane is 99.08m. The roof form is broken up, with several gabled elements to front and rear reducing the massing and the main body of the building having a hipped roof which pulls away from either boundary. Whilst number 34 Dean Lane, to the east, is only single storey (94.29m) there is a greater visual separation between the two properties, which ensures that the street scene is not unduly visually compromised. The set back from Dean Lane will be retained, which is an important part of the character of the immediate surroundings. The TPO tree at the front boundary will benefit from the access being moved further to the west. It is therefore considered that the proposed development will not have a significantly harmful impact on the character and appearance of the surrounding area. This accords with policies CP13 of LPP1, DM15, DM16 and DM17 of LPP2.

As mentioned previously, the two neighbouring properties of 34 Dean Lane and Maple House, are most likely to be impacted by the proposed development. The garden house has been removed from the proposal and therefore, any concerns with regards to the impact of this element of the proposal is no longer relevant.

It is acknowledged that the new dwelling has two storeys and an increased massing than the existing, simply designed bungalow and therefore, there is a greater impact on neighbour amenity than if the bungalow was retained. Notwithstanding the above however, the distance between the development and number 34, as well as the proposed walled courtyard which will obscure views at ground floor level, should ensure that there is a relatively minimal impact on the amenities of this property and its garden, including overshadowing, overbearing or overlooking. This accords with policy DM17 of LPP2.

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Maple House is situated in closer proximity. The proposed dwelling will be pulled away from the boundary and garage element will be positioned most closely to the boundary. This ensures that the first floor element will be set even further away from the boundary. There are two facing first floor windows however, these serve en-suites and the glass will be obscure glazed. The orientation of the property ensures that rear bedroom windows are angled away from the property of Maple House and therefore, it is not considered that there would be any significant harm caused to the amenities of this property by means of overlooking, overbearing and overshadowing. This accords with policy DM17 of LPP2.

Landscape/Trees

A landscape plan has been submitted to support the proposals. The areas of lawn are to be retained and the drive way resurfaced. Additional hedge and tree planting is also shown. This is considered to be appropriate to the semi-urban character of the site, in line with policy DM15 and DM16 of LPP2.

The ironwood tree adjacent to the front boundary is subject to a TPO. The applicant's Arboricultural Implications Assessment states that moving the site access further to the west has the potential to be of some benefit for the tree by removing part of the existing surfacing and reinstating soft landscaping. The new wall at the edge of the access drive would be within the root protection area of the tree, but provided the footings are no greater than the existing sub base formation of the drive, this should not cause a problem for the tree. Standard conditions will be attached to the consent with regards to the installation of special surfacing and fencing to protect the tree during construction works. This accords with policy DM24 of LPP2.

Highways/Parking

There are no highway safety issues as whilst the site access is being moved slightly, it is not considered that this would cause any additional harm to visibility to and from the street.

The proposed dwelling has 4 bedrooms, for which 3 parking spaces are required in order to accord with the council's Parking Standards SPD. Given the size of the proposed garage, it is unlikely to be used for the storage of a car, although motorbikes and push bikes would be able to utilise it. The area of hardstanding to the front of the property would have sufficient space to park 3 cars, as well as space to manoeuvre vehicles so that they can enter and leave the site in a forwards gear. It is therefore considered that the proposed parking is acceptable and accords with policy DM18 of LPP2, as well as the Parking Standards SPD.

Ecology

The existing dwelling is known as a day roost for common pipistrelle bats and appropriate mitigation measures will be required to compensate for the loss of this roost. The applicant's ecological assessment requires two bat boxes and bat tiles to be incorporated into the replacement dwelling. Bird nest features, including sparrow nest boxes, will also be incorporated into the development. This accords with policy CP16 of LPP1.

Nitrates

The proposal is for a replacement dwelling on a site already in domestic residential use and therefore, does not trigger the need for nitrate mitigation in respect of the Solent Special Protection area.

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Equality

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 as statutory planning authority for the council.

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

Location Plan Dwg No 7879/L01 received 09.12.2020

Existing Site Plan Dwg No 7879/E01 received 09.12.2020

Site Plan Dwg No 7879/D01 F received 10.02.2021

Site Sections Dwg No 7879/D08 D received 10.02.2021

Ground Floor Plan Dwg No 7879/D02/C received 09.12.2020

First Floor Plan Dwg No 7879/D03/B received 09.12.2020

Elevations Dwg No 7879/D04/C received 09.12.2020

Elevations Dwg No 7879/D05/C received 09.12.2020

Proposed Sections Dwg No 7879/D06/C received 09.12.2020

Proposed Site Sections Dwg No 7879/D08/D received 10.02.2021

Proposed Street Elevation Dwg No 7879/D09/C received 09.12.2020

Landscape Plan Dwg No DIG/DLP/06 Rev A received 10.02.2021

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

03 No development above ground level 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.

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

04 Detailed proposals for the disposal of surface water, including infiltration testing results, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted above damp proof course level. The approved details shall be fully implemented before development commences.

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

05 The development shall be carried out in accordance with the measures, conclusions and recommendations set out within the Ecological Assessment dated 7th December 2020 by Peach Ecology. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure that the ecological value of the site is not adversely impacted upon by the development.

06 Protective measures, including fencing and ground protection, in accordance with the Arboricultural Implications Assessment and Method Statement reference 201292-AIA 2 written by Barrie Draper of Eco Urban Arboricultural and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

Reason: To prevent inappropriate work being undertaken to protected trees.

07 The trees shown to be retained on the approved tree protection plan (drawing ref: Eco-3 - Tree Protection at 36 Dean Lane, Winchester) shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. These trees shall be protected during building operations by the erection of fencing as shown on the approved site plan in accordance with BS 5837.

Reason: To prevent inappropriate work being undertaken to protected trees.

08 The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with ECO 3 - TREE PROTECTION AT 36 DEAN LANE, WINCHESTER.

Reason: To prevent inappropriate work being undertaken to protected trees.

09 The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies and low impact foundations, so that a pre commencement site visit can be carried out.

Reason: To prevent inappropriate work being undertaken to protected trees.

10 No arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Implications Assessment and Method Statement reference 201292-AIA 2. Any deviation from the approved tree works shall be submitted to and agreed in writing by, the Local Planning Authority.

Reason: To prevent inappropriate work being undertaken to protected trees.

11 All hard and soft landscape works shall be carried out in accordance with the approved details. 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

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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 the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

12 No development 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.

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

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.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

14 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 all homes meet the 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 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy

**Informatives:**

1. In accordance with the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

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

In this instance a site meeting was carried out with the applicant.

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

Local Plan Part 1 - Joint Core Strategy: DS1, CP13, CP16

Local Plan Part 2 – Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM24

High Quality Places SPD

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

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 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>

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-ldt/what-is-the-ccs/code-of-considerate-practice>