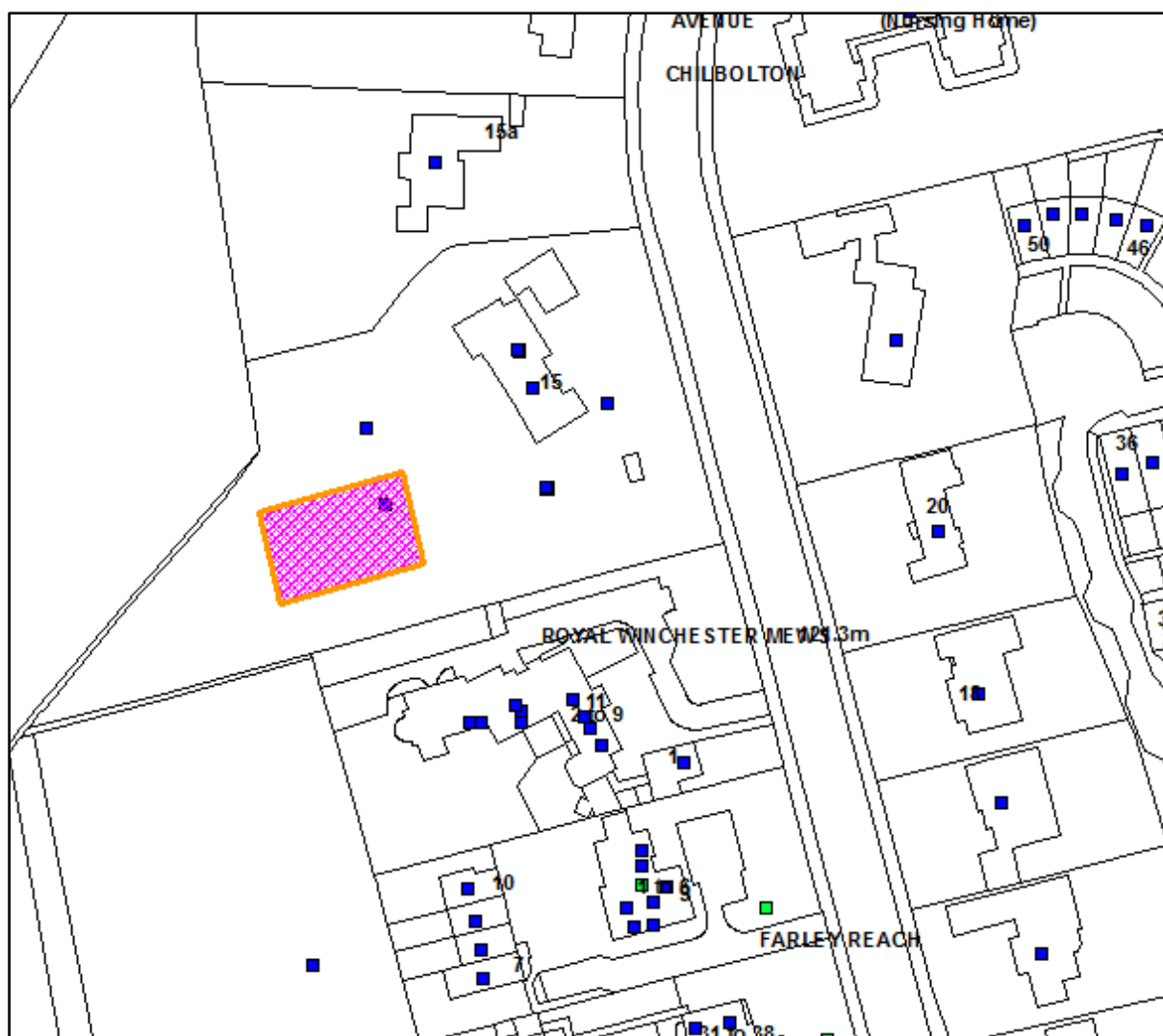


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 21/01349/HOU
Proposal Description: Erection of new garden room/storage shed (retrospective)
Address: 11 Ashburton Place 15 Chilbolton Avenue Winchester
SO22 5HB
Parish, or Ward if within Winchester City: St Paul
Applicants Name: Mr and Mrs Carter
Case Officer: Marge Ballinger
Date Valid: 17 May 2021
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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SITE PLAN, Drawing PP-SLP-001, Davtee Chartered Building Consultancy, O/S License 100022432

General Comments

Application is reported to Committee as the number of comments received raising material planning concerns in opposition to Officer's recommendation.

Site Description

No.11 Ashburton Place sits within a recent redevelopment of the former/demolished no.15 Chilbolton Avenue, and now comprises of 12 new dwellings. No.11 is a 3-bedroom townhouse within a plot that measures 30m in depth and 20m in width. The application site has rear paved terraced patios adjacent the dwelling with some grassed garden space. The garden extends to an elevated portion near the rear and is primarily grassed but with a previously-paved patio area within the southwest corner of the property – the garden building is built in this location. The site has hedges to its boundaries north, west and east. Surrounding the immediate site, there is a raised communal pathway south along the site boundary that provides access to a grassed communal area west of the application site (approximately 735m²). The land beyond the communal site has trees and planting with open views to the Royal Winchester Golf Course beyond (west).

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Proposal

The proposal is for the retention of a retrospectively-built garden building within a former paved patio area in the southwest corner of the application site. The garden building is for residential purposes (summer house and/or outside private office space use) with an internal room for garden equipment storage.

Although the garden building's dimensions appear to comply with Schedule 2, Part 1, Class E of the GPDO (buildings etc incidental to the enjoyment of a dwellinghouse), permitted development rights were removed from the residential development's planning decisions.

Relevant Planning History

17/00336/FUL (PER 22.12.2017) (AMENDED PLANS 08.09.2017) Demolition of 15 Chilbolton Avenue, and the erection of 12 new residential dwellings, consisting of 10 x two-bedroom apartments and 2 x three-bedroom houses with associated parking and landscaping

18/02531/FUL (PER 26.02.2019) Amendment to 17/00336/FUL- Demolition of 15 Chilbolton Avenue, and the erection of 12 new residential dwellings, consisting of 10 x two-bedroom apartments and 2 x three-bedroom houses with associated parking and landscaping.

19/01537/FUL (PER 30.08.2019) Amendment to 17/00336/FUL -Internal alterations to provide 4 x 3 bedroom and 6 x 2 bedroom apartments and 2 x 3 bedroom houses.

19/02184/NMA (PER 02.12.2019) NMA to 18/02531/FUL to extend the bell mouth to the entrance of the site

Consultations

No consultations were considered necessary for this proposal.

Representations:

City of Winchester Trust: No comment.

Thirteen letters received from 11 separate addresses objecting to the application for the following material planning reasons:

- Development for Ashburton Place was considered at its maximum; permitted development rights were removed for this reason.
- The building is beyond any other building lines within Ashburton Place.
- The building and its materials used do not complement Ashburton Place's existing design and materials; out-of-keeping.

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- The building is located on higher ground that interrupts (spoils) the views out toward the golf course and the land beyond.
- The building overlooks the communal garden area west of the site with its side-facing window; no planting/screening to windows overlooking the communal garden; loss of privacy.
- The building with its air conditioning unit is in direct view of the adjacent ground floor apartment south (Royal Winchester Mews).
- It is not clear of the use of the building from the Planning Statement if the room is to be used for office or to function as the owner's business requirements.

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

- If permitted, the building will set a precedent for similar development.
- There is no further need for more residential amenity space.
- The Ashburton Place Residences Ltd (management company) was not consulted prior to installation.

One letter of support received from the adjacent property no.12 (north).

- Appreciates that the building has been positioned away from their shared boundary; no impacts to privacy
- Building is 'attractive'; in-keeping with the existing development
- The building 'sits neatly' within the previous patio area

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

DS1 – Development Strategy and Principles

CP13 – High Quality Design

Winchester Local Plan Part 2

DM1 – Location of New Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

National Planning Policy Framework (July 2021)

Section 12 – Achieving Well-Designed Places

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 proposal site is located within the Winchester settlement boundary (St Paul Ward) where the principle of constructing domestic outbuildings is considered acceptable

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providing it complies with the relevant policies. Incidental garden structures such as the proposal are considered appropriate within domestic curtilages if the use remains associated with the host dwelling.

Design/layout

Policies DS1, CP13, DM15 and DM16 would support new development that achieves a high standard of design, and responds positively to the character of the area and setting. The garden building's design and colour was selected to complement the overall modern appearance of the rear elevations to Ashburton Place, as the development's dominant features included flat rooflines, buff brick to lower ground up to first floor levels, with dark grey zinc to the upper floors. The garden building is horizontal-cladded with dark grey painted timber to walls with dimensions of 3.975m deep, 6.485m wide and 2.450m in height. The dark grey is considered a more recessive colour when viewing among greenspace, compared to lighter colours or natural timber that could appear more dominant within its setting. The existing landscaping of the hedges are retained around and near the building, and additional planting frames/trellises are installed along the eastern wall of the structure to further soften its appearance.

Referencing the original planning permission 17/00336/FUL, the condition to remove permitted development rights does not prevent the potential for development, or infer that the existing development has exceeded its potential, but provides a mechanism where future development must be assessed formally with the planning process. The reason given in this example was 'to protect the amenities of the locality and to maintain a good quality environment'. The building has been positioned within a former patio/hardscaped area of the raised rear garden, and along a side boundary below the communal access path. Although the building is outside public views, it is visible from the resident's rear gardens and terraces to Ashburton Place, and from the use of the communal pathway/land west. However, due to its position within a side/corner boundary, it is not considered that the building would detract from the longer views out toward the open landscape/golf course beyond, and therefore considered to comply with Policies DS1, CP13, DM15, and DM16.

Impact on character of area and neighbouring property

The garden building is sited outside views from the public realm, but visible from within the private residents' views within Ashburton Place, and potentially from the private land west from the golf course. The southern boundary toward the adjacent dwellings (Royal Winchester Mews) is well-screened by a row of high hedges and the protected stretch of TPO'd trees. Therefore, the building is not considered to have an adverse impact on the area's character, in compliance with DM16(i) in terms of design, scale and layout.

Development which accords with DM17(vii) would be permitted provided that it does not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing. The garden building is built adjacent a communal garden that can be enjoyed by all of the residents of Ashburton Place. Although there are windows facing the communal garden, the communal space is not considered to be private amenity space, so the potential for overlooking or loss of

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privacy from the garden building is not considered to be harmful when compared to the existing use of other areas of the rear garden of no.11.

Development which accords with DM17(viii) would be permitted provided that it does not have an unacceptable adverse impact in regards to noise levels with from its air-conditioning unit. The garden building's aircon unit is installed with its extraction fan behind the building in front of a retaining brick wall. However, the unit was designed for a single room with its external fan's 49 dB similar to a standard refrigerator. Noise levels of that level are not considered to be on at a harmful level to require further noise impact assessments or planning conditions restricting its use.

The garden structure can be seen from rear rooms, terraces and balconies from the residences of Ashburton Place. However, the position of the garden building within a far corner of the site does not detract from the wider views of the landscaping and golf course beyond. The building is sited 20m from the rear elevation of the adjacent no.12, and 23m from the rear terrace of the property behind no.11. Although the structure is adjacent to the communal area, the structure is not considered to have an overbearing impact on the land adjacent with its height below 2.5m. Therefore, the garden building complies with Policy DM17 as no further harmful impact is expected to neighbouring amenities.

Other Matters

The need for a garden building/home office space is not considered a material planning matter. The building is considered incidental space to the host dwelling and Condition no.2 has been added to ensure this use is retained as such. Each planning application is assessed on an individual basis, so it is not considered that this proposal would set a precedent on any potential future development.

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 conditions:

Conditions

1. The development hereby approved shall be as already built on site and shown in the following plans received:
 - Location Plan, drawing PP-SLP-001, dated May 2021

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- Block Plan, drawing PP-BP-001 dated May 2021
- Proposed Site Plan, drawing PP-SP-001 dated May 2021
- Proposed Plans & Elevations, drawing PP-FP-EL-001 dated May 2021

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

2. The garden building hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the existing dwelling, and shall not, at any time, be used for living accommodation, business, commercial or industrial purposes.

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

Informatives:

1. In accordance with paragraph 38 of 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.
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
 - Local Plan Part 2: DM1, DM15, DM16, DM17
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.