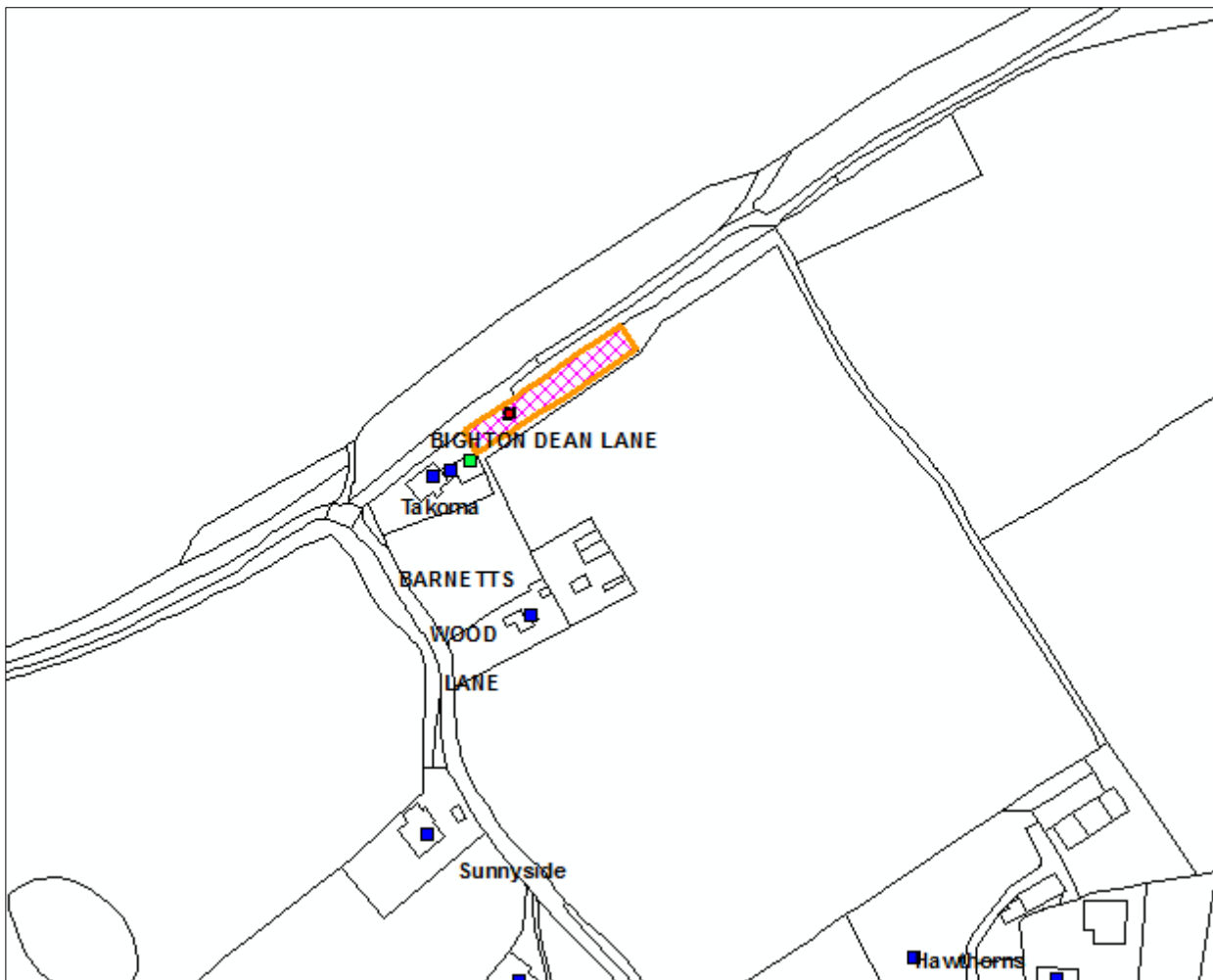


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 20/02826/FUL
Proposal Description: To Build a Single dwelling , 4 Bedroom Chalet Bungalow with Garden Double garage and Hardstanding parking for a further two cars
Address: The Gem, Barnetts Wood Lane, Bighton, Alresford, Hampshire.
Parish, or Ward if within Winchester City: Bighton
Applicants Name: Mr Watts
Case Officer: Catherine Watson
Date Valid: 13 April 2021
Recommendation: Application Refused

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 letters of support received, contrary to the officer's recommendation.

Site Description

The site is situated on Bighton Dean Lane, outside any defined settlement boundary. The nearest settlement is Bighton, which is classed in policy MTRA3 as not having a defined settlement boundary.

The site area measures approx. 580sqm and currently houses a caravan in which the applicant is residing, along with a horse box although it is not clear what this is being used for. There is a post and rail timber fence along the front boundary and the site is accessed via a dirt track, part of which is a public right of way (PROW). The nearest neighbouring properties are Takoma and Mustapha to the south.

Proposal

The proposal is for the construction of a single storey dwelling with rooms in the roof. To the south-west of the new dwelling there is space for the parking of two cars, accessed by a new driveway. To the north-east of the dwelling will be a detached double garage and garden area, accessed by a second driveway.

Relevant Planning History

78/01620/OLD - Erection of dwelling and garage. APPLICATION REFUSED 31.10.1978.
96/02672/OUT - Replacement bungalow (OUTLINE). APPLICATION REFUSED 25.11.1996.

Consultations

Service Lead – Environmental Services: Environmental Protection:

No adverse comments other than to advise that Radon protection will be required within the site.

Service Lead – Environment: Drainage:

No objection

Service Lead - Environmental Services – Natural Environment and Recreation Team:
Landscape:

The site is situated within the countryside, where policy DM23 gives guidance on development and rural character. Of concern is that there is no room to the front and rear of the site for native hedging and planting to better integrate the dwelling into its surroundings. The amount of parking for the size of dwelling is large and a garage with turning area would seem to be adequate. Notwithstanding any other material planning considerations, it may be possible to have a dwelling on this site, but the size would be heavily constrained by the narrowness of the plot.

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Service Lead - Environmental Services – Natural Environment and Recreation Team:
Ecology:

Records suggest the site was Lowland Mixed Deciduous Woodland (priority habitat) until relatively recently. It is not known when this habitat was cleared. Section 14 of the upcoming Environment Bill sets out the biodiversity gain condition for development and measures have been included that allow planning authorities to recognise any habitat degradation since January 2020 and to take earlier habitat state as the baseline for the purposes of biodiversity net gain. An Ecological Appraisal is required to determine the potential for protected species etc which may be impacted by the development.

HCC Countryside Planning:

The application makes no reference to RB 718 which the vehicular access will link to. There are no recorded public vehicular rights over RP 718 and it is an offence under s34 of the Road Traffic Act 1988 to drive over a public footpath, bridleway or restricted byway without lawful authority. The PROW does not fall within the red or blue line boundaries, which is an indication that it is not owned by the applicant, which would be necessary to access the development site. Should the local planning authority be minded to grant permission, there are a number of requirements which should be added as informatives.

Representations:

Bighton Parish Council raise the following material planning objections:

- The design is gross overdevelopment of the small rural site;
- The neighbours would be in close proximity;
- The applicant removed hedging, HCC street furniture and erected fencing outside the original hedging line and this could lead to future confusion about the true boundaries of the plot;
- The (parish) council does not agree with the justification of the needs to provide a replacement of the mobile home with a permanent structure as a means to reduce the effects of vandalism.

Cllr Margot Power raised the following material planning objections:

- The application represents gross overdevelopment of the site;
- There is an inappropriate amount of garden for this size of dwelling;
- Lack of clarity over traffic on PROW;
- No provision of a septic tank;
- Out of keeping with surroundings.

1 letter received objecting to the application for the following material planning reasons:

- The property, garage, garden and parking is too large for the plot;
- The applicant has removed a highways barrier that prevents large vehicles gaining access to the lane;
- A septic tank has been installed without permission or building regulations;
- The previous dwelling described in other documents was not a permanent structure, but an old railway carriage;
- The building of a property would mean large machinery/delivery vehicles and would cause disturbance.

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

- The applicant is a local person, born in Brighton, who wishes to stay close to family and friends

8 letters of support received raising the following material planning reasons:

- The development will improve the look of the area;
- The proposed dwelling is single storey and will not overlook property;
- The property has been designed so as to have minimal impact on the landscape.

Relevant Planning Policy:

Winchester District Local Plan Part 1 – Joint Core Strategy

MTRA3 – Other Settlements in the Market Towns and Rural Area

CP13 – High Quality Design

CP16 – Biodiversity

CP20 – Heritage and Landscape Character

Winchester District 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

DM21 – Contaminated Land

DM23 – Rural Character

High Quality Places SPD

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Planning Considerations

Principle of development

The proposed development is for a new dwelling in the countryside. Policy MTRA3 only allows this if the dwelling is on a small site forming part of a continuously developed road frontage and would be of a form compatible with the character of the village. Policy MTRA3 lists Brighton as being a settlement without a defined boundary. Nonetheless, there is a clear locus of development around the former English Partridge pub, approx. 1.3km away. It is clear that The Gem is not part of a continuously developed road frontage and therefore, the proposed development is not supported in principle.

Design/layout

The design of the dwelling is for a two-part, linked, 4-bed chalet bungalow, along with a double garage, garden and additional parking spaces. Three of the bedrooms will be at ground floor level, whilst one will be in the roof space. The proposed dwelling is large and almost completely fills the width of the narrow plot. The roof is half-hipped, with relatively low eaves height. The front and rear elevations have a number of regularly spaced windows and there is a porch at the front.

The north-east (left hand end) elevation will be almost completely glazed. Materials

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proposed are brickwork for the walls, clay roof tiles and aluminium door and window frames. Additionally, it is proposed to create two new vehicular accesses at either end of the site which access the double garage and parking areas.

Notwithstanding the principle of development, the design is considered to be overly urban in its nature and not in keeping with the rural surroundings. The proposed dwelling is too large for the narrow plot and the parking areas and garage further reduce the space within the plot, as well as contributing to the resultant overdevelopment of the site.

Impact on character of area and neighbouring property

The site is within the countryside and outside of the nearest settlement of Bighton, which is approx. 1.3km away. The north-eastern part of Bighton Dean Lane is a single track, unmade road and there are no other dwellings, other than Takoma, in the immediate vicinity.

The north-west boundary of Bighton Dean Lane is defined by a mixed band of trees and shrubbery, whilst the south-east side of the road where the site is situated, consists of open fields. Along the rear most boundary of the site, are a number of small trees and shrubs, but these do not offer any screening.

The site allows for the parking of 4 vehicles, when the Parking Standards SPD only requires 3 spaces for a 4-bed property. The proposed new accesses and parking areas create comparatively large areas of hardstanding which is alien to the rural surroundings.

It is considered that the proposed development would be visually harmful in terms of the impact upon the character of the surrounding area, contrary to policy DM15 and DM23 of LPP2.

The nearest neighbouring property, Takoma, is situated to the south-west of the site. There is a gap within the site, adjacent to Takoma, which is to be used as vehicular parking and given the orientation and position of the proposed development, as well as location of windows, it is not considered that there would be significant harm to the amenities of Takoma by means of overlooking, overbearing or overshadowing, in line with policies DM16 and DM17 of LPP2.

It is noted that the occupants of Takoma are concerned about the loss of outlook from their dwelling towards the previously green space, as well as large machinery and delivery vehicles accessing the site during construction, should the application be permitted. It is acknowledged that there would be some change to the existing outlook to the residents of Takoma, given the relatively open nature of the site which would be replaced by a large dwelling and associated hard landscaping works such as the new accesses and parking areas. However the change in outlook is not considered to create a significant adverse impact on residential amenity to justify refusal on this matter.

Some level of noise and disruption would be expected during the construction process but this would not be considered excessive or a reason to refuse planning permission in its own right. In any case, informatives can be added to any permission which advise contractors to be considerate to neighbours.

Landscape/Trees

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There are concerns over the impact of the development on the rural surroundings. The narrow width of the plot would not allow for any hedge or other native planting along the boundaries, which would help to integrate the development into its surroundings. The addition of garage and parking spaces, along with the disproportionate size of the dwelling, is considered to be overdevelopment. It would therefore not accord with the requirements of policies DM15 and DM23 of LPP2, or CP20 of LPP1.

Records show that until recently, the site was Lowland Mixed Deciduous Woodland (priority habitat). It is not clear when and why the woodland was removed however this will have had a significant impact upon the setting of the site within the immediate area. The proposal does not allow for any appropriate soft landscaping which further emphasises the incongruity of the proposals within the rural setting.

Highways/Parking

The site is situated on an unclassified, unmade road. The parking area and garage allows for at least 4 vehicles to be parked on site. The Parking Standards SPD only requires 3 spaces for a 4-bed dwelling and therefore the development complies with policy DM18 of the LPP2.

Impact on Public Right of Way.

PROW 718 starts immediately outside the development site and the Hampshire Countryside Planning officer had concerns about unlawful use of the track by motor vehicles accessing the site. The use of the PROW contrary to the restrictions covering it, would be a matter controlled by Hampshire County Council Countryside Services but they have suggested a number of informatives should any consent be forthcoming.

Ecology and Nitrates.

No ecological appraisal has been submitted which is required to determine the potential for protected species, priority sites and designated sites to be impacted by the development. This might recommend further surveys, avoidance and mitigation measures. The proposal therefore does not comply with policy CP16 of LPP1.

All applications for new overnight residential accommodation is required to submit a nitrogen budget which determines whether there would be an increase in nitrates released into the Solent catchment area, a reduction in the level of nitrates released, or else the development is nitrogen neutral. This has not been submitted in this instance and therefore there is no evidence to prove that the development would not lead to an increase in nitrates discharge. The proposal to construct a new dwelling within the Solent Catchment Area, will result in additional nitrates being deposited into the SPA's. Therefore, in the absence of any mitigation, the proposal is contrary to Regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 and Policy CP16 of Local Plan Part 1 as it is considered that the proposal will have likely significant effect on a European protected site though an increase in nitrate input.

Equality

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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 Refused for the following reasons:

01 The proposal is not considered to comply with policy MTRA3 of LPP1 in that there is no overriding justification for a new residential property in the countryside, where the site is outside any settlement boundary and does not form a part of a continuously developed road frontage.

02 The proposed development results in overdevelopment and fails to respect the rural setting of the site with regards to the use of characteristic materials, built form, layout and setting as stated in policy CP20 of LPP1. It fails to accord with policy DM16 of LPP2 in that it does not respond positively to the character, appearance and variety of the local environment within and surrounding the site, in terms of its design, layout and scale. The development is contrary to policy DM23 of LPP2 as the design and layout are considered to be incongruous in relation to the rural setting and it will also detract from the enjoyment of the countryside from the public right of way.

03 The proposal is contrary to policy CP16 in that no information has been submitted to show how adverse impacts on biodiversity will be mitigated and how it can be enhanced as an integral part of the development.

04 The proposal to construct a new dwelling within the Solent Catchment Area, will result in additional nitrates being deposited into the SPA's. Therefore, in the absence of any mitigation, the proposal is contrary to Regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 and Policy CP16 of Local Plan Part 1 as it is considered that the proposal will have likely significant effect on a European protected site though an increase in nitrate input.

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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.

2.

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

Local Plan Part 1 - Joint Core Strategy: CP13, CP16, CP20, MTRA3

Local Plan Part 2 – Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM21, DM23

3.

For the sake of clarity and in the interests of proper planning, the plans under consideration are as follows:

Location Plan, Drawing Number 07, received 21.12.2020

Existing and Proposed Site Plan, Drawing Number 01, received 21.12.2020

Proposed GF Plan, Drawing Number 02, received 21.12.2020

Proposed FF Plan, Drawing Number 03, received 21.12.2020

Proposed Garage Floor Plan, Drawing Number 04, received 21.12.2020

Proposed Elevations, Drawing Number 05, received 21.12.2020