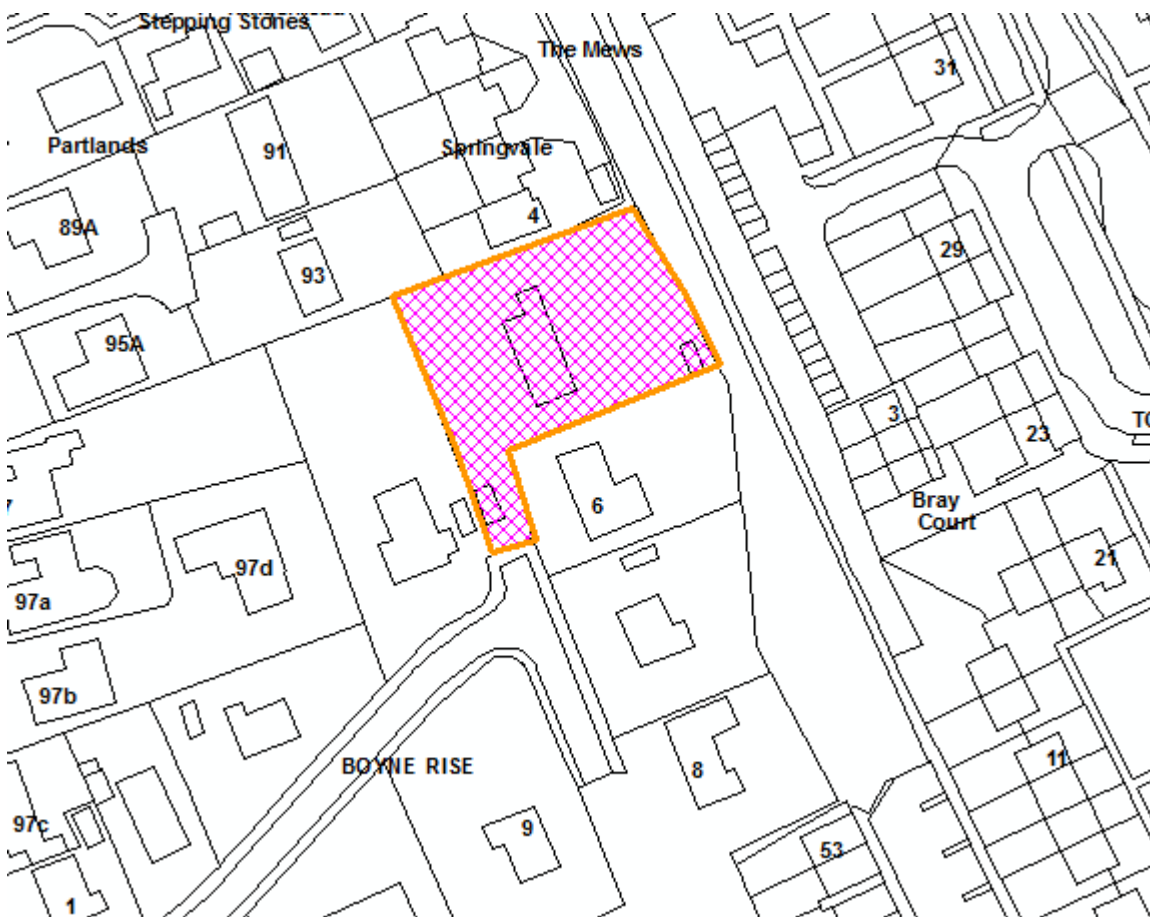


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 21/00614/FUL  
**Proposal Description:** Demolition of existing dwelling and erection of 4 no. 3-bedroom semi-detached dwellings  
**Address:** 5 Boyne Rise Kings Worthy SO23 7RE  
**Parish, or Ward if within Winchester City:** Kings Worthy  
**Applicants Name:** J Squared Property Ltd  
**Case Officer:** Mrs Megan Osborn  
**Date Valid:** 5 March 2021  
**Recommendation:** Application permitted

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



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## **General Comments**

**Application is reported to Committee due to the number of comments received contrary to officer recommendation.**

This site has had a number of planning applications.

The first relevant application was for four dwellings (17/01474/FUL), this was refused and then was dismissed at appeal. The appeal inspector concluded that the development's orientation was not in keeping with the surrounding character and that the development would result in adverse impact to the neighbouring property to the south (no.6) in that the access driveway to the houses would cause an unacceptable level of harm to the living conditions of this neighbour. They concluded that the development on the site was not too cramped and that the overall design of the dwelling was acceptable in relation to the character of the surrounding area and the Kings Worthy Village Design Statement.

A further application was then submitted to the Local Planning Authority for three dwellings on the same site (20/00018/FUL), which altered the orientation of the dwellings in line with the appeal inspector's comments. This was permitted by planning committee on 3rd June 2020.

## **Site Description**

The site lies in the north eastern corner of Boyne Rise and to the west of a public footpath that runs to Forbes Road. Boyne Rise is a Cul-De-Sac of 13 dwellings accessed from Springvale Road. It runs in an easterly direction and slopes up to the east.

The site currently contains a detached house with rooms in the roof, a detached garage and four sheds. The site has one vehicular access which lies in the South Western corner of the site. The site slopes from the southern corner to the northern corner with a change of level of approx. 3.4m. The eastern boundary with the footpath contains several trees although none of any particular quality. The site area is approx. 1448m<sup>2</sup>.

## **Proposal**

This application is for 4 dwellings with parking to the front of the houses. A number of discussions have been carried out regarding the proposals, which have now been amended to reflect the concerns raised by planning officers and the urban design officer. These are changes to the layout and design, which will be explained within the report.

## **Relevant Planning History**

17/01474/FUL - Demolition of existing dwelling and erection of 4 dwellings. Refused 6th February 2018.

20/00018/FUL - Demolition of existing dwelling and erection of 3no. houses. 2 no.3 Bedroom Houses, 1no. 4 Bedroom House. Permitted 3rd June 2020.

21/01568/DEM - A single detached dormer bungalow. Approved. 21st June 2021.

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These planning applications have been expanded on above.

**Consultations**

Ecology:

No objections, subject to a condition regarding the ecology report.

Engineers: Drainage:

The drainage engineer is satisfied that building regulations will cover any soakaway solutions, a condition is also recommended to get this information.

Engineers: Highways:

No objections.

Southern Water:

No objections, subject to conditions.

**Representations:**

Kings worthy Parish Council comments received 23<sup>rd</sup> April 2021

- Object: This is overdevelopment of the site, particularly in relation to surrounding properties, the proposal is unsympathetic and out of character with the surrounding area, the two storey houses will be significantly higher and overlook properties in the surrounding area, the additional traffic movements to and from the site will have significant effects on neighbouring properties, the construction of the development would affect the residents of surrounding properties.

18 letters received objecting to the application for the following reasons:

- 4 dwellings is excessive, it will be too cramped
- This will result in additional traffic on Boyne Rise
- Construction traffic would be unacceptable on such a small road
- The access drive will impact on 4 and 6 Boyne Rise
- Impact on privacy
- Proposed houses are at odds with the character of the surrounding area.
- Car port unacceptable
- Poor design

**Relevant Planning Policy:**

Winchester Local Plan Part 1 – Joint Core Strategy

DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14, CP16

Winchester Local Plan Part 2 Joint Core Strategy: Development Management and Site

Allocations:

DM1, DM2, DM14, DM15, DM16, DM17, DM18

National Planning Policy Guidance/Statements:

National Planning Policy Framework

National Planning Practice Guidance

Supplementary Planning Guidance

Kings Worthy Village Design Statement

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High Quality Design SPD 2015  
National Design Guidance 2019

## 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 located within the built up area of Kings Worthy, where the principle of development for housing is considered acceptable subject to an assessment of development control criteria, which is considered further below. This site has a number of previous planning applications for various different schemes. The first was an application that was refused at committee and then dismissed at appeal. The appeal decision is a material consideration in the assessment of this application with significant weight. A further application was then submitted, and approved on this site. This is a further alliteration from these previous applications, which proposes four dwellings and associated parking.

Policy CP2 of the Local Plan Part 1 considers housing mix. The policy requires that there should be a majority of 2 & 3 bed dwellings, unless local circumstances indicate an alternative approach should be taken. This application is for the addition of 4 no. 2/3 bedroom dwellings (one of the rooms is labelled as a home office/nursery). The proposal has a majority of smaller 2/3 bedroom dwellings and it is considered that this proposal is acceptable and in accordance with the policy.

### Design/layout/Impact pm character of area

The originally submitted scheme under this application was considered unacceptable by officers as it was considered that the form, scale and design were not acceptable in relation to the character of the surrounding area, the amount of development proposed would lead to a cramped appearance in terms of layout, the two storey western elevations were unacceptable when viewed from within the site and from longer views, the variety and form of the roof design was unacceptable, and the pallet of materials was too varied and out of character with the surrounding area.

In light of the comments made by officers, the scheme was amended.

The first change was to the front (western) elevations of the dwellings, the view was that the scheme needed to reflect that of the character of the surrounding bungalows on Boyne Rise with rooms in the roof, and to be sympathetic when viewed from further distances across the valley towards the site in relation to the raising levels over the site from west to east. The changes were to all four dwellings, to lower the eaves on the western elevation and, rising up the site with the natural contours, to allow for a full two storey dwelling to the rear. This allows for a transition of heights, when viewing this from the west, between the higher ridge level of 'The Mews' to the North and the lower level of number 6 Boyne Rise to the south. In addition to this, the lower eaves and dormers in the roof portray the character of the dwellings in Boyne Rise, which are a mix of bungalows, some with rooms in the roof and dormers.

The lower eaves and ridge heights also result in a more acceptable appearance in

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relation to the character of the area from further distance views from access the valley towards the west. The previously submitted, and superseded, elevations resulted in an incongruous feature in this part of Kings Worthy which would not have been in keeping with the low rise nature of these views.

Other changes made were to the palette of materials proposed as it was considered that in the previous superseded scheme there was too much variety in the amount of materials proposed of this site. The brick and roof tiles now proposed are all the same across the site which gives cohesion and results in a more harmonised scheme throughout.

Changes were also made to the parking area to the front of the houses removing the car port structure. This addressed the concerns of the cramped layout of the site and resulted in the less built form overall. Although this is a large area of hardstanding, it is considered acceptable with the landscaping proposed which breaks up the parking spaces.

When considering further the layout of the site and the concerns from neighbours relating to the cramped nature of the site with four dwellings proposed, the appeal inspector in the first appeal for four dwellings addressed this issue. He stated *'Individual plots would indeed be supplied with significantly less space than is typical for individual dwellings within Boyne Rise. Plot sizes would however be roughly similar to those of the Mews immediately adjacent. The proposed plot sizes would therefore draw some reference to the existing context.'* Therefore it is considered that the four dwellings proposed on this site are acceptable given they are small dwellings and the mass and scale is now acceptable.

Impact on neighbouring property

All first floor side windows on the south and northern elevations of the dwellings are for bathrooms and will therefore be obscurely glazed, these have been conditioned to avoid any unacceptable overlooking from these windows (condition 15).

There are 1st floor windows on the western elevations of the plots 1, 2, 3 and 4 which are all bedroom windows. Section drawings through the site, submitted as part of this application, show the limited views from these windows in relation to the house on lower land, number 4 Boyne Rise. This is due to the distance from this neighbouring dwelling (approx. 17.4m), the levels, and a pleached Hornbeam proposed on this boundary along with a 2m high acoustic fence. In addition to this the windows proposed are significantly further away than the previous window that was to the rear of the dwelling at number 5 Boyne Rise which already had a degree of overlooking from this front window towards the garden of 4 Boyne Rise.

In relation to overshadowing and overbearing, the houses are located in line with the neighbouring properties to the north and south, therefore when considering the movement of the sun and the existing boundary treatments it is considered that this development would not result in any material planning harm in terms of overshadowing or overbearing.

It is considered therefore that the proposal would not result in an adverse impact in terms of impact to neighbouring amenities as a result on this application and is therefore acceptable in accordance with DM17 of the LPP2.

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Landscape/Trees and ecology

There is an overview of the proposed landscaping shown on the proposed site plan, a landscaping condition is proposed for further details to be submitted for this application.

There are no TPO trees on this site and no other significant trees and therefore there are no constraints in relation to trees.

An up to date ecology report has been submitted and includes the additional ecology information as requested. If this is adhered then there are no objections to the recommendations in the report.

Therefore this application is in accordance with planning policy CP16 of the LPP1 and DM15 of the LPP2 and Habitats Regulations.

Highways/Parking

There is the required amount of parking on the site for the size of the dwellings proposed with two visitor spaces. Cycle storage is proposed to the rear of each garden. A similar application on the site has already been permitted and therefore the highways engineers have no highways objections in relation to the development and it is in accordance with planning policy DM18.

Nitrates

Excess levels of nitrates can damage freshwaters and the marine environment by a process known as 'eutrophication', promoting excessive growth of algae that chokes other life and leading to harmful effects on the SPA. Development within Winchester District that would result in over night accommodation or excessive amounts of nitrates, such as dwellings, require nitrate calculations to demonstrate a deficit, neutral or surplus of nitrates being generated on site. Developments that would result in a surplus of nitrates therefore require mitigation to prevent harm to the SPAs in the district. As such a Grampian condition in line with the Winchester City Council Position Statement on Nitrate Neutral Development has been agreed to secure appropriate mitigation prior to occupation.

The Planning Authority has undertaken updated Appropriate Assessment in line with the adopted Position Strategy for Nitrates and condition 18 has been included to obtain mitigation measures. Following this process, the Council can demonstrate it has undertaken an Appropriate Assessment in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 and policy CP16 of the Local Plan Part 1.

Drainage

The site is within Flood Zone 1 and is at very low risk of surface water flooding. The geology is chalk. A foul sewer is available and must be used for foul drainage.

Surface water should drain to soakaways and permeable hardstandings, ideally these would be designed for the 1 in 100 year storm event plus an allowance for climate change. Infiltration testing is required.

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

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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.

Conclusion

The application accords with the Development Plan and the following policies: DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14 and CP16 of Winchester District Local Plan Part 1, DM1, DM2, DM14, DM15, DM16, DM17 and DM18 of Winchester District Local Plan Part 2 and The High Quality Places SPD.

**Recommendation**

Permit subject to the following condition(s):

**Conditions**

1. 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).

2. The development hereby permitted shall be carried out in accordance with the plans listed below unless otherwise agreed in writing by the local planning authority:

Location plan PP1392 100 P1  
Proposed site plan PP1392 110-01 P12  
Plots 1 and 2 floor plans PP1392 120-01 P4  
Plots 3 and 4 floor plans PP1392 120-02 P4  
Front and side elevations PP1392 130-01 P4  
Rear and side elevations PP1392 130-02 P4  
Context elevations and side section PP1392 130-03 P6  
Proposed section AA PP1392 130-04 P4  
Site area footprint comparison PP1392 150-01 P2  
Front and rear elevations – massing comparison PP1392 150-02 P2

Reason: To ensure the development is built in accordance with the plans approved.

3. No development 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.

4. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the

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development hereby permitted. The approved details shall be fully implemented before development commences.

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

5. Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

6. Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

Reason: In the interests of highway safety.

7. A detailed scheme for hard and soft landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site in the interests of visual amenity.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are first occupied. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of the visual amenities of the area.

9. No development, or works of site preparation or clearance, 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.

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10. The proposed access and drive, including the footway crossing shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE: A licence is required from Hampshire Highways Winchester, Central Depot, Bar End Road, Winchester, SO23 9NP prior to the commencement of access works.

Reason: To ensure satisfactory means of access.

11. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear.

Reason: To make proper provision for off street parking.

12. 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 2012 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

13. The development shall be carried out in accordance with the measures set out within the recommendations made in the Ecology Solutions Ecological Assessment of February 2021. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To provide adequate mitigation and enhancement for protected species.

14. Details of the biodiversity enhancement features shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall include the type and location of any bat boxes, bird boxes, hedgehog highways or native species planting. These biodiversity enhancements shall be sited prior to the development coming into its intended use and retained thereafter.

Reason: To ensure a net gain in biodiversity and to comply with CP16 and the NPPF 2019.

15. The first floor windows in the side elevations of the dwellings hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

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

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16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly authorised by this permission shall, at any time, be constructed in the north south and west elevation(s) of the development hereby permitted.

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

17. Prior to the occupation of the dwelling 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 an 'as built' stage SAP calculation and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval. The development shall be occupied in accordance with the approved details.

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

18. The development hereby permitted shall NOT BE OCCUPIED until:

- a) A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,

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- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated of any issues after the initial site visit.

02. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, MTRA3, CP2, CP3, CP11, CP12, CP13, CP14

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM1, DM2, DM14, DM15, DM16, DM17 and DM18

04. 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. 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.

05. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

06. 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 on this please refer the Construction Code of Practice

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

07. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

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The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with application

The application case number

Your contact details

The appropriate fee.

Further information, application forms and guidance can be found on the Council's website  
- [www.winchester.gov.uk](http://www.winchester.gov.uk).

08. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).