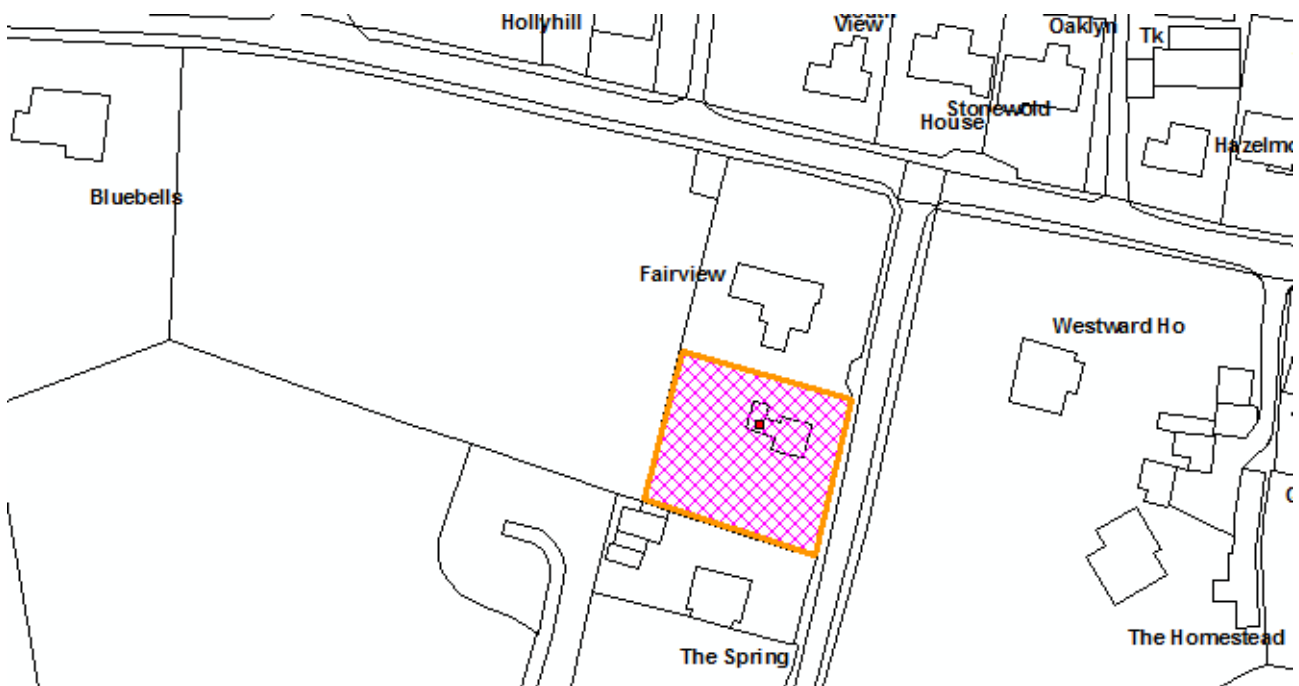


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 20/02165/FUL
Proposal Description: Retrospective application for raised terrace and relocation of garage.
Address: Fairgone, Black Horse Lane, Shedfield, SO32 2HT
Parish, or Ward if within Winchester City: Shedfield Parish Council
Applicants Name: MR GERRY GAMBLIN
Case Officer: Nicola Clayton
Date Valid: 6 October 2020
Recommendation: Application Permitted

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

Pre Application Advice: N/A



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General Comments

Shedfield Parish Council has requested for application to be determined by Planning Committee. The Parish Council's response is included as Appendix A.

Councillor Fern has requested for this application to be determined by Planning Committee.

This application has been deferred from the 29th September 2021 committee to allow members to visit the site.

Site Description

The site is located on the corner of Solomon's Lane and Black Horse Lane on the outskirts of the village of Shirrell Heath.

This application relates to the new dwelling Fairgone. The site was part of the grounds of Fairview, a single two-storey dwelling with associated outbuildings and gardens.

The pattern of development along Solomon's Lane is mixed with detached properties with wrap-around gardens in the west with a more mixed type in the eastern part including smaller and semi-detached properties, flats mixed with the detached properties at the eastern part of the Lane. The pattern of development along the southern part of Black Horse Lane is typically large detached properties within large plots on one side of the lane with agricultural fields on the other, although the northern part of Black Horse Lane appears to have more in common with the pattern of development along Solomon's Lane. The nearest residential property is The Spring.

Proposal

This application is a retrospective application to include the works that have been built that were not on the original planning approval Ref: 16/01576/FUL.

The applicant has constructed raised terracing around the house from the front to the rear enabling the dwelling to be fully compliant for wheel chair accessibility.

The garage has also been relocated from its original position to allow for improved vehicle access.

Relevant Planning History

- 15/02104/FUL Proposed new dwelling. Withdrawn 19.11.2015
- 10/03019/FUL 2 no. dormer windows one to the north side and one the south side of the property PER 20.01.2011
- 00/02351/FUL Single storey side and rear extensions and raising of roof to provide first floor accommodation REF 09.02.2001

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- 00/00390/FUL Detached carport, garage and store PER 15.04.2000
- 99/02267/FUL Raising of roof and extensions to provide first floor accommodation, detached garage/store/carport REF 02.02.2000
- 15/02862/FUL (RESUBMISSION) Proposed new dwelling PER 10.04.2016.
- 16/01576/FUL This application is a resubmission following approval, in April 2016, of a previous application for a development of substantially the same size, design and siting (15/02862/FUL). PER. 01.09.2016.

Consultations

HCC Highways Engineer raises no objection.

Representations:

Shedfield Parish Council object to this retrospective application on the following material planning grounds:-

- The development is a breach of the planning approval.
- The changes have resulted in a significant loss of privacy and overlooking of the neighbouring property.
- A new access onto Solomons Lane has been created.
- The new siting of the garage appears to be in contravention of the approved landscaping design.
- The garage has been constructed with no consideration given to whether it will be accessible from the approved entrance.

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

- new position of the garage will be particularly overbearing
- significant infilling of the ground levels to the east elevation and garage entrance making the proposed height of the garage higher than the plans indicate.
- Drainage
- overdevelopment of the site
- visual impact
- loss of light
- loss of privacy
- the existing shipping container

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 – Development Management and Site Allocations

DM1 – Location of New Development

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DM15 – Local Distinctiveness
DM16 – Site Design Criteria
DM17 – Site Development Principles
DM18 – Access and Parking

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 planning history for this site is very relevant to this planning application as there have been two similar permissions granted for a dwelling house and detached garage. This application has been submitted due to the development being built not as the approved plans. The topology of the site was not accurately represented in the drawings. There has been no material change in the circumstances of the site since the earlier planning approval was granted and therefore the principle of development has been established provided the development accords with the development plan policies. The principle of development is therefore considered acceptable.

The dwelling itself has been built as per the original application (16/01576/FUL). This application is therefore only looking at the changes from the approved scheme. The determining issues are therefore whether the appearance of the raised terracing is acceptable in relation to the host dwelling and the character of the area and whether the raised terracing and relocation of the garage with alterations to the driveway have any significant impact on the amenities of the occupiers of the adjoining property (The Springs and Fairview) in terms of loss of light, outlook or privacy.

Impact on character of area and neighbouring property

The application for the most part is retrospective. The dwellinghouse and detached garage are not considered to result in any significant visual harm to the character and appearance of the surrounding area. The relocation of the garage moves the building slightly closer to adjoining dwelling house (The Springs). The existing hedge is to be retained and the garage would be set within the existing boundary treatment. Whilst moving the building closer to the neighbouring property it is not considered that it results in any significant loss of residential amenity in terms of loss of light, outlook or privacy to the occupiers of The Springs.

The terracing provides wheel chair accessibility around the dwellinghouse. The terracing is considered to relate appropriately to the dwelling and provides the benefit of access for all users. The raised area along the south and north elevations is the width of a footpath (approximately 1.2m) and is not considered to be large enough for seating/entertaining.

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The terrace to the rear is approximately 4m deep and 15m wide.

Therefore whilst it does create overlooking of the adjoining property while in use it is not considered harmful to the amenities of the occupiers to warrant the refusal of planning permission.

Given the existing relationship at the rear of the properties along this section of Black Horse Lane it is not considered that the raised terracing to the rear would result in any significant loss of residential amenity to the occupiers of the adjoining properties in terms of loss of privacy.

The development therefore accords with policies DM15, DM16 and DM17 of the LPP2.

Landscape/Trees

The existing trees, shrubs and hedge between Fairgone and The Springs in the front garden are to be retained. An arboricultural and landscape condition was imposed on the earlier planning application and the landscape condition has been discharged. The alterations proposed do not affect the approved landscape scheme or recommendations within the tree report.

Highways/Parking

In view of the planning history of this site and the progressive nature of the works, the highways engineer confirms the Highway Authority have no objection to the development.

The details of the access from Black Horse Lane have been submitted and approved by the highways engineer through conditions imposed on the past approved planning application.

The new track from Solomons Road is outside of the curtilage of Fairgone and is not part of this planning application.

Other Matters

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.

Conclusion

In conclusion, 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

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proposal therefore complies with policies DS1 and MTRA3 of LPP1 and DM15, DM16 and DM17 of WDLPP2.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

1. The development hereby approved shall be constructed in accordance with the following plans: 10330-C2-08; 10330 PL01; 10330 PL02; 10330 PL03; 0330-C2-06 A ; 10330-C2-03 A; 10330-C2-09 A; 10330-C2-01 A; 10330-C2-07 A
1. Reason: In the interests of proper planning and for the avoidance of doubt.
2. The garage and parking spaces hereby approved shall not be used for any other purpose than the parking of cars.
2. Reason: To ensure the provision and retention of the garage and parking spaces in the interests of the local amenity and highway safety.

Informatives

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>

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Appendix A – Shedfield Parish Council Response

Please return this form to the Case Officer: Nicola Clayton

From: Shedfield Parish Council

Case No: 20/02165/FUL

Closing Date for comments: 09 December 2020

Proposal: Retrospective planning application for raised terracing as site is on sloping land as was not shown on original planning application & client has moved the garage from its original position as sho...

Location: Fairgone Black Horse Lane Shedfield SO32 2HT

LISTED BUILDING GRADE:

Comments:

Shedfield Parish Council object to this retrospective application as follows:-

The altered levels are a significant breach of the planning approval.

The original approved plans (16/01567/FUL) show the elevations of the house. In this new retrospective application, the elevations are different and include the slope of the land

The changes have resulted in a significant loss of privacy for the neighbouring property. The new development considerably overlooks the neighbour's property

A new access onto Solomons Lane has been created. In the original application a declaration was made that no new entrances from a public road would be made. It is noted that such an entrance has been made and can only be described as a road, at present hardcore base, running from Solomon's Lane to the rear of the devolvement. The new plans submitted only mention "new track".

No planning application has been made for a road to be made in an agricultural field. The access track has been constructed across land used for equestrian purposes without planning approval.

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The new sitting of the garage appears to be in contravention of the approved landscaping design. The garage has been constructed with no consideration given to whether it will be accessible from the approved entrance.

Retrospective permission should not be granted until the original conditions are met.

Request for application to be considered by Committee:

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

Shedfield Parish Council request that this application is considered by the planning committee if the Case Officer is minded to recommend approval.

Signed: T S Daniels
Planning and Projects Officer

Date: 02 December 2020