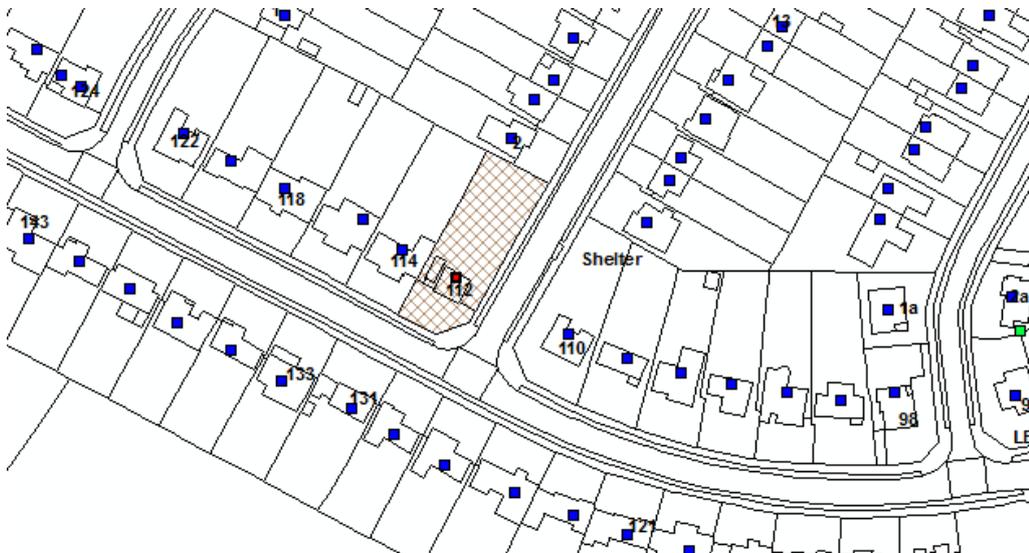


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 21/02199/FUL  
**Proposal Description:** Erection of four bedroom dwelling with associated vehicle access.  
**Address:** 112 Teg Down Meads, Winchester, SO22 5NZ  
**Parish, or Ward if within Winchester City:** St Barnabas  
**Applicants Name:** Mr Peter Arculus  
**Case Officer:** Rose Lister  
**Date Valid:** 16 August 2021  
**Recommendation:** Permit

**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**

The application is reported to Committee due to the number of objections received contrary to the Officer recommendation.

Amended plans have been submitted to introduce high-level windows to the rear elevation to increase natural light into a bed room and a study. This was not considered to be a material change and therefore a further publicity period was not undertaken.

**Site Description**

The site is an area of 0.08ha, located on the corner of Teg Down Meads and Hillside Road. The longer road frontage to the side of the house and its rear garden is along Hillside Road, currently defined by a close boarded fence. The existing house, No.112 Teg Down Meads is set at the southern end of the site.

The land levels of the garden are uneven, gradually sloping down along its length from south to north and from west to east, with the section of the garden nearer Hillside Road being at a steeper incline. This reflects the topography of the wider area which slopes down from the west to the north and east. The overall differences in land levels in the area the dwellings are to be located is around 1m from south to north and 1.5m from west to east.

The surrounding area is predominantly residential, the regular layout of which is characterised by dwellings set back from the road in good sized plots, resulting in a distinctive pattern of development that has been little altered since the estate was built. The properties in the immediate vicinity of the site are a mixture of house types, including detached and semi-detached houses.

**Proposal**

The proposal would see a single 4 bed dwelling to the rear of 112 Teg Down Meads with access from Hillside Road.

**Relevant Planning History**

20/01390/FUL - Erection of 2no. 3 bedroom dwellings with associated vehicle access – refused, appeal dismissed April 2021

**Consultations**

Service Lead – Environmental Services: Drainage

- No objection subject to condition 4

Hampshire County Council (Highway Authority)

- Holding objection subject to visibility splays being submitted.
- Visibility splays have been submitted demonstrating appropriate visibility from the new access. The Highways engineer has removed their holding objection.

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Southern Water

- There is a foul drain in the vicinity. There may be another that crosses the site though this is not confirmed. No objection subject to further applications for connection to the public sewer to Southern Water.

**Representations:**

City of Winchester Trust: Support

The proposal appears to be an acceptable addition to the housing layout.

12 letters received from 11 addresses objecting to the application for the following reasons:

- No measurements on plans
- Increase in traffic
- Impact on street scene
- Overlooking
- Location of access
- Overbearing
- Impact on sewer pipe
- Not addressed Inspectors comments
- Poor design
- Impact on character of area
- Poor choice in materials
- Overdevelopment of the site
- Neighbour impact
- Excavation and retaining wall not shown
- Overflow parking onto road
- Contrary to Neighbourhood Design Statement
- PD rights should be removed
- Should be a bungalow
- Garage unnecessary

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

- Would set a precedent
- Designed for further development on first floor

1 letters of support received.

- Good design
- In keeping with the character of the area
- Would allow other families to move to the area

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**Relevant Planning Policy:**

Winchester Local Plan Part 1 – Joint Core Strategy  
DS1, MTRA1, CP11, CP13, CP15, CP16, CP17

Winchester Local Plan Part 2 – Development Management and Site Allocations  
DM1, DM2, DM15, DM16, DM17, DM18

National Planning Policy Guidance/Statements:  
National Planning Policy Framework

Supplementary Planning Guidance  
High Quality Places SPD  
Residential Parking SPD  
Air Quality SPD

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 development is situated in the settlement boundary of Winchester, where the principle of additional residential development is acceptable, provided that the development is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise.

Design and Impact on character of area

The proposal would see a single 4 bed dwelling to the rear of 112 Teg Down Meads. The site was subject to an appeal decision in April 2021 where a pair of semi-detached dwellings in the same location were dismissed due to the impact on the character of the area. The Inspector highlighted the spacious character of the area with detached and semi-detached dwellings set in generous sized plots, creating a strong rhythm. The Inspector also noted that the proposal would subdivide the garden of the host dwelling. The subdivision in itself was not identified as harmful within the Inspector's Report. The combination of the subdivision of the host plot with the modest amenity spaces previously proposed was considered harmful.

The current scheme would result in the subdivision of the existing plot however the amenity space would be sufficient to serve both the host dwelling and the proposed without resulting in overdevelopment of the site. The proposed plot would be of a similar size to the host property, as noted within the Inspector's decision this would noticeably reduce the plot sizes for the main dwelling making them smaller than is characteristic of the area. Therefore while there would be an impact to the character of plot sizes in the area this is not considered to be harmful enough to warrant a reason for refusal in this instance.

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The Inspector also raised the importance of the building line. The current proposal would be slightly set back from 112 Teg Down Meads. The host plot is approximately 4m from the side boundary with Hillside Road. The proposed dwelling would be set back approximately 6.5m from the road and the neighbour at no.2 Hillside Road is set back by approximately 8.5m from the road. While this would be significantly forward of the building line along Hillside Road it is considered that the proposal would create a staggered introduction to Hillside Road and that would not be harmful in the street scene and the sense of openness at this prominent road junction. This would be highlighted by the open frontage proposed with additional hedge planting to complement the area in line with the St Barnabas Neighbourhood Design Statement.

Concerns have been raised regarding the dimensions of the proposed dwelling in comparison to the surrounding properties. The proposed dwelling would be approximately 8.4m to the ridge. It is noted that this would be higher than the neighbouring property at 2 Hillside Road due to the roof pitch, however it is proposed to excavate the site to reduce the impact of the development on the street scene. It is proposed to level the site resulting in approximately 1.5m of soil being removed from the south western end of the plot and approximately 1m being removed from the north western end. Therefore, though the proposed is taller to the ridge of the neighbours the levelling of the site would result in the gradual stepping down of ridge heights that is characteristic of the area due to the level changes. As this would require the removal of a large amount of earth a Construction Management Plan with details of the soil removed being submitted has been recommended (condition 8). A levels plan is also proposed (condition 12).

Concerns have been raised in regard to compliance with the St Barnabas Neighbourhood Design Statement (NDS). The NDS is broken down into 4 sections; Landscape, Biodiversity, Buildings and Traffic. Key points 11-17 relate to buildings and require that new development is in keeping with the character of the area and retaining gaps between dwellings. There would be approximately 1m between the proposed dwelling and boundaries with 114 Teg Down Meads and 2 Hillside Road. This would be in keeping with the character of the area with the proposed single storey garage providing a setback between the main bulk of the proposed dwelling and number 2 Hillside Road to maintain the open character of the area.

Further concerns have been raised regarding the use of materials. The proposed materials would be buff brick, and slate. There is a mix of finishing materials in the area including buff and red brick, render and cladding, therefore the proposed buff brick is considered to be acceptable. However, there is a character of plain tiles for roofing within the area, while slate is recognised within the High Quality Places SPD as an acceptable material it is not considered to be acceptable in this instance. Therefore a condition requiring details of materials is considered to be appropriate (condition 3).

Concerns have been raised in relation to future development of the site if approved. It is considered that the layout of the site restricts future development under permitted development. However due to the density of the area and the uncompromised roof designs within the Teg Down area it is considered reasonable to remove permitted development rights in regard to the roof to maintain the character of the area (condition 10).

It is therefore considered that the proposal would comply with policies CP13, DM15, DM16 of the Local Plan and with the St Barnabas Neighbourhood Design Statement.

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Impact on neighbouring properties

The amended plans introduced 2 additional high level windows to the rear elevation to serve a bedroom on the first floor and a study on the ground floor. Condition 13 requires that these be retained at 1.7m above floor level to prevent overlooking to the neighbouring properties to the rear and condition 11 prevents additional windows being inserted into the rear elevation.

Concerns regarding overbearing and loss of light have also been raised in regard to the property to the rear at number 114 Teg Down Meads and the property to the north at number 2 Hillside Road.

The garden of number 114 Teg Down Meads is adjacent to the site with the dwelling located to the south west approximately 12m from the garage to the proposed dwelling and 20m between the dwellings. It is considered that the proposal would be to the north of the neighbour at 114 and therefore would not result in direct loss of light to the dwelling. It is noted that there would be a limited reduction in light to the rear of the neighbouring amenity space in the morning, however it is considered that the majority of the garden would not be overshadowed for most of the day and this is not sufficient to justify refusal of the application on these grounds. The proposed dwelling would be set back approximately 1m from the boundary with no.114, it is considered that while there would be an impact on outlook from the rear of the garden this is not considered to be harmful to the residential amenities of the neighbour as there would remain an open aspect for the majority of their amenity space.

There is one window on the side elevation of number 2 Hillside Road, facing the application site that serves a bedroom. It is considered that the main bulk of the proposed dwelling would be approximately 7.5m from the neighbouring dwelling and therefore would not result in an overbearing feature.

It is considered that the proposed dwelling would be to the south of no2 Hillside Road and therefore would have an impact on the morning light reaching the side elevation of number 2 Hillside road. However, it is considered that the window would still receive light for more than 50% of the day and therefore the proposal would not result in a harmful loss of light to the neighbouring amenity.

The majority of the windows in the proposed dwelling would face number 112 Teg Down Meads. It is considered that the proposed dwelling would be approximately 8m from the new boundary with 112 and approximately 16m between the dwellings. It is therefore considered that there would be sufficient distance between the dwellings to prevent harmful levels of overlooking, overbearing and loss of light.

The application is therefore considered to be in accordance with policy DM17 of the Local Plan Part 2.

Landscaping and Trees

There is a fruit tree on the site that is proposed to be retained. Other existing planting on site is proposed to be removed to accommodate development however there is boundary hedging proposed to the front of the plot.

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Hard landscaping is also proposed to the front parking area. No details of the landscaping, such as plant species and finishing materials, as such condition 6 is recommended.

The application would therefore accord with policy DM24.

Highways/Parking

The proposal would see a new access onto Hillside Road. Concerns have been raised in regard to the location of the access and overflow parking on to Hillside Road.

The proposed access would be opposite the bus stop on Hillside road. This has been assessed by HCC highways engineers and is considered to be acceptable. Visibility splays have been submitted indicating that the access from the site can be achieved safely.

The Residential Parking SPD requires the dwellings with 4 or more beds require 3 parking spaces off the road. The submitted plans show 2 parking spaces to the front and a double garage, therefore the proposal is considered to be acceptable in this regard.

The application would therefore accord with policy DM18.

Drainage

The proposal would connect to the public main sewer which is considered to be acceptable. No details regarding surface water drainage has been submitted therefore condition 4 has been recommended for details to be submitted.

Concerns have been raised regarding the location of a drain pipe in the amenity area of the property to the rear. Southern Water have highlighted that its location is unconfirmed however have not raised an objection to the proposal. Connection to drains and confirmation of exiting layout is subject to further applications to the Southern Water network that can only be completed post decision. Should a concern be raised at this point requiring amendments to the scheme, this would likely require a further application and would be considered at that point.

It is considered that the ambiguity of the existing drainage layout is not considered to be harmful enough to warrant a reason for refusal.

Other Matters

Nitrates

The proposed development is within Winchester District where foul water is distributed into the European designated areas Solent SPAs/Ramsar sites via water treatment plants. In accordance with advice from Natural England and as detailed in Policy CP16 of the Winchester City Council Local Plan Part 1 Joint Core Strategy a net increase in housing development within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in Nitrates. A nitrate calculation has been conducted in relation to this. It has been demonstrated that the proposal would generate a surplus of nitrates and therefore mitigation is required. 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.

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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**

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 approved shall be constructed in accordance with the following plans:

1936\_0002 rev A  
1936\_1001 rev C  
1936\_1002 rev D  
1936\_3000 rev D  
1936\_3001 rev C  
1936\_2001 rev D  
1936\_2000 rev D  
1936\_3002 rev D  
1936\_SK001 rev A

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

3. No development shall take place above the damp proof course 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.

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4. Detailed proposals for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before occupation of the building.

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

5. Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of 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 built in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy

6. A detailed scheme for hard and soft landscaping, 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

7. 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.

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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.

8. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted and approved by the Local Planning Authority, to include details of:
- parking and turning of operative, construction and visitor vehicles
  - storage of plant and materials
  - all deliveries and building works which should only be carried out between the hours of 0800 and 1800 hours Monday to Friday and 0800 and 1300 hours Saturday and no time on Sundays or recognised public holidays
  - details of proposed means of dust suppression and noise mitigation
  - details of measure to be taken to prevent mud from vehicles leaving the site during construction
  - details of the removal of soil

Only the approved details shall be implemented during the construction period.

Reason: To ensure that development should not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of local residents.

9. 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 equivalent of 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 occupied in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no development permitted by Classes B and C of Part 1 Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

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

11. No windows additional windows shall be constructed in the west (rear) elevation as identified on plan 1936\_3002 rev D of the property hereby permitted, unless otherwise agreed in writing by the local planning authority.

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

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12. 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 and amenity areas.

13. The windows in the west (rear) elevation as identified on plan 1936\_3002 rev D of the development hereby permitted must be 1.7m above floor level and shall thereafter be retained in this condition at all times.

Reason: To protect the privacy of the adjoining property and to prevent overlooking.

**Informatives:**

1. 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.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-  
Local Plan Part 1 Joint Core Strategy: DS1, MTRA1, CP11, CP13, CP16, CP17  
Local Plan Part 2: DM1, DM15, DM16, DM17, DM18, DM24
3. In accordance with paragraph 38 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,  
-updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
4. 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>

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5. 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.
6. 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.
7. 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.