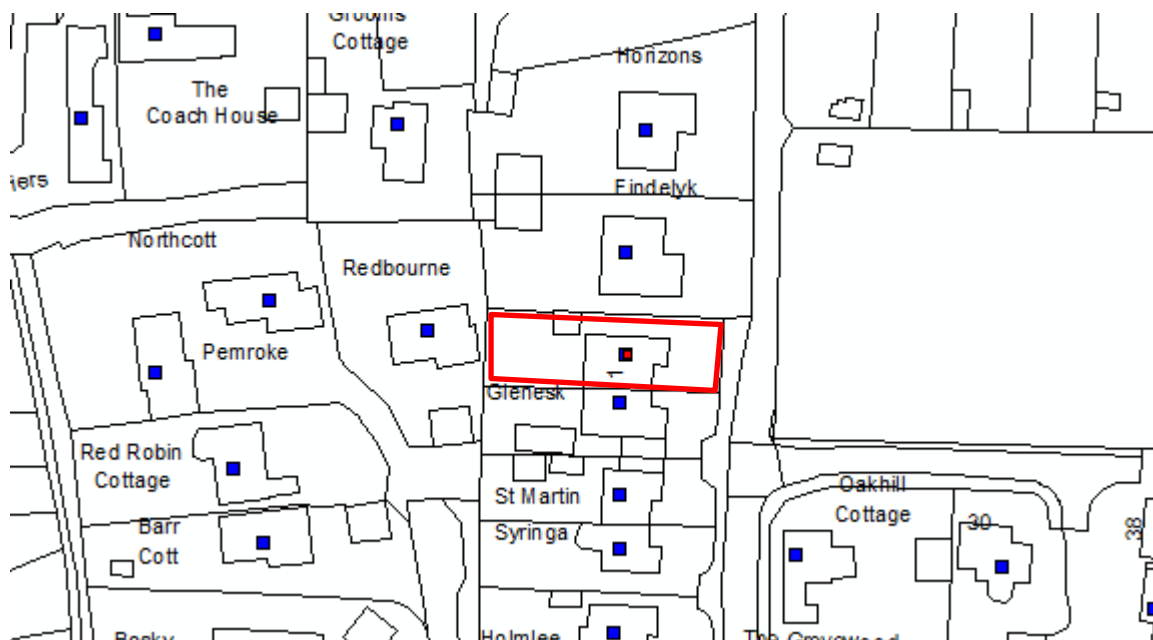


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**Case No:** 22/00117/HOU  
**Proposal Description:** Conversion of existing garden out-buildings to self contained annexe (Retrospective).  
**Address:** 1 Chase Grove, Waltham Chase, SO32 2LF  
**Parish, or Ward if within Winchester City:** Shedfield Parish Council  
**Applicants Name:** Ms Gemma Holmes  
**Case Officer:** Peter Korankye-Gyabong  
**Date Valid:** 19 January 2022  
**Recommendation:** Application Permitted  
**Pre Application Advice** No

**Link to Planning Documents**

<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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**Reasons for Recommendation**

The development is recommended for permission as it is considered that the conversion of the outbuildings complies with the policies of the Development Plan and material planning considerations do not indicate that an alternative approach should be taken.

**General Comments**

The application has been reported to committee at the request of Shedfield Parish Council, based upon material planning considerations as shown in Appendix 1.

The application is retrospective. A number of comments refer to the lack of publicity during the works. These refer to the retrospective nature of the application and a full publicity period has been undertaken as part of the application process.

**Amendments to Plans Negotiated**

None

**Site Description**

The application property is a semi-detached dwelling located on the west side of Chase Grove in Waltham Chase. The properties in the locality are dissimilar in style and in material mainly consist of brickwork covered with concrete roof tiles. The host semi-detached dwelling is finished in red brick with concrete roof tiles.

**Proposal**

The proposal seeks permission for conversion of existing garden out-buildings to self-contained annex. The subject building is to the rear of the garden space in an L-shape.

**Relevant Planning History**

None

**Consultations**

None

**Representations:**

Shedfield Parish Council

- Concerns over disregard of planning process and publicity
- Incidental building was never intended to be incidental

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- Destroys peaceful enjoyment of neighbouring properties
- Contrary to policies restricting back garden development
- No parking
- Overlooking concerns

7 Objecting Representations received from 5 different addresses citing the following material planning reasons:

- Poor design,
- Breach of planning process,
- Adverse impact from overshadowing,
- Loss of light,
- Privacy and noise impact on the adjoining properties.

### **Relevant Government Planning Policy and Guidance**

#### National Planning Policy Framework

- Para 7 – sustainable development
- Para 47 - planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- Para 119 - planning decisions should promote the effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy conditions.

#### Winchester Local Plan Part 1 - Joint Core Strategy (LPP1)

- o DS1 - Development Strategy and Principles
- o MTRA1 - Development Strategy Market Towns and Rural Areas
- o MTRA2 - Market Towns and Larger Villages
- o CP13 - High Quality Design
- o CP16 – Biodiversity

#### Winchester District Local Plan Part 2

- o DM1 - Location of New Development
- o DM15 - Local Distinctiveness
- o DM16 - Site Design Criteria
- o DM17 - Site Development Principles
- o DM18 - Access and Parking

#### Supplementary Planning Document

- National Design Guide 2019
- High Quality Places 2015
- Residential Parking Standards December 2009

#### Other relevant documents

- Climate Emergency Declaration Carbon Neutrality Action Plan 2020-2030
- Statement of Community Involvement 2018 and 2020

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- Landscape Character Assessment March 2004 and emerging LCA December 2021
- Biodiversity Action Plan 2021

## **Planning Considerations**

### **Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is situated within the settlement boundary of Waltham Chase, where the principle of development within existing residential units is acceptable, subject to the development meeting the requirements of the policies of the Development Plan, the revised National Planning Policy Framework and taking into account other material planning considerations.

The proposal has been assessed in accordance with the policies of the development plan. The principle of using the existing building as an ancillary annexe is acceptable as the proposal complies with policies of the development plan and does not result in the overdevelopment of the site, material planning reasons do not indicate an alternative approach should be taken.

The report will assess the scheme against other policies of the Development Plan.

### **Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

### **Impact on character and appearance of area**

The plans submitted with the application indicates that the outbuilding is in situ and measures approximately 2.4m in height.

Although within 1 metre of site boundaries the buildings are modest in width, height and site coverage and the physical structures themselves are considered to be within the permitted development limits. The applicant therefore would not have required planning permission to construct the building for incidental purposes.

Concerns regarding the appearance of the building are noted, however the outbuilding is similar in terms of design with neighbouring outbuildings.

The scale of the outbuildings and their site coverage is also proportionate to the site. The

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rear garden is long and wide with fences and planting to boundaries for screening therefore screening them from public view whilst all the development is proposed within the applicant's curtilage as indicated within the area edged red on the submitted plans.

Referring to the use of the building as an ancillary unit, the use of the outbuilding for living accommodation in connection with the main dwelling on the site is not considered to overdevelop or intensify the use of the site to an unacceptable degree. The two buildings can operate under one residential unit without adverse harm to the character of the plot or wider area.

The works and conversion is therefore considered to comply with the policies DM15, DM16, DM17 and of WDLPP2 as the development is not harmful to the character and appearance of the host dwelling and surrounding area.

### **Development affecting the South Downs National Park**

The application site is located over 1.2km from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Due to the distance and intervening features, the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

### **Historic Environment**

There are no listed buildings, conservation areas or designated assets in close proximity to the site. No impact on the historic environment is identified.

### **Neighbouring amenity**

It is noted from the neighbour representations that concern is raised in relation to overshadowing, loss of light, privacy and noise impact on the adjoining properties.

It was however noted during the site visit that the buildings which are already in situ are separated by boundary treatment (topped with vegetation in some areas) from the application property and as a result there will be limited intervisibility at ground level between neighbouring properties.

The introduction of windows on the outbuilding are acknowledged, however the amount of windows constructed is not considered excessive and is acceptable for an outbuilding. In

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addition, the change of use from incidental to ancillary usage does not result in adverse harm.

Furthermore, given the position of the only rear opening, facing the tall hedging and vegetation along the common boundary with Redbourne to the west, and the fact that the other side openings facing the boundaries with Eindelyk directly face a side garden fence, several metres away from the sensitive areas of this house, there would be no additional privacy issues than if the outbuildings were used as office or for other domestic enjoyment.

It is, therefore, considered that any impact from the use as annexe would not be so significantly harmful, in terms of noise, overbearing, overshadowing or any loss of light issues, or overlooking or loss of privacy issues to warrant refusal of planning permission is acceptable in this instance. The proposal complies with policy DM17 of the LPP2.

### **Sustainable Transport**

The site benefits from a long front to side hardstanding to accommodate in excess of three cars and this is sufficient to provide parking provision for the existing dwelling and the annexe. It is considered that the proposal is acceptable and would not compromise pedestrian or highway safety and thus comply with Policy DM18.

### **Ecology and Biodiversity**

The proposal will have no impact as it is not development within, bordering or in close proximity to a European Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) or is not overnight accommodation affecting Nitrates.

The application site sits within the buffer zone of the Solent Development Management Partnership. However, the proposal is for an annexe related to the existing dwelling on the site and there is no requirement to mitigate the development.

In addition, as the annexe is an extension of the existing residential unit, it does not create a requirement to mitigate nutrient neutrality.

Therefore the proposal complies with policy CP16 of the Local Plan Part 1 and meets the council's duties under the Habitat Regulations.

### **Sustainable Drainage**

Concerns have been raised regarding the impact on local drainage as a result of the development. It is noted that the buildings are in situ and comply with Permitted Development rights, so could be in position with or without this application with the same drainage impact.

The use of the building for ancillary purposes does not intensify the drainage impact. In addition, this element is a Building Regulations consideration.

The proposal therefore complies with policy DM17 of the LPP2.

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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.

**Planning Balance and 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 proposal therefore complies with the policies DS1, CP13, CP16 and MTRA1 of LPP1 and DM1, DM15, DM16, DM17 and DM18 of the LPP2. Material planning consideration do not indicate an alternative approach to the Development Plan should be taken and the application is considered acceptable.

**Recommendation**

Application Permitted subject to the following condition(s):

**Conditions**

01 The development hereby approved shall be constructed in accordance with drawing no. 1CG-001 received by this Authority on 19/01/2022.

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

02 The annexe accommodation hereby approved must remain as permanent ancillary annexe accommodation to the principal dwelling ("1 Chase Grove") and shall be occupied only by persons of the same household or their guests.

There shall be no subdivision of this single residential planning unit and the unit shall at no time be let or sold as an independent unit of accommodation.

02 Reason: The site is unsuitable to accommodate an additional residential unit.

**Informative:**

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In accordance with paragraph 38 of the NPPF (July 2021), 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, MTRA2, CP13

Local Plan Part 2 - Development Management and Site Allocations: DM15, DM16, DM17, DM18

This decision is 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.



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**Appendix 1**

**Shedfield Parish Council – Consultation Comment**

**Comments:**

**Shedfield Parish Council wish to object to this application as follows:**

**There appears to have been a disregard of the planning process**

**There has been no opportunity for the Parish Council or neighbours to object to the application according to the normal planning process**

**The incidental building was constructed under permitted development rights without any intention of it ever being incidental. There was no genuine compliance with Class E of the permitted development rights of householders**

**The 'out-building' has never been used as incidental to the main structure – it was purpose built and has been notified to Enforcements**

**The development destroys the peaceful enjoyment of neighbouring properties**

**The development is contrary to policies restricting back garden development**

**The development has no allocated parking**

**The proposal, if permitted, sets a precedent**

**If permitted, any windows overlooking neighbouring properties should be removed or obscured**

**If permitted, the proposal should remain ancillary to the main house and not be sold separately**

**Request for application to be considered by Committee:**

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

**If minded to approve the application Shedfield Parish Council would request that it is considered by committee**

Signed: T S Daniels  
Planning and Projects Officer  
Date: 23 March 2022