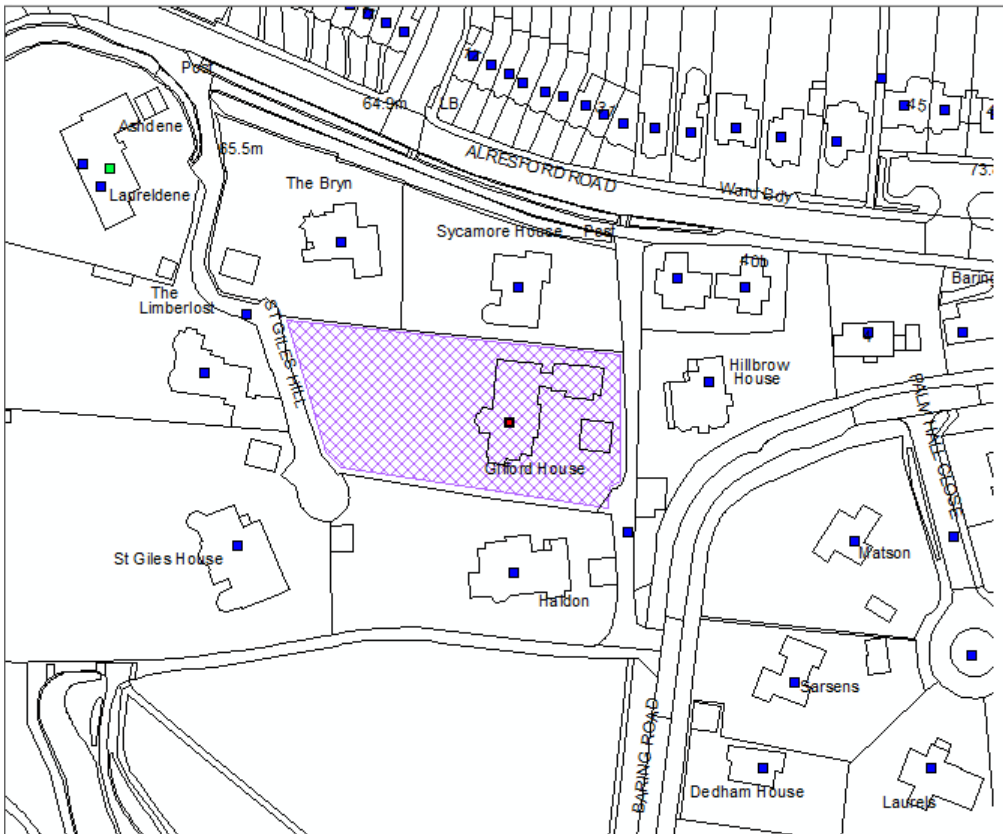


Case No: 22/01236/HOU
Proposal Description: Erection of a pergola to the rear of the property.
Address: Gifford House St Giles Hill Winchester Hampshire SO23 0JH
Parish, or Ward if within Winchester City: St Michael
Applicants Name: Mr & Mrs O'Connor
Case Officer: Jordan Wiseman
Date Valid: 8 June 2022
Recommendation: Application Permitted
Pre Application Advice: No

Link to Planning Documents

[Link to page – enter in reference number 22/01236/HOU](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)

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



© Crown Copyright and database rights Winchester City Council License 100019531

Case No: 22/01236/HOU

Reasons for Recommendation

The development is recommended for permission as it is considered that no significant adverse impact is demonstrated upon the character and appearance of the existing building and the surrounding area and the proposal would not harm neighbouring residential amenity. The development does not raise any material matters that should weigh against the granting of planning permission. The development is in accordance with policies DM15, DM16, DM17 & DM27 of the LPP2

General Comments

The application is reported to Committee because of the number of objections received contrary to the Officer's recommendation.

Amendments to Plans Negotiated

None

Site Description

The application site displays a large two storey detached dwelling comprising a large front driveway area, attached garage and a large residential garden to the rear which hosts a garden room, swimming pool and patio area. The application site's primary access is via a small access road off of 'Baring Road' which leads to the driveway serving the property and in addition, the site benefits a secondary vehicular access to the rear of the application site via 'St Giles Hill'. The site demonstrates a steep change in levels rising from north to south. The site is approximately 7 meters away from the nearest neighbouring property to the north and approximately 16 meters from the nearest neighbouring property to the south.

The application site falls within the Winchester Conservation Area located on St Giles Hill, where the application sites immediate surroundings are characterised by large detached dwellings situated within generous residential plots.

Proposal

The proposal seeks the erection of what can be considered to be a modest pergoda. A pergoda is a similar concept to the 'pergola' in that it is a garden structure which can be used to provide a shaded seating area. A pergoda is normally constructed in timber with vertical wooden beam supports and a wooden slat roof; in this instance, the proposal seeks a more modern design and is of a powder coated grey aluminium construction resulting in a more contemporary finish within the garden space.

Due to the topography of the site, the proposed pergoda structure is to be sat upon an existing raised patio area in the north eastern corner of the rear garden and the structure itself will have a total height of 2.6m. The structure will have a depth of 4.6m and a width of 4.8m and will sit approximately 8 meters away from the nearest residential property.

Relevant Planning History

90/01487/OLD - Double garage following demolition of single garage PER 6th March 1990
Case No: 22/01236/HOU

08/02119/FUL - Single storey extension PER 31st October 2008

09/01313/FUL - Two storey extension PER 28th August 2009

21/02859/LDC - Lawful use of pool and ancillary pool house PER 7th December 2021

Consultations

None.

Representations:

City of Winchester Trust – Object

- Visual Impact

St Giles Hill Residents Association – Object

- Impact on conservation area, impact on neighbouring amenity

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

- Out of character
- Impact on conservation area
- Impact on neighbouring amenity

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 of the National Planning Policy Framework 2021

National Planning Legislation

Section 72 of Planning (Listed Building and Conservation Areas) Act 1990

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Planning Obligations

Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

Policy DS1 – Development Strategy and Principles

Case No: 22/01236/HOU

Policy MTRA1 – Development Strategy Market Towns and Rural Areas
 Policy MTRA2 – Market Towns and Larger Villages
 Policy CP13 – High Quality Design
 Policy CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 – Development Management and Site Allocations

Policy DM1 – Location of new development
 Policy DM15 – Local Distinctiveness
 Policy DM16 – Site Design Criteria
 Policy DM17 – Site Development Principles
 Policy DM18 – Access and Parking
 Policy DM26 - Archaeology
 Policy DM27 – Development in Conservation Areas
 Policy DM29 – Heritage Assets

Supplementary Planning Document

National Design Guide 2019
 High Quality Places 2015
 Air Quality SPD September 2021
 Residential Parking Standards December 2009
 Winchester Conservation Area Appraisal
 Winchester Conservation Area Review
 Winchester Conservation Area Strategy

Other relevant documents

Climate emergency declaration carbon neutrality action plan 2020-2030
 Statement of Community Involvement 2018 and 2020
 Biodiversity Action Plan 2021
 Historic England Guidance
 Constructive Conservation in Practice 2008
 Constructive Conservation Sustainable Growth for Historic Places 2013
 Conservation Principles Policies and Guidance 2008
 Historic Environment Good Practice Advice in Planning: Published 30 June 2020
 Winchester Future 50 Conservation Area Project 2018-2020

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.

Policy DM1 lists the settlements within the Winchester District where new development will be permitted where it accords with the development plan. The application site is situated within the defined settlement boundary of Winchester Town which is as listed under policy DM1 as an area where new development is generally accepted. It is therefore considered that the principle of erecting a new structure within the curtilage of the existing building is considered acceptable provided that the development accords with the other relevant policies of the development plan, namely policies DM15 (Local Distinctiveness), DM16 (Site
Case No: 22/01236/HOU

Design Criteria), DM17 (Site Development Principles), DM18 (Access and Parking), DM27 (Development in Conservation Areas) and DM29 (Heritage Assets). The proposed developments accordance with these polices is assessed in further detail throughout the report.

Policy DS1 sets the development strategy and principles for Winchester Town and stipulates that the council will work proactively to find solutions which mean proposals that accord with planning policies can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

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 considered to be required.

Impact on character and appearance of area

The application site displays a large two storey detached dwelling comprising a large front driveway area, attached garage and a large residential garden to the rear which hosts a large garden room, swimming pool and patio area. The area surrounding the site is characterised by large residential dwellings situated within generously sized curtilages boasting large front and rear gardens.

The application seeks the erection of what can be considered to be a modest Pergoda above an existing patio area within the generous residential garden. The proposed structure is considered to be proportionate in terms of size, scale and mass in relation to the main dwelling and is visually subservient. The design/appearance and materials used in its construction complement the original property and the other structures within the dwelling's curtilage.

The proposed structure is confined to the rear of the existing large dwelling and is set well within the properties boundaries. Views of the proposed structure would be rarely achieved from any part of the public realm where only glimpses of the structure could be achieved via the vehicular access to the rear of the application site off of St Giles Hill, views from neighbouring properties are assessed further in this report. The proposal is considered to utilise high quality materials which complement the existing property as a whole and is appropriately designed so not to result in an incongruous/alien feature within the application sites wider setting.

Based upon the above assessment it is considered that the proposed development will not result in significant adverse impact upon the character and appearance of the existing building and surrounding area. Therefore the proposal complies with policies DM15 and DM16 of the Winchester District Local Plan Part 2 and the High Quality Places SPD.

Development affecting the South Downs National Park

The application site is located 0.76km 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
Case No: 22/01236/HOU

have the highest status of protection, and the NPPF states at paragraph 172 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, intervening features and scale of the proposal no adverse harm is considered to affect the National Park or its statutory purposes.

In conclusion therefore 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

The development is within the Winchester Conservation Area. The following legislation and policies are taken into account in the assessment and determination of this planning application.

Relevant Legislation

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

Guidance

Due regard has been given to Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990) which confirms that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Listed Building/Structure. Case law has established that where an authority finds that a development proposal would harm the setting of a listed building, it must give that harm “considerable importance and weight”.

The historic environment section of the Planning Practice Guidance further outlines the role of the Local Planning Authority in considering the effects of new development that are in the vicinity of or affect the setting of listing buildings and heritage assets. Paragraph 199 of the NPPF advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Policy CP20 of WDLPP1 and Policy DM29 of WDLPP2 ensure that development preserves and enhances heritage assets and their settings.

The site lies within the Winchester Conservation area. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.

Case No: 22/01236/HOU

Whilst this specific part of St Giles Hill is not mentioned within the Winchester Conservation Area appraisal, it does highlight that residential development on the main part of the hill has taken the form of large residential dwellings and that a number of these large dwellings display high quality flint and brick walls; the main dwelling within the application does display this character in terms of material palette and so is considered to positively contribute to the character of the conservation area in its current form. The structure proposed within the grounds of the main dwelling is considerably light-weight, modest and it is confined entirely to the rear of the host property, ensuring that it does not interfere with the existing buildings positive contribution to the wider conservation area. The materials sought throughout the structure, whilst contemporary in comparison to the main dwelling, are of a high quality and its overall design are considered to be sympathetic and respect the character, appearance and setting of the wider conservation area. It is therefore considered that the proposed development will not significantly alter the character of the existing building along with its contribution to the conservation area.

The proposal in terms of its appearance, size, siting, detailing and the materials used are considered not to involve the erosion of the character of the Conservation Area. Based upon the above assessment it is considered that the proposed development would sufficiently conserve the character, appearance and historic interest of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in compliance with DM27 of LPP2, CP20 of LPP1 and para 16 of the NPPF and the historic environment section of the Planning Practice Guidance.

It is considered that the proposed development would conserve the character, appearance and historic interest of the Conservation Area in accordance with general duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area and in compliance with DM27 of LPP2, CP20 of LPP1 and para 16 of the NPPF and the historic environment section of the Planning Practice Guidance.

Archaeology

The proposed structure will be fixed upon an existing raised patio area and does not require any significant excavation works in its construction. Previous applications on the site for 2-storey extensions have not required archaeological mitigation work and it is not justified in this case. The proposal therefore accords with policy DM26 of the WD LPP2.

Neighbouring amenity

Sycamore House is the immediate neighbour to the north and the development proposed is approximately 7 meters away from the boundary. Due to the light-weight and modest nature of the proposed structure it is not considered that any significant additional adverse impact can be demonstrated by way of overbearing and overshadowing. The proposed structure is to be sat upon an existing raised patio/BBQ area, where due to the significant level changes between the two properties which result in the application site being considerably higher than Sycamore House, an element of overlooking is present within the existing situation. It is not considered that the proposed structure in this location will result in any significant additional adverse overlooking upon the neighbouring amenity to the north; the function of the proposed structure is purely to cover an existing patio.

The immediate neighbour to the south is Haldon and it is the only other property with the potential for any impact as a result of the proposed development. Due to the significant distance of approximately 16 meters between the proposed structure and Haldon, along with the modest nature of the proposal, it is not considered that any significant additional adverse impact is demonstrated by way overshadowing, overbearing and overshadowing.

Other local properties including The Bryn and properties to the west of the St Giles Hill road are a sufficient distance from the development to prevent adverse harm.

The proposed development is therefore considered to be in accordance with policy DM17 of the WD LPP2.

Sustainable Transport

The proposed development does not result in any alteration to existing vehicular access serving the site and does not alter or demand a change of parking provision within the site. As a result no significant adverse impact is demonstrated upon highway safety and parking. The proposal accords with policy DM18 of the WD LPP2.

Ecology and Biodiversity

The proposal will have no impact on ecology and biodiversity as it is not Development within, bordering or in close proximity to a Nationally Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) and is not overnight accommodation affecting Nutrients impact.

Sustainable Drainage

Due to the modest light-weight nature of the proposed development there will be no impact on sustainable drainage.

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

Based upon the above assessment it is not considered that the proposed development will result in significant adverse impact upon the character and appearance of the existing building and surrounding area, conservation area, neighbouring amenity, sustainable transport, ecology/biodiversity and drainage.

The proposed development is therefore considered to comply with the following policies of the development plan, DS1, MTRA1, MTRA2, CP13, CP20 of the Local Plan Part 1 and DM15, DM16, DM1, DM18, DM27 and DM29 of the Local Plan Part 2.

Case No: 22/01236/HOU

Recommendation

Application Permitted subject to the following conditions:

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:

Location & Block Plan
 Existing Site Plan
 Proposed & Existing Section A-A
 Existing & Proposed North Elevation
 Existing & Proposed West Elevation
 Existing & Proposed South Elevation
 Proposed Site Plan

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in the materials section of the associated application forms.

Reason: To ensure a satisfactory visual relationship between the new development and its surroundings.

Informatives:

1. In accordance with the NPPF, 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, CP13, CP20

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM27

High Quality Places SPD

3. This permission is granted for the following reasons:

Case No: 22/01236/HOU

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.

4. 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>

5. 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, please refer to the Construction Code of Practise <http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

6. Any modifications to the approved drawings, whether for Building Control or any other reason, or any departure on site from what is shown, may constitute a criminal offence under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The applicant is required to draw this and other conditions on the Consent to the attention of any contractors or sub-contractors working on site and furnish them with a copy of the consent and approved drawings.