

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 22/01313/HOU  
**Proposal Description:** Extension and conversion of side garage and construction of new first floor over  
**Address:** The Brambles, Melmerby Spring Lane Swanmore Hampshire SO32 2PT  
**Parish, or Ward if within Winchester City:** Swanmore Parish Council  
**Applicants Name:** Mr and Mrs S Gill  
**Case Officer:** Marge Ballinger  
**Date Valid:** 11 July 2022  
**Recommendation:** Application permitted  
**Pre Application Advice** No

**Link to Planning Documents**

[Link to page – enter in reference number 22/01313/HOU](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 an area identified in the Local Plan where proposals for redevelopment will be supported, will not have a significant detrimental impact on the character of the area or the amenities of the neighbouring properties. The proposal is in accordance with the Local Plan Part 1 Policies DS1, CP10, CP11, CP13, CP14, CP16; and the Local Plan Part 2 Policies DM1, DM15, DM16, DM17, DM18, the High Quality Places Supplementary Planning Document (2015) and National Design Guide (2021).

### General Comments

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

Councillor Malcolm Wallace of Central Meon Valley Ward had also requested for the application to be determined by Planning Committee, based upon material planning considerations is shown in Appendix 1.

### Amendments to Plans (for Clarity)

- The Proposed Block Plan, drawing P03 dated 1 September 2022 was submitted with corrected measurements demonstrating the car parking plan and landscaping along the front garden. There was a discrepancy noted on the agent's O/S database compared to the actual front garden measurements. The agent and planning officer had additional site visits (separately) to confirm the measurements indicated within drawing P03.

Drawing P03 had superseded previous block plan versions with parking demonstrated:

- Drawing B01A, 12 July 2022 (original drawing submitted at validation with existing parking spaces noted; incorrect location plan)
  - Drawing B01C, 22 July 2022 (demonstrated 3<sup>rd</sup> parking space)
  - Drawing B01D, 12 August 2022 (demonstrated 3<sup>rd</sup> parking space with measurement noted)
- The South Elevation within drawing P02 was amended with P02A on 6 September 2022 to correct the view of the proposed extension from this angle.

As the further plans were seeking a point of clarification, further publicity was not required.

### Site Description

Melmerby (also known as no.2 The Brambles) is a red-brick, detached dwelling built similar with three other dwellings along the north-south portion of Spring Lane in Swanmore. (Spring Lane travels west off of Chapel Lane then turns north where The Brambles are sited, to eventually join Chapel Lane near the Methodist Church.) The dwelling has 4 bedrooms, a single integral garage, and parking for up to 2 more vehicles

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forward of the garage. The dwelling has a low wooden fence with planting along the front boundary, and further wood fence panels to the rear and side boundaries.

### Proposal

The proposal is to replace or encompass the side garage with a 2-storey side extension. The width of the extension will remain a similar size as the existing garage in terms of width (3.1m wide approximately), but the building will be extended toward the front of the dwelling by 3.3m, but still set back from the primary front elevation. The extension will have similar eaves height as the existing dwelling, but the ridge line is proposed to be stepped down 1.3m approximately from the upper ridge height. The extension's roof will be of a similar pitch angle of the existing, with fenestration positioned similar as the existing dwelling. The extension will provide an enlarged kitchen/utility area with a separate studio for a home gym. The rooms to first floor will be altered to provide a 5<sup>th</sup> bedroom with ensuite. The site plan has been amended to demonstrate that 2no existing drive spaces are retained along the front of the property (parallel) with room for a 3<sup>rd</sup> parking space within the existing front garden on brick-laid tracks (perpendicular). There will not be amendments to the existing vehicle access from Spring Lane.

### Relevant Planning History

- **88/00131/OLD** (W854/04) Residential development PER 10th October 1988
- **90/00123/OLD** (W854/03) Erection of 6 houses and garages PER 21st June 1990
- **95/00106/OLD** (W854/06) 3 no. four bedroom and 1 no. three bedroom detached dwellings, garages and new access PER 23rd June 1993
  - Condition 8 – permitted development rights removed for any structure without prior approval
  - Condition 10 – garage to be used for storage and occasional repair of own vehicle and not be used for commercial/industrial purposes
  - Condition 11 – permitted development rights removed for buildings, fences, hedges, caravans etc to front of dwelling without prior approval
  - Condition 14 – a minimum of 11 car parking spaces shall be provided within the curtilage of the site and maintained/kept available
  - Condition 15 – permitted development rights removed for any external alterations or extensions to the dwelling without prior approval
- **94/00130/OLD** (W854/07) 3 no. four bedroom and 1 no. three bedroom detached dwelling, garages and new access. (Details in compliance with W00854/06) PER 30th June 1994
- **08/00205/FUL** Conservatory to rear PER 10th April

### Consultations

None.

### Representations:

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Councillor Malcolm Wallace (Central Meon Valley) – Request for the application to be considered by Committee. ‘There have been a number of concerns raised by local residents and the Parish Council, in particular about inadequate parking arrangements, space between properties and overshadowing.’ (See also Appendix 1.)

Councillor Victoria Weston (Central Meon Valley) – ‘The concerns of the loss of parking, existing covenants, impact of residential amenity and the change to the street scene with the removal of the front garden need to be carefully considered. I feel this extension will have an unsatisfactory impact to the community and the sense of place to Spring Lane.’

Swanmore Parish Council ‘objects to this application on the basis that there will be inadequate parking arrangements due to the lack of space between the front of the new extension and the pavement and between the side of the property and the adjoining property boundary. It should be noted that the on-street parking in this area is not possible due to the road width.’

15 Objecting Representations received from 13 different addresses citing the following material planning reasons:

- Inadequate parking (as per demonstrated within the original drawings)
- The 3<sup>rd</sup> parking space along the front garden would dominate the site
- The 3<sup>rd</sup> front parking space is too small and block the front entrance
- The proposal would potentially encourage road-side parking and the lane is too narrow immediately forward of the dwelling; there is already existing pavement-parking along this side of the road, forcing pedestrians into the road as it is a well-used route into the village (impacts to highway safety)
- Parking within the front garden is contrary to an existing covenant in place restricting the use of the front of the property for lawn and/or shrub planting
- There is a further covenant that restricts building works forward in the open area forward of the property, including the existing drive area.
- The extension would create overlooking, overshadowing and overbearing impacts to no.3 (north)
- The extension would create overshadowing and overlooking impacts to no.7 Leacock Close (west)
- The extension would alter the visual amenity of the residents of Spring Lane; making this portion of the road feel more urban
- Proposal not within scale of the existing site/dwelling

There are no Supporting Representations received.

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

#### National Planning Policy Framework

- Para 7 - the proposal meets the test of sustainable development including the economic, social and environmental objectives.
- Para 47 - planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

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- 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). DS1 – Development Strategy and Principles

DS1 – Development Strategy & Principles

CP10 – Transport

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP14 – Effective Use of Land

CP16 – Biodiversity

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

DM1 – Location of Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality SPD September 2021

Residential Parking Standards December 2009

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020-2030

Statement of Community Involvement 2018 and 2020

Landscape Character Assessment March 2004 and emerging LCA December 2021

Biodiversity Action Plan 2021

Swanmore Village Design Statement (June 2019)

**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 proposal is inside the settlement boundary in Swanmore and the principle of development is acceptable providing it complies with the relevant policies and material planning considerations.

**Assessment under 2017 EIA Regulations.**

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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**

Policy DM15 of the Local Plan Part 2 (LPP2) would allow development that respects the qualities, features and characteristics that contribute to the local distinctiveness of the area. Policy DM16 of LPP2 allows development that responds positively to the character and appearance of the area in terms of design, scale and layout. What is considered significant within the public views along this portion of Spring Lane is the existing front low boundary picket fences with planting along the pavement, and open gabled front porches. Two other dwellings are set slightly back from the road compared to no.2, with existing gravelled parking area's forward of their front entrances – while no.2 has its front entrance more prominent within the road and its existing parking along the front/side drive.

The proposed 2-storey side extension will provide further living space to a single-family dwelling with room for a home studio/gym, larger kitchen and utility area, and a 5<sup>th</sup> bedroom to first floor. The extension is designed to be subservient to the existing dwelling as it is set back from the front elevation and below the highest ridge. The roof's gable design and roof pitches match the existing dwelling. There will not be a further loss of outdoor space to its rear garden.

The Swanmore Village Design Statement Planning Guidance 2.3 notes that when considering new development, particularly used as a garden, the plot should be protected from overdevelopment and insensitive infilling or inappropriate filling. The works proposed are extending and building over an existing garage, and does not extend beyond an existing side wall or beyond a front or rear wall. Therefore the proposal is considered to be subservient to the existing dwelling and within scale, per the guidance considerations of the Swanmore VDS.

Although the extension will bring the building works forward of the existing garage structure, there will still be room for 2no parking spaces within the drive. The proposal also includes removing some planting along the front but retain the existing low picket fence. The drawings demonstrate that the front garden will be converted with 2 brick tire strips – this will allow grass planting and smaller replacement planting along the fence. The front replacement planting scheme will be controlled for retention (Condition 4), which will maintain the consistent fence/planting schemes along the front of the roadside seen within nearby dwellings. Also, a minimum of 3no parking spaces will be provided and this will be controlled for retention prior to use of the extension (Condition 6).

The design and position of the proposed extensions with its similar roof pitches and matching materials is considered to be within scale of the existing site. Having a car parking space forward of the front entrance may diminish views of the front bay window and existing gable porch, but this is not considered to have a significant harmful impact on the existing area's character. The fence with enhanced planting will be retained and views toward the gable porch will still be possible if a vehicle is parked in the front space, so the proposal is considered to preserve the existing character within the public views

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along this portion of Spring Lane, and therefore complies with DM15 and DM16 of the LPP2.

### **Historic Environment**

No Impact: the works do not affect a statutory listed building or listed structure or its setting; the dwelling is not considered a Non-designated Heritage Assets; the site is not within a Conservation Area; no further triggers were raised for Archaeology investigation.

### **Neighbouring amenity**

Policy DM17 of the LPP2 lists Site Development Principles that must be followed, including that the proposal must not have an unacceptable adverse impact on adjoining land or neighbouring amenities by reasons of overlooking, overshadowing or overbearing, or any other adverse impact to primary amenity spaces.

The adjacent neighbour north (no.3) is set slightly back linear from Melmerby with its garage and parking south. There is space for one vehicle in front of its entrance, with room for more planting and a small tree between its front parking area and the picket fence. The front 2-storey portion of the extension will bring built form slightly forward of a side-facing ground floor window (for a W.C) to no.3. However, an existing gap of just over 5m will be retained between the window and the proposed extension, and the room is not considered primary living space, the potential reduction of natural light is not considered to be on a harmful level which justifies refusal of the application. The 5m gap retained is also considered sufficient to reduce the potential of any overbearing impacts to the garage and parking area of no.3.

The rear gardens of Melmerby, no.1, and no.3 are shallow (approximately 7.5m deep). The proposed extension will bring building works above the existing garage footprint along the rear elevation at first floor level toward the boundary of no.3. There are existing first floor windows along Melmerby with indirect views toward no.1 and 3's rear gardens (toward is rear boundaries) or toward the side wall of no.7 Leacock Close. The proposed extension will create another first floor rear-facing window within an extended bedroom. Although the proposed first floor window be positioned on a wall 1m in depth further from the existing first floor rear windows, the new window is still set back in line with no.3's rear elevation. The more primary amenity spaces to dwellings are within the area closer to dwelling's rear elevation. Views from first proposed floor window are not considered to have a harmful impact to privacy toward no.1 and no.3 in this example, due to the existing views from existing windows, and it is not considered the proposal results in a material harmful difference to the existing situation. There is an existing mature boundary planting along the rear of Melmerby toward no.7, so the proposal will not increase views toward the more primary amenity space to the rear of no.7.

Consideration to overbearing and overshadowing toward no.3's front and rear garden was considered as the building works will be built south of no.3. There is an approximate 2.5m gap between the two existing garage structures, and there is a gate and path for access to the rear garden along the south boundary of no.3. Building above this portion of the garage near the neighbouring garage is not considered to create an overbearing impact as

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this portion of the garden to no.3 is used for access only (not primary amenity outdoor space).

The 2-storey extension is proposed against an existing 2-storey portion of Melmerby: while there may be some loss of direct sunlight into portions of the gardens in the morning or evenings during particular times of year, the extension is not considered to create a significant loss of natural light to no.3 when comparing the dwellings current relationship with the existing height of Melmerby which justifies refusal of the application on these grounds.

Considering all neighbouring dwellings adjacent the proposal site's alterations, no adverse impact is expected in terms of overbearing, overshadowing, loss of privacy or any other amenity issues. Therefore the proposal is in compliance with DM17 of the LPP2.

### **Sustainable Transport**

The proposal will remove the existing garage parking space with the internal alterations, but retains parking for 3 off-road vehicle spaces, meeting the number of parking spaces suggested for a 3+bedroom dwelling. The recommended size a perpendicular parking space is 2.4m x 4.8m and this has been measured as sufficient for the front garden space while retaining the fence and some planting, and without blocking the front entrance. The recommended parallel parking spaces are 2m x 6m as per the Parking Standards.

Although retained drive's depth from the extension to the pavement is 5.5m, there is potential to accommodate the existing owner's vehicles (and the average car length is up to 4.8m), and also without blocking access to the front entrance. The site is also considered sustainable given its location to nearby bus stops and pedestrian access to amenities (shops approximately 1/3 mile walking distance). Therefore the proposal is in compliance with CP10 of the LPP1; and DM18 of the LPP2; as well as in compliance with Residential Parking Standards.

### **Ecology and Biodiversity**

In regards to nutrient levels, 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 Hampshire Biodiversity Information Centre databases and our own WCC internal ecology databases were reviewed and there are no protected species noted near or within the proposal site. It is considered that the proposal therefore complies with LPP1 Policy CP16 (Biodiversity).

### **Sustainable Drainage**

The proposal is within a site that has low risk of pluvial flooding and the alterations proposed do not create a significant change to the dwelling's existing runoff with the extensions proposed. Therefore the proposal complies with policy DM17(iii) of the LPP2 (Drainage).

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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**

The extension proposed is a well-balanced design to extend living space to a single family dwelling, and increased on-site parking has been submitted to meet the parking standards in compliance with policy. Consideration has been given to its relationship to the character of the area, residential amenities, and to the host dwelling in terms of size, scale and design. The proposed extensions will not result in adverse overlooking, overbearing or overshadowing impacts to the adjacent dwellings. The application is therefore considered to be acceptable and in accordance with the development plan and material planning matters do not indicate an alternative approach should be taken.

## **Recommendation**

Application approved 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 received: -

- Location Plan, drawing B01B amended 14 July 2022
- Proposed Block Plan, drawing P03 dated 1 September 2022
- Proposed Floor Plans, drawing P01 dated 14 June 2022
- Proposed Elevations, drawing P02A amended 6 September 2022

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 extension hereby permitted shall match those used in the existing building.

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

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4. The existing front fence along the front boundary must be retained and enhanced with low-level replacement planting prior to the occupation of the extension hereby permitted.

If within a period of five years after the proposal is built, the planting becomes seriously damaged, defective or diseased the planting should be enhanced or replanted of the same size within the next planting season, unless otherwise approved by the Local Planning Authority.

Reason: To maintain the vegetation cover and the contribution that vegetation make to the character and amenity of the area.

5. 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 within the first floor on the north and south (side) elevations of the extension approved.

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

6. Before the development hereby approved is first brought into use, a minimum of 3 car parking spaces shall be provided within the curtilage of the site and thereafter maintained and kept available.

Reason: To ensure adequate car parking provision within the site in accordance with the standards of the Local Planning Authority.

**Informatives:**

1. The applicant should note that this permission does not give any property rights to building on or encroach over or under the adjoining property. The applicant may be required to serve notice under the Party Wall etc Act 1996.
2. In accordance with paragraph 38 of the NPPF (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.
3. The Local Planning Authority has taken account of the following development plan policies and proposals:-  
Local Plan Part 1 Joint Core Strategy: DS1, CP10, CP11, CP13, CP14, CP16  
Local Plan Part 2: DM1, DM15, DM16, DM17, DM18
4. This permission is granted 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

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38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

5. 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>

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. 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>
8. Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information <https://www.winchester.gov.uk/building-control>

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Appendix 1

**City Councillor's request that a Planning Application be considered by  
the Planning Committee**

<b>Request from Councillor: Malcolm Wallace</b>
<b>Case Number: 22/01313/HOU</b>
<b>Site Address:</b> The Brambles, Melmerby Spring Lane Swanmore Hampshire SO32 2PT
<b>Proposal Description:</b> Extension and conversion of side garage and construction of new first floor over
<b>Requests that the item be considered by the Planning Committee for the following material planning reasons:</b>  There have been a number of concerns raised by local residents and the Parish Council, in particular about inadequate parking arrangements, space between properties and overshadowing.  Therefore, I would like to request that this application is considered by the full Planning Committee.