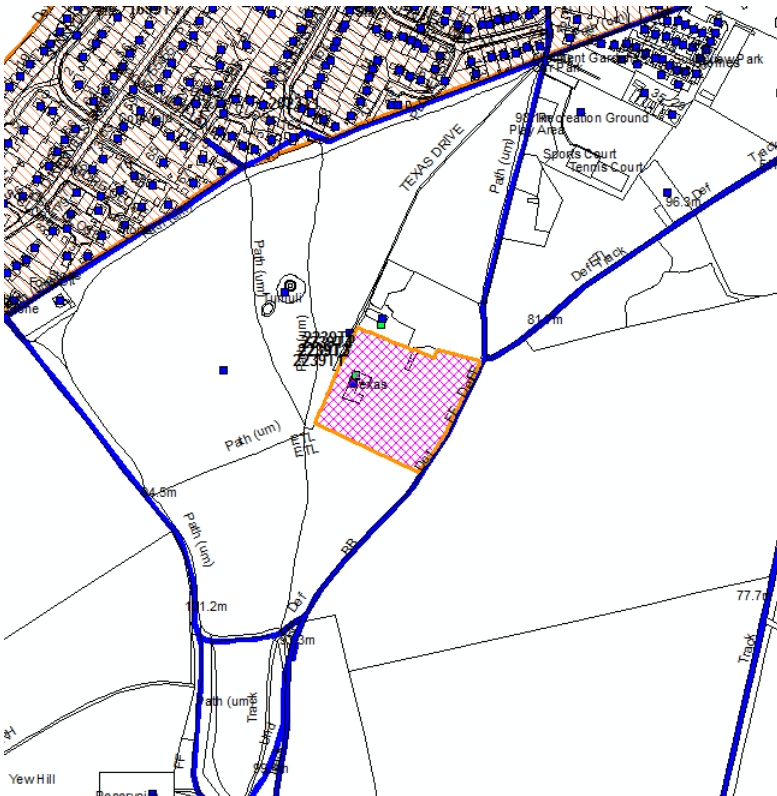


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PLANNING COMMITTEE

Case No: 22/02170/HOU
Proposal Description: Construction of an attached double garage to the existing dwelling.
Address: Texas, Texas Drive, Winchester, Hampshire.
Parish, or Ward if within Winchester City: Badger Farm and Oliver's Battery.
Applicants Name: M Oakley
Case Officer: Sean Quigley
Date Valid: 27.09.2022
Recommendation: Application permit
Pre Application Advice: No

Link to Planning Documents <https://planningapps.winchester.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>



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Reasons for Recommendation

The development is recommended for permission as an extension to an existing dwelling. The site is in an area defined as countryside in the local plan and it is considered that the extension will not have a significantly detrimental impact on the character and appearance of the area or on the amenities of the neighbouring occupiers. The proposal is in accordance with Local Plan Part 1 Policies MTRA4, CP13, CP16, CP18 and CP20; and

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Local Plan Part 2 Policies DM1, DM15, DM16, DM17, DM18, and DM23 and the High Quality Places Supplementary Planning Document (2015).

General Comments

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

Cllr Brain Laming, Ward Councillor, requested that the application be determined by Planning Committee, based upon material planning considerations and this is shown in Appendix 1

Site Description

The application site is located on the eastern side of Texas Drive outside the settlement boundary of Winchester. The site is in an area defined as countryside and within the Settlement Gap separating Winchester and Compton Street. The dwelling is accessed via the unmade section of Texas Drive which extends from south west from the made part of the road. The site is occupied by a large single storey detached dwelling which was allowed on appeal in 2019 and has a Right Of Way running North-South along its western boundary and others shown in the map above (blue lines).

Proposal

The application is for the construction of a double garage which will be attached to the south western corner of the dwelling on its western elevation. The garage will be approximately 10m wide, 8m deep and 3m high, 2m lower than the dwelling. The existing vehicular access to the site, which is on its western boundary, is not proposed to be altered.

Relevant Planning History

13/01367/FUL Demolition of existing dwelling and erection of replacement five bedroom dwelling, landscaping and associated works 28.08.2013

14/00868/FUL Demolition of existing dwelling and erection of replacement 1 no. four bedroom dwelling, landscaping and associated works (RESUBMISSION) Refused 16.07.2014 Appeal Dismissed.

16/00320/FUL - Demolition of existing bungalow and outbuildings, proposed replacement single storey dwelling with attached garage. **PER 28th October 2016.**

17/00126/FUL Alterations to extant permission under planning application ref: 16/00320/FUL : Demolition of existing bungalow and outbuildings, proposed replacement single storey dwelling with attached garage. Withdrawn 29.03.2017

17/02190/FUL - Alterations to extant planning permission ref: 16/00320/FUL: Repositioning of dwelling, alterations to site levels and exterior materials, amendments to landscaping and boundary treatment. **REF 21st December 2017. Allowed 27th February 2019** (APP/L1765/C/18/3197434).

Consultations

None

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Representations:

Councillor Brian Laming commented that;

This application for the garage should be considered as a retrospective One as the foundations were built together with the main house. Please see picture. One could assume that this was deliberate as the previous application was withdrawn planning prior to coming to committee. Therefore the application is retrospective as the garage was turned down by the original planning officer and it has not material changes in the position or design.

This site has been the most contentious of any in the ward and has had a number of applications refused or enforcement notices given out.

This garage contravenes WCC policies in a number of ways as it creates an impact on the neighbour which again changes the visual impact on the area.

It should be considered as over development as it was refused previously.

The application is retrospective as the garage was turned down by the original planning officer and it has not material changes in the position or design.

The present planning permission still has not been complied with as outbuildings are still standing where they were required to be moved.

Should the officer recommend this application I would like it considered

9 representations objecting to the application were received from different addresses citing the following material planning reasons:

- the proposal will have an unacceptable visual impact on the existing landscape
- the garage is too large/proposal is overdevelopment of the site
- the proposal will impact the neighbour
- the garage is excessively large
- the proposal will impact the Settlement Gap
- the proposal offers no enhancement of the countryside
- the garage was previously refused by the Council and material considerations have not changed
- an integral garage could be accommodated in the existing dwelling

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 12 Achieving well designed places

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

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

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Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1).

DS1 - Development Strategy and Principles
MTRA 4 - Development in the Countryside
CP13 - High Quality Design
CP18 – Settlement Gaps
CP20 – Heritage and Landscape Character.

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

DM1 – Location of New Development
DM15 – Local Distinctiveness
DM16 – Site Design Criteria
DM17 – Site Development Principles
DM18 – Access and Parking
DM23 – Rural Character

Supplementary Planning Documents

High Quality Places - SPD (2015).
National Design Guide
Olivers Battery Village Design Statement 2008

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020 – 2030
Statement of Community Involvement 2018 and 2020
Landscape Character Assessment 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 NPPF requires that applications for planning permissions must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is in an area defined as countryside in the local plan. The proposal is for an extension to an existing residential property and is therefore acceptable in principle. Policy DM3 is not relevant as the existing property is well over the 120m² threshold for the size restriction.

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 main issue is the impact of the development on the character and appearance of the area and the majority of the objections refer to this aspect of the development. The proposed extension has a large footprint for a garage however given the size of the existing property it is in proportion. The previous planning applications are a material consideration and the size of the property was intended to be restricted to the limits of the

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house walls with low key external parking tucked between the northern western elevation and the hedge to that side. The proposed garage has to be assessed on its own merit with the main consideration in respect to DM23 and its visual impact. The garage is 2m lower than the single-storey dwelling and achieves the subservient visual relationship with it lessening its impact. In addition, the position of the proposed garage on the western elevation means that it will be significantly screened from views into the site from the west where the boundary is heavily treed, and will be obscured in longer views from the wider countryside to the south. The green roof assisting minimising views from higher up from the west. The proposed design and materials - a flat-roofed rectangular block with a render finish - match those of the host dwelling and are therefore appropriate.

Policy CP18 indicates that in Settlement Gaps, only development that does not physically or visually diminish the gap will be allowed. The scale, design and position of the proposed development means that it will not physically or visually diminish the Settlement Gap in which the site is located.

In conclusion, the proposed development, by reason of its design and position, will not have a significant impact on the character or appearance of the area, including the settlement gap. The proposal is therefore considered to be in accordance with policies CP13, CP18 and CP20 of the LPP1 and policies DM15-DM18 and DM23 of the LPP2 and the Village Design Statement.

Development affecting the South Downs National Park

The application site is located approximately 1.6km 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 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.

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.

Neighbouring amenity

The site is in an isolated position, set in open countryside away from existing development and therefore the proposed garage will not have any impact on the residential amenities of the occupiers of existing dwellings in the area. The proposal is therefore in accordance with policy DM17 of the LPP2.

Sustainable Transport

The proposal will have no impact on highway safety and therefore accords with policy DM18.

The site is in the Air Quality buffer but does not require a statement or an assessment because it does not meet the threshold.

Ecology and Biodiversity

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The proposed development does not raise any significant issues relating to ecology or biodiversity and complies with LPP1 Policy CP16. It is noted that the garage will have a green roof which will make a positive ecological and biodiversity contribution.

Sustainability

The proposal is not required to meet any sustainability requirements in terms of BREEAM or Code for Sustainable Homes.

Sustainable Drainage

The proposed dwelling is in an area of low flood risk and will not give rise to any issues relating to flood or surface water drainage.

The proposal complies with LPP2 Policy DM17 in this regard.

Equality

In assessing planning applications, 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 its duty.

Planning Balance and Conclusion

The proposed garage is of an appropriate size and design, incorporating high quality materials. It will not have a significant impact on either the character or appearance of the area or the residential amenities of the occupiers existing dwellings. Whilst it will be located in a Settlement Gap, it will not detract from the strategic function of that designation.

Recommendation

Application permitted, subject to the following 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall be as specified in Section 5 of the submitted application form.

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

3. The development hereby approved shall be constructed in accordance with the following plans:

Block Plan - 1501c_02 B

Ground Floor Plan - 1501c_04 B

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Elevations - 1501c_06 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.

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, MTRA 4, CP11, CP13, CP16, CP18, CP20
Local Plan Part 2 – Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM23

The High Quality Places Supplementary Planning Document (2015)

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.

In this case the application was assessed as being acceptable.

4. 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.

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. 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.

6. 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

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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 Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

Appendix 1 - Ward Councillor's request that a Planning Application be considered by the Planning Committee

Request from Councillor: Brian Laming
Case Number: 22/02170/HOU
Site Address: Texas Drive
Proposal Description: Garage
Requests that the item be considered by the Planning Committee for the following material planning reasons: The proposed development will have an unacceptably detrimental impact on the character and appearance of the area, contrary to policies CP13 and CP20 of the LPP1 and policies DM15/16/17 and DM23 of the LPP2 This application for the garage should be considered as a retrospective One as the foundations were built together with the main house. One could assume that this was deliberate as the previous application was withdrawn prior to coming to committee. Therefore the application is retrospective as the garage was turned down by the original planning officer and it has not material changed in the position or design. This site has been the most contentious of any in the ward and has had a number of applications refused or enforcement notices given out. This garage contravenes WCC policies in a number of ways as it creates an impact on the neighbour which again changes the visual impact on the area. It should be considered as over development as it was refused previously. The application is retrospective as the garage was turned down by the original planning officer and it has not material changes in the position or design.

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The present planning permission still has not been complied with as outbuildings are still standing where they were required to be moved. Should the officer recommend this application I would like it considered by the planning committee.

- Whilst requests will be accepted up to the determination of the application, Members should make their request as quickly as possible and preferably within the publicity period of the application. Otherwise the case may be determined under delegated powers soon after the expiry of the publicity period. The committee date for the application will depend upon when the request is received in relation to the committee cycle.
- It would be helpful if Members can indicate their preferred outcome to avoid it going to the committee unnecessarily

Once completed, please email this form to the relevant Planning Case Officer and the Head of Development Management.