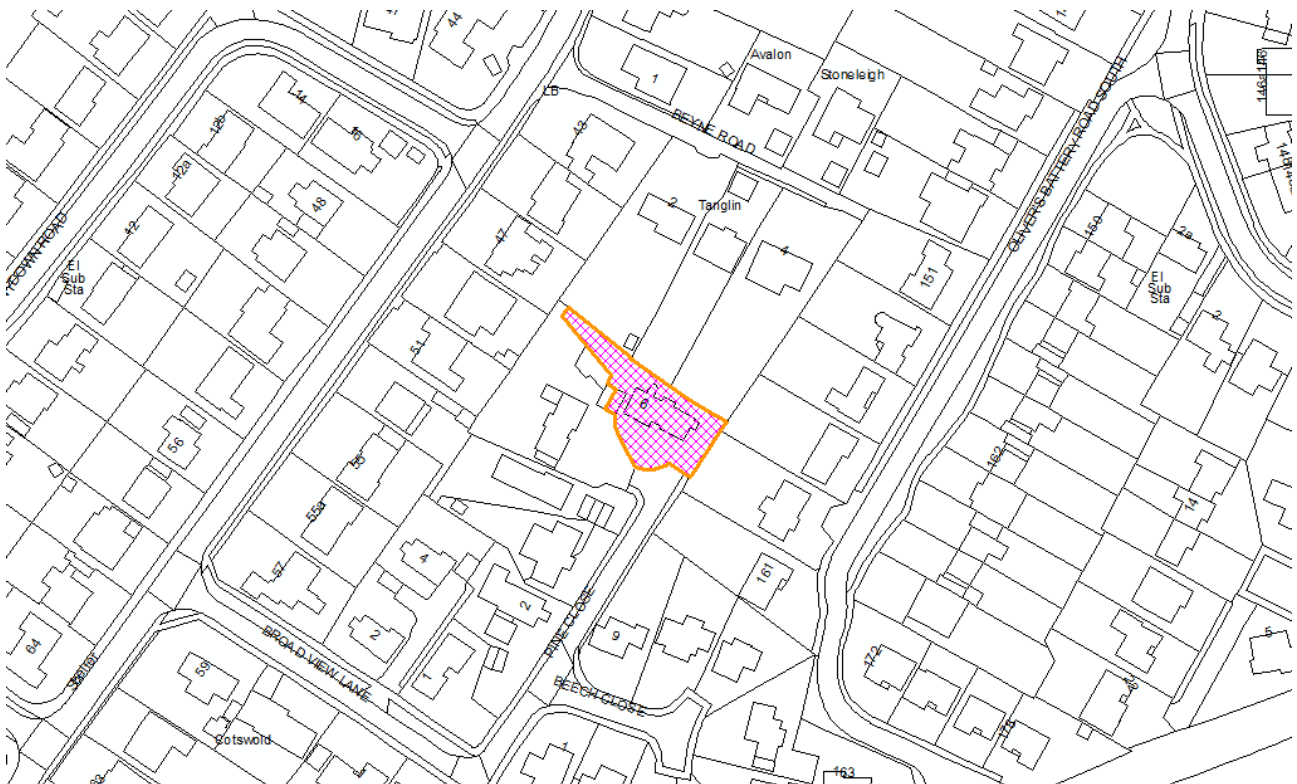


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 23/00617/HOU  
**Proposal Description:** Single storey front & side extension, partial raising of roof to provide first floor master bedroom, porch canopy & elevational alterations  
**Address:** 6 Pine Close Olivers Battery Winchester Hampshire SO22 4JX  
**Parish, or Ward if within Winchester City:** Olivers Battery Parish Council  
**Applicants Name:** Mr & Mrs Marquis  
**Case Officer:** Mrs Megan Osborn  
**Date Valid:** 8 March 2023  
**Recommendation:** Application Permit  
**Pre Application Advice** Yes

**Link to Planning Documents**

[Link to page – enter in reference number 23/00617/HOU](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)  
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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**Reasons for Recommendation**

**Case No: 23/00617/HOU**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The development is recommended for permission as it is considered that it is acceptable in terms of its impact on the character of the area and would not harm neighbouring residential amenity and complies with the policies of the adopted Development Plan.

**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 is within the area of Olivers Battery within the city of Winchester.

The site is accessed off Broad View Lane and leads around to Pine Close at the end of the Cul-De-Sac. The houses on Pine Close are low rise with two single storey elevations with pitched roofs and a single storey flat roof joining the two elements. All the houses in Pine Close are white render. The other part of this road have a mix of dwelling types and sizes.

6 Pine Close is located to the end of the Cul-de-Sac and has a lot of vegetation to the front of the dwelling that screens the view of this building from the street.

**Proposal**

The proposal is to extend the dwelling with a single storey extension to the side and front and to raise the roof on one section of the dwelling.

**Relevant Planning History**

None

**Consultations**

None

**Representations:**

Olivers Battery Parish Council – This development is out of keeping with the rest of the dwellings in Pine Close. The height and scale is vastly bigger than neighbouring properties.

It is contrary to the Oliver's Battery Village Design statement.

The extension would result in an overlooking impact to neighbours.

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

**Case No: 23/00617/HOU**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

- Contrary to Village Design Statement
- This would create a precedent
- Height and scale
- Overdevelopment of the site
- Impact on privacy
- Loss of light
- Proposed two storey is out of keeping
- Design unacceptable

2 Supporting Representations received from different addresses citing the following material planning reasons:

- The changes would be acceptable in the surrounding area.
- This is a good solution to extending this dwelling.

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

#### National Planning Policy Framework

Section 12 of the National Planning Policy Framework 2021

#### National Planning Practice Guidance

Design process and tools

Determining a planning application

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

- CP13 - High Quality Design

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

- DM15 - Local Distinctiveness
- DM16 - Site Design Criteria
- DM17 - Site Development Principles

#### Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Residential parking standards 2009

Oliver's Battery Village Design Statement 2008 (VDS)

Air Quality SPD September 2021

#### Other relevant documents

Climate emergency declaration carbon neutrality action plan 2020-2030

Statement of Community Involvement 2018 and 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) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

**Case No: 23/00617/HOU**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The development is situated in the settlement Oliver's Battery, which is within the settlement boundary of Winchester, where the principle of development is acceptable, provided that the development is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise.

**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 proposal is for a single storey extension to the front and side of 6 Pine Close and extending the south eastern section of this dwelling up to create an additional room in the roof.

This area is described in the VDS as, 'Pine Close, which have an unusual design linking two modular single storey units.' It goes on to say, regarding the area of Old Kennels Lane generally, 'Conversion or replacement of single storey dwellings with two storey dwelling should only be permitted where the roof height and overall bulk of the resulting dwelling would not dominate that street scene'.

Although the application is adding a storey to a section of the property, and is a departure from the other similar dwellings in the immediate surrounding area in Pine Close, it is considered that the design still respects the low rise form of the dwelling and would not result in an incongruous feature in the area that would dominate the street scene.

The design is contemporary and a departure from the existing design, although it is considered that the use of matching render, with a small area of timber, is acceptable and respects the existing dwelling and other dwellings on Pine Close.

This is a detached property and the neighbours are a sufficient distance away that this would not result in any overbearing or overshadowing impact.

There are windows on the proposed first floor. There is a large one to the front of the dwelling that will only overlook the road. There is a proposed window on the eastern elevation, but this is for a bathroom and therefore would be obscurely glazed (condition 5), and there are proposed roof lights on the western roof slope. Given the distance between the roof lights on the western slope and the neighbouring property and the level changes it is considered that this would not result in any material planning harm in terms of overlooking. There are no windows on the rear elevation.

There is a distance of approximately 23m to the nearest dwelling to the east and 39m to the nearest property to the north, therefore it is considered that there will be no overbearing or overshadowing impact due to this proposal.

Therefore the proposal would not result in any detrimental harm on the character of the surrounding area or existing property and would not result in any material planning harm on surrounding residential amenities and therefore it complies with policies CP15, CP16 and CP17 of the LPP2 and the Oliver's Battery Village Design Statement.

**Case No: 23/00617/HOU**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Development affecting the South Downs National Park**

The application site is located 1.7km 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.

**Sustainable Transport**

The proposal will increase the size of the existing dwelling but retains sufficient parking on site to comply with the recommendations of the WCC Parking Standards and vehicles can continue to move within and exit the site in a safe manner. Therefore the proposal is in compliance with CP10 of the LPP1 and DM18 of the LPP2.

The site is within the Air Quality Management Area covered by the Air Quality Supplementary Planning Document however as the proposals are only for extensions no assessment or mitigation is required.

**Ecology and Biodiversity**

In regards to nutrient levels, and other ecology matters, the proposal will have no impact as it is not development within, bordering or in close proximity to a Local, National or European Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) or is not overnight accommodation affecting Nitrates.

A condition is attached requiring the submission of a biodiversity enhancement and mitigation plan to ensure opportunities are taken to enhance biodiversity on the site (Condition 6). It is considered that the proposal therefore complies with LPP1 Policy CP16 (Biodiversity).

**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**

It is considered that this design is acceptable in relation to the dwelling and would not result in a detrimental feature in the street scene.

**Case No: 23/00617/HOU**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

This proposal does not result in any material planning harm on surrounding residential amenities.

Therefore this is acceptable in relation to relevant planning policy.

**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 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 the existing.

3. The development hereby permitted shall be carried out in accordance with the plans listed below unless otherwise agreed in writing by the local planning authority:

441\_04 Existing and proposed floor plans

441\_05 Proposed elevations

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.

4. 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 in the first floor and roof elevations of the dwellings hereby permitted.

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

5. The first floor window in the eastern elevation in the extension hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

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

6. Prior to the commencement of the development a biodiversity enhancement and mitigation plan shall be submitted to and approved in writing by the local planning

**Case No: 23/00617/HOU**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

authority. As appropriate to the site, the enhancements shall include swift boxes and hedgehog gaps in fences and hard boundary treatments. Works shall be implemented in accordance with the approved details.

Reason: To ensure that the ecological value of the site is not adversely impacted upon by the development and to provide adequate mitigation and enhancement for protected species.

**Informatives:**

01. In accordance with paragraph 38 of the NPPF (July 2019) , 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 the application was acceptable as submitted and no further assistance was required.

02. 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.

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

Local Plan Part 1 - Joint Core Strategy: CP13

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations:  
and DM15, DM16 and DM17

04. 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.

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>

05. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement  
**Case No: 23/00617/HOU**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

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.

06. 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>