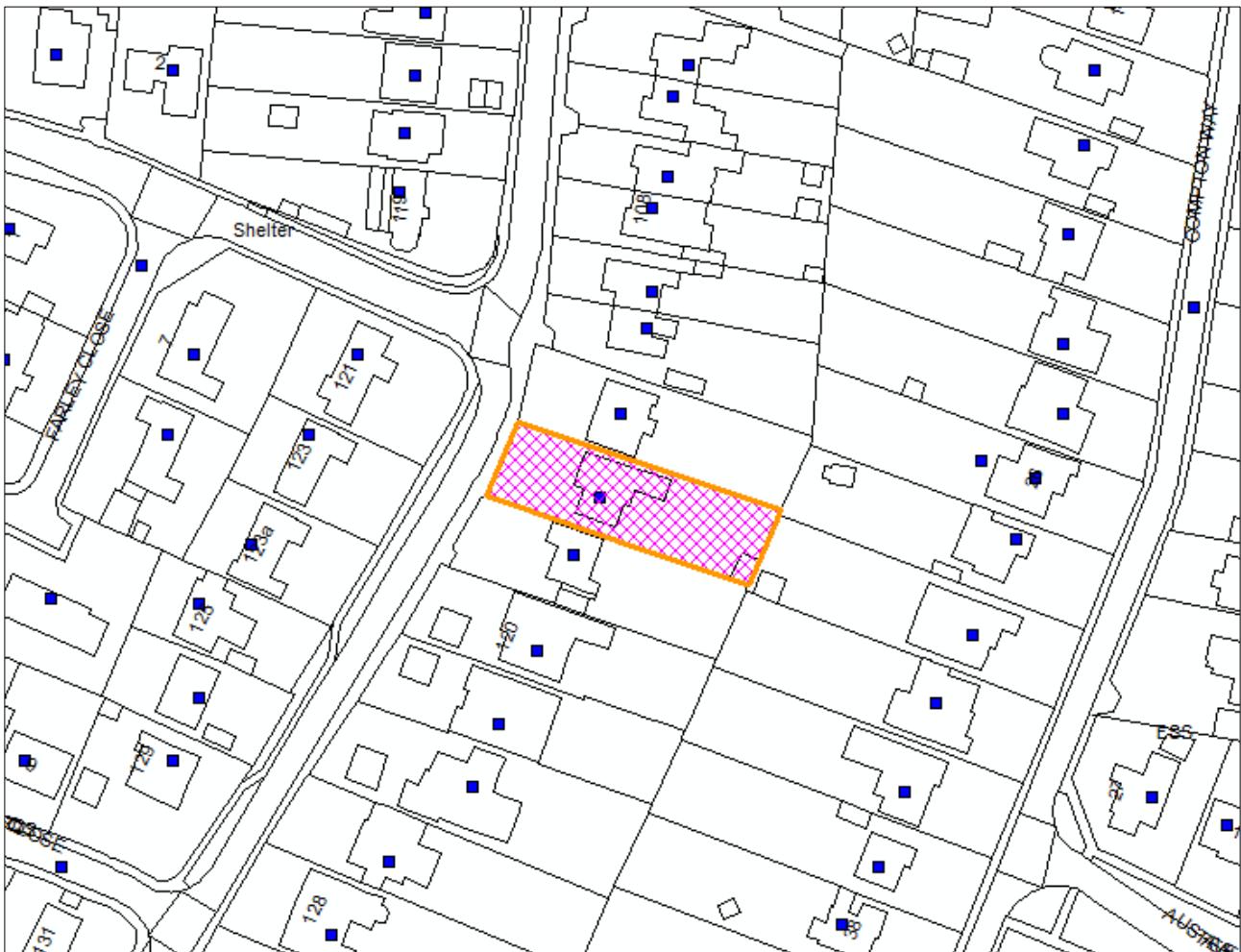


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 23/00288/FUL  
**Proposal Description:** New detached 1.5 storey 5 bedroom dwelling and detached garage, following demolition of existing dwelling. (Revised submission to approved 22/00354/HOU to facilitate replacement of entire dwelling).  
**Address:** 116 Olivers Battery Road South, Olivers Battery, Winchester, Hampshire, SO22 4HB  
**Parish, or Ward if within Winchester City:** Olivers Battery Parish Council  
**Applicants Name:** Mr J Nyssen  
**Case Officer:** Catherine Watson  
**Date Valid:** 30 March 2023  
**Recommendation:** Application permitted  
**Pre Application Advice** No

**Link to Planning Documents**

[Link to page – enter in reference number 23/00288/FUL](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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**Case No: 23/00288/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Reasons for Recommendation**

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 and at the request of Olivers Battery Parish Council and Ward Councillor Jan Warwick, based upon material planning considerations. Both requests are shown in Appendix 1.

This application is a resubmission of a scheme approved in June 2022 to extend the existing bungalow to the front and rear. This included raising the roof and adding a detached garage to the front (22/00354/HOU).

The new scheme is substantially the same as the approved scheme except that it is now a complete rebuild as the original bungalow was demolished rather than extended, therefore requiring a new application.

**Amendments to Plans Negotiated**

An amended plan was submitted on 25<sup>th</sup> May 2023. This did not show any significant changes but it clarified a minor change to the windows either side of the utility door on the side (northern) elevation. The formerly approved plans show adjoining windows either side the door. This has now been constructed with a window to the right but omits the one to the left. As this is a very minor change and is not considered to have any additional impact on the amenities of the neighbouring 114 Olivers Battery Road South, it was not considered necessary to re-advertise this change.

**Site Description**

The area around this part of Olivers Battery is characterised by a mix of detached bungalows and chalet bungalows which sit on fairly generous plots with sizeable driveways and garages. However, there are also examples of semi-detached properties and 2 storey houses in fairly close proximity and increasingly, a number of the original single storey dwellings have been enlarged both in footprint and overall height. This is true of dwellings immediately in the vicinity of 116 Oliver's Battery Road South such as No's 120, 122 and 124 which have all undergone various extensions and are now much larger and more prominent on the street scene.

**Proposal**

The proposal is for a new detached 1.5 storey 5 bedroom dwelling and detached garage, following demolition of existing dwelling.

**Case No: 23/00288/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Relevant Planning History**

116 Olivers Battery Road South Olivers Battery

22/00354/HOU - Front & rear infill extensions, raised roof and elevational alterations, plus detached garage. PER 10th June 2022.

120 Olivers Battery Road South Olivers Battery

19/00695/HOU - Re-submission of 18/00127/HOU. Full renovation of existing bungalow to convert to chalet style bungalow with first floor accommodation space. Renovations to include single storey extensions to front and rear and re-roof of entire building. PER 21st May 2019.

122 Olivers Battery Road South Olivers Battery

17/01754/HOU - (AMENDED PLANS) Extend existing property to the rear and raise the roof to create a 4 bedroom property with detached double garage to front. PER 30th October 2017.

17/02965/HOU - (RESUBMISSION) Redesign of permitted scheme 17/01754/HOU to reduce the massing of the front elevation. PER 12th January 2018.

124 Olivers Battery Road South Olivers Battery

17/00178/HOU - Raising roof and front extension to increase the existing bungalow to a 5 bedroom chalet style house. Existing garage is retained. PER 19th June 2017.

17/02877/HOU - (RESUBMISSION) Single storey front and rear extensions. PER 3rd January 2018.

**Consultations**

None.

**Representations:**

Councillors – Councillor Jan Warwick, Badger Farm & Olivers Battery Ward  
– Please see Appendix 1

Olivers Battery Parish Council  
– Please see Appendix 1

23 Objecting Representations received from 20 different addresses citing the following material planning reasons:

- Overdevelopment / excessive size and height of building
- Design and materials out of character with area / existing buildings
- Loss of privacy, loss of light, overbearing impact, impact on enjoyment of neighbouring properties
- Garage too large and out of character
- Loss of neighbours access visibility due to garage
- Not in compliance with the Village Design Statement
- Lack of consultation on the original application
- Applicant always intended to demolish
- Misleading / incorrect information submitted
- Air Source Heat Pump could be noisy

**Case No: 23/00288/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

- Loss of hedgerow / lack of details about proposed boundary materials
- Little amenity space will be retained for the dwelling
- Concern about planning process / retrospective application / precedent
- Construction traffic impacts
- Loss of view

**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*

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

DS1 – Development Strategy and Principles

CP10 - Transport

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP16 – Biodiversity

CP17 – Flooding, Flood Risk and the Water Environment

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 Design Principles

DM18 – Access and Parking

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Olivers Battery Village Design Statement

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020 – 2030

Statement of Community Involvement 2018 and 2020

Residential Parking Standards December 2009

**Case No: 23/00288/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**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.

This site is located within the settlement boundary of Olivers Battery and therefore the principle of development is acceptable.

**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 proposed dwelling will have two front gables which are asymmetric in that the gables are different sizes (the southern of the two being larger). They are linked by a large gabled central front porch. There is a small flat section of roof joining the valley between the two gables. The gables then run through to the rear of the dwelling at first floor level. At the rear there is then a single storey flat roofed section which projects further back into the garden.

The gables and porch will be clad in Siberian larch and framed by a zinc fascia.

The building therefore has a distinctive and striking contemporary design and materials which differ from the typical brick and tiled of most of the surrounding properties with many examples of contemporary design in the wider context also.

It also increases the mass and height of built form on site from the previous bungalow which was approximately 5.4m in height. The new gables will be 7.9m (the taller southern one) and 7m in height.

However, despite the change in building style and materials and increase in height and mass, the new building is still considered to be acceptable in this context. The gables, while increasing the overall height, allow the mass of the building at first floor level to be broken up as viewed from the street and provide a visual transition along the street due to the different heights of the gables. This is in contrast to the properties at 120 to 124 Olivers Battery Road South where extensions have been permitted or constructed which keep the overall height slightly lower but result in a greater unbroken mass at first floor level as they are wide fronted in design. While the gables are large, it should also be noted that the first floor accommodation is partly contained within the roof.

Furthermore, the materials to be used for the application site, while contemporary and distinct from immediate neighbouring properties, will actually be subtle and recessive in appearance due to the dark zinc framing and Siberian larch which will weather to a silver grey in colour (Condition 3).

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Therefore, while it is accepted that the new building will have greater presence in the street scene and increases the mass of built form on site, it is not considered that it will be overbearing in relation to the bungalows either side or overly dominant in public views or, particularly given the context of the large upward extensions allowed to properties along the street and in the wider context of Olivers Battery where good quality contemporary alterations to properties have been allowed in many instances.

To the rear, the single storey rear projection will not be visible from the public realm.

The proposal includes a single garage to the front. This will have a pitched roof with a gable facing the road and will be finished in materials to match the main house. There are other examples of small garages to the front of properties and this is not considered to be out of character or harmful to the local environment.

In order to control the character and appearance of the area and to reduce any potential impact of neighbour amenity, condition 9 states that if there is to be any new boundary treatments, hard and soft, details of this are to be submitted to the local planning authority prior to the commencement of that part of the construction

As such it is considered to be in accordance with policies CP13 of the LPP1, DM15-DM17 of the LPP2 and the High Quality Places SDP.

The proposal is also considered to be in accordance with the Olivers Battery Village Design Statement which acknowledges the range and mixture of dwellings styles in this street and states that the conversion of single storey dwellings to two storeys should be permitted, providing that the overall bulk and appearance of the resulting dwelling does not restrict views between properties or have a detrimental effect on neighbouring properties. It also notes that the diversity of properties in the area provides further scope for future design innovation within the prevailing idiom.

### **Development affecting 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.

The application site is located 1.6km from the South Downs National Park and at this distance 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**

No Impact, the works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

**Case No: 23/00288/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Neighbouring amenity**

The neighbouring properties most directly affected by the development are those either side, No's 114 to the north and 118 to the south.

The proposed dwelling sits on the same footprint as the original bungalow in terms of the two side elevations and front elevation apart from the front south west corner which is filled in. To the rear the footprint of the building does not extend back any further than the previous single storey rear projection but this was a narrower element located along the northern side, whereas now the footprint extends back this far but the full width of the dwelling. However, the 2 storey element of the building only extends back 12.7m and the rear section, which is single storey, extends back by 5.1m starting from the rearmost part of the 2 storey element.

Both these neighbouring properties are therefore presented now with a taller building to their side with more built form parallel to the boundaries, particularly to the rear. However, the 2 storey element of the new dwelling is mostly level with the neighbouring properties with a more modest part of this projecting back beyond their rear elevations – 8.6m in respect of no 114 and 8.4m in respect of no 118. The remainder of the building projecting backwards is single storey. In these circumstances and given that a gap between the new building and the boundaries is retained on both sides, it is not considered that the new dwelling would appear unacceptably overbearing when viewed from either neighbouring property.

The new dwelling would result in some overshadowing of the property at No 114 in the afternoon onwards but this is not considered to be uncommon in a linear street or sufficiently materially harmful in this context to warrant a refusal of the application.

In terms of loss of privacy, the new dwelling contains ground floor side windows adjacent to no 118. These will be obscure glazed (Condition 4). There is 1 first floor rooflight on each side. The first floor internal height to the centre of each rooflight is 2m. This is considered acceptable in terms of potential overlooking and therefore it is not necessary for the windows to be obscure glazed.

To the rear and front, windows would look over the applicant's own garden or over the street. Concern has been raised by neighbours living on Compton Way to the rear that they would suffer loss of privacy from the new first floor rear windows in the property, but these are 31m from the rear boundary and it is not considered that this would allow a level of overlooking which could be argued to be materially harmful.

The garage to the front of the property is a relatively modest structure and would not have any materially adverse impact on the residential amenity of either neighbour.

Therefore, an adverse impact is not found in relation to neighbouring properties in terms of overlooking, overbearing or loss of light and the proposal complies with policy DP17 of the LPP2.

**Sustainable Transport**

The proposals will provide a double garage and 3 external parking spaces to the front of the property. This is ample parking to serve the property in line with the council's residential parking standards.

**Case No: 23/00288/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Concern has been raised by one neighbour that the proposed garage to the front might affect visibility for neighbouring properties when exiting their driveways onto the road. However, the garage is set back from the highway and would not interfere with sight lines.

The proposal will therefore have no impact on highway safety and is in accordance with CP10 of the LPP1 and DM18 of the LPP2.

The site is within the area covered by the Air Quality Supplementary Planning Document but is not within the Air Quality Management Area which is within the city centre. As the proposal is for a replacement dwelling an Air Quality Statement is needed and this is required by condition 10.

### **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.

Due to the nature of the development and the distance between the application site and the European Protected Site of the Solent SAC and SPA and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

There are no specific ecological issues relating to this site which require further assessment but a biodiversity enhancement plan is required by condition to ensure that opportunities to benefit ecology are taken (Condition 8).

Therefore the proposal complies with policy CP16 of the LPP1.

### **Sustainability**

As the proposal represents a new dwelling it is required to achieve the lowest level of carbon emissions and water consumption which is practical and viable. Policy CP11 expects new residential developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect. Conditions 6 and 7 secure the submission of pre-commencement and as built data prior to the occupation of the development to ensure that the requirements have been met.

The proposal therefore complies with policy CP11 of the Local Plan Part 1.

### **Sustainable Drainage**

The proposal is not in an area prone to flooding and there is no reason why drainage should be a problem. A condition is attached however requiring drainage details to ensure foul and surface water is suitably managed (Condition 5). As such the proposals are in accordance with policy CP17 of the LPP1.

### **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

**Case No: 23/00288/FUL**



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

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 proposal is for a distinctive replacement dwelling which is larger than the one it replaces and will be more visible within the street scene. However, there are numerous examples of larger and extended properties in the area and the proposal has been designed to a high standard and will be acceptable in terms of its impact on the local environment and upon the residential amenity of neighbouring properties. There are no other material considerations which would warrant a refusal of the application and it is in accordance with relevant planning policy.

**Recommendation**

Approve 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:

Replacement Dwelling Dwg No 379\_05A received 06.02.2023

Replacement Dwelling Dwg No 379\_04\_B received 25.05.2023

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

3. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Specifically, Siberian larch shall be used for the timber cladding. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

4. The ground floor window adjacent to the utility door on the western elevation 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.

5. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before occupation of the development hereby permitted.

**Case No: 23/00288/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Reason: To ensure satisfactory provision of surface water drainage.

6. Prior to the commencement of the development hereby permitted, detailed information demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use (110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of a 'design stage' Standard Assessment Procedure (SAP) calculation and a water efficiency calculator shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

7. Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the Equivalent of Code for Sustainable Homes Level 4 for Energy and Equivalent of Code for Sustainable Homes Level 3 / 4 for water, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

8. A Biodiversity Enhancement Plan shall be submitted to, and approved in writing by the Local Planning Authority prior to the occupation of the development. This shall include details and locations of any enhancement provisions (such as bird or bat boxes or native species rich planting). The biodiversity enhancement provisions shall be sited prior to the development coming into its intended use and retained thereafter.

Reason: To maintain and protect biodiversity.

9. Details of any new hard and soft boundary treatment, including fencing or brick walls, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The development shall then be carried out in accordance with the approved details prior to occupation or where relevant in the first planting season after this.

Reason: In the interests of local amenity.

10. Prior to the occupation of the dwelling hereby permitted an Air Quality Statement shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of air quality and to comply with the council's Air Quality Supplementary Planning Document.

**Case No: 23/00288/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Informatives:**

1. 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.

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, CP16

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

High Quality Places SPD

Olivers Battery VDS

3. 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 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.

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.

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 Practice

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

**Appendix 1**

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

**Request from Councillor:**

**Jan Warwick**

**Case Number:**

**Case No: 23/00288/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

<b>23/00288/FUL - 116 Olivers Battery Rd South</b>
<b>Site Address:</b>  <b>116 Olivers Battery Road South</b>
<b>Proposal Description:</b>  <b>Demolish bungalow and rebuild of 5 bedroom house (retrospective)</b>
<b>Requests that the item be considered by the Planning Committee for the following material planning reasons:</b>  <b>Out of character with the area as outlined in the OB Village Design Statement due to size, bulk and height</b> <b>Overlooking and loss of light in neighbouring properties</b>

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Parish Council's request that a Planning Application be considered by the Planning Committee**

<b>Request from Parish Council:</b>
<b>Case Number: 23/00288/FUL</b>
<b>Site Address: 116 Oliver's Battery Road South, Oliver's Battery, Winchester, Hants.</b>
<b>Proposal Description: Revised submission to 22/00354/HOU to facilitate replacement of entire dwelling.</b>
<b>Requests that the item be considered by the Planning Committee for the following material planning reasons:</b>  <b>Oliver's Battery Parish Council considered this application at its meeting on 2 May 2023 and resolved to submit an objection.</b>  <b>The Oliver's Battery Village Design Statement SB2 states 'Two storey side extensions and conversions of single storey dwellings to two storeys should be permitted, providing that the overall bulk and appearance of the resulting dwelling does not restrict views between properties or have a detrimental effect on neighbouring properties.'</b>  <b>The Parish Council objects to this application on the basis that it is out of keeping with neighbouring properties, the proposed roof height is higher than other nearby dwellings that have been developed and overshadows neighbouring single storey dwellings particularly those at 114 and 118 Oliver's Battery Road South. The overall bulk would dominate the street scene and constitute overdevelopment. It is overbearing and overlooks neighbouring dwellings also. This application will adversely affect neighbours who live adjacent, nearby, behind and opposite this site in terms of privacy and light and will directly impact neighbours' ability to enjoy their homes and gardens.</b>  <b>The Parish Council asks that this application goes before the Planning Committee on 20 May and that a site visit be made by Committee members before that date.</b>