

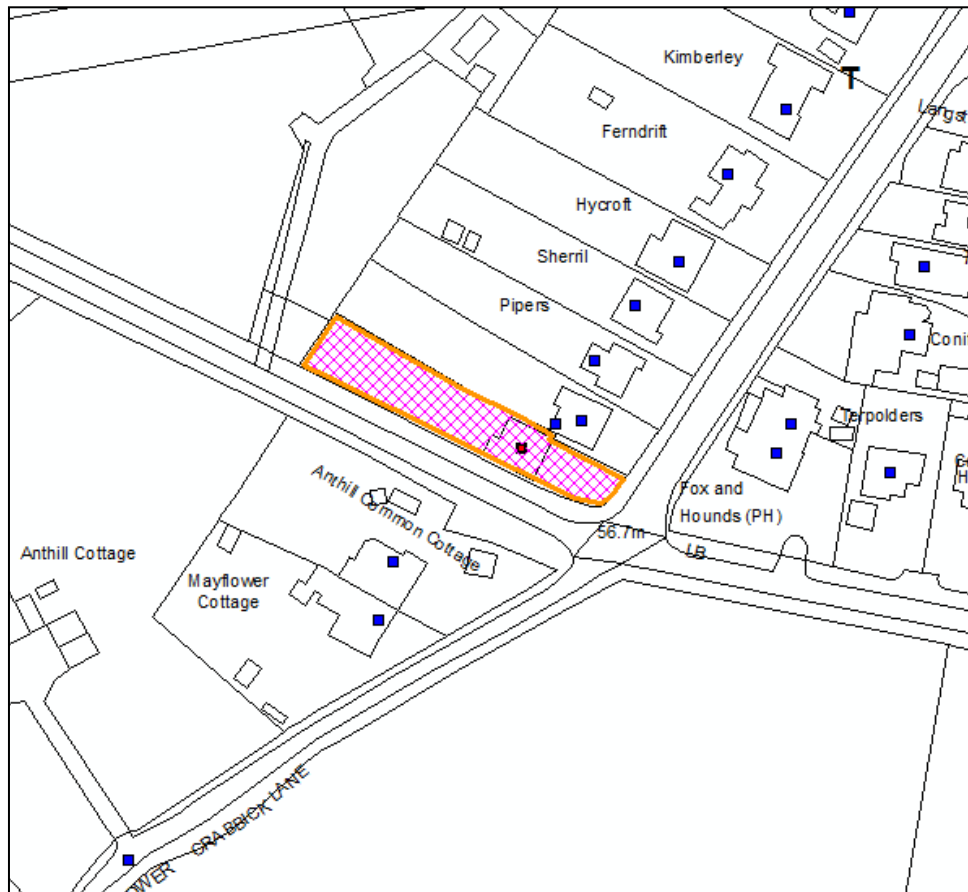
WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 23/01334/HOU
Proposal Description: The construction of a 2 bay garage 8000 x 5800 with 2 no. open bays; new vehicular crossover (with gates) from School Lane to the application site
Address: Beech House, Upper Crabbick Lane, Denmead, Waterlooville, Hampshire
Parish, or Ward if within Winchester City: Denmead Parish Council
Applicants Name: Mr & Mrs Morrison
Case Officer: Marge Ballinger
Date Valid: 3 July 2023
Recommendation: Permitted
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number: 23/01334/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, 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

Denmead Parish Council has requested the application to be determined by Planning Committee, based upon material planning considerations is shown in Appendix 1.

Amendments to Plans Negotiated

Amended site plan to address HCC Highways comment: Drawing PL.709.23-02 was submitted 26 July 2023 in response to HCC Highways in regards to visibility splays and the gate location to the new access. This drawing was submitted to demonstrate the existing visibility and adjust the location of the gates to be 6m from the edge of the road to address the original consultation response received. The visibility splays and gate locations do not result in any harmful impacts to highway safety, and will be controlled by a condition (Condition 05).

Correction to Garage Plans and Elevations to reflect correct scale: Drawing PL.709.23-01 rev C was amended 31 July 2023 as the original version was not drawn to scale. The appearance and design of the garage did not change, but is now correctly demonstrated to 1:100 scale.

As the above amendments were minor alterations or corrections to the previously submitted details, it was not considered necessary to submit for a further publicity period for comment.

Site Description

Beech House is a modern, newly-built detached dwelling with an integral garage and additional parking and turning space along the front. The details within the application referenced 17/02293/FUL had approved the construction of two detached dwellings (neighbouring dwelling Willow Tree House, northeast). The site sits across from the Fox & Hounds Pub and along the junction of Upper Crabbick Lane and School Lane along the edge of the settlement boundary. Behind the site (west) and across School Lane (south) is agricultural land.

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Proposal

The proposal is to create a new access from School Lane (with gates) into the rear garden of Beech House; create hardstanding for additional parking and turning, and construct a new open 2-bay garage to residential land.

Relevant Planning History

- 17/02293/FUL - Construction of 2 x 4 bedroom dwellinghouses with associated car parking, cycle and refuse storage following the demolition of the existing dwellinghouse at Holmbury.

Consultations

HCC Highways: Initial response received with no objection to the construction of the garage, but was unable to comment as the original site plan did not demonstrate visibility splays; also requested that the swing gates be set back 6m away from the highway. Amended drawing ref PL.709.23-02 was received that demonstrated the appropriate visibility splays and new gate location to be at a minimum 6m from the edge of the School Lane. There is a condition to retain the gate position (Condition 05).

Representations:

Denmead Parish Council: The Parish had requested that this application to be considered by the Planning Committee for the following material reasons (summarised below):

- Contrary to Policy MTRA4 as there is no necessity or operational need for this development; harm to the character and landscape; creation of inappropriate traffic generation; urbanisation of the countryside.
- Contrary to Policy DM18 as there is already sufficient parking provided in accordance to the relevant parking standards; additional access onto a rural lane is inappropriate and raises concerns to sight lines.
- The mature hedgerow to be removed to allow the access is a loss of biodiversity in a climate emergency.

Two public comments in objection to:

- MTRA4, no justification of development within the countryside, sets a precedent for further development
- Creates extra traffic to School Lane
- DM18, no justification or need for further parking to the site
- Destruction of a mature hedgerow
- Question if the orange notice has been in place the full publicity period

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Relevant Government Planning Policy and Guidance

National Planning Policy Framework 2021

- 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.
- 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

Denmead Neighbourhood Plan 2011-2031

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.

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The application site is within the defined settlement boundary where the principle of development is acceptable subject to compliance with the Development Plan and material planning considerations.

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

This part of Upper Crabbick Road adjacent School Lane is considered residential and rural as it is inside the settlement boundary. The dwellings along the west side of the road sit primarily linear, with Beech House as the exception (set further back into the site). The junction of Upper Crabbick Road and School Lane has a retained mature tree with laurel hedges while the side of the site has an existing high fence with some hedges and planting along its grassed verge.

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.

Outbuildings are a common occurrence in the area, with others in close proximity to the site. The proposed garage will be set approximately 10m back from the roadside into the corner of the proposal site. The building is set approximately 33m away from Beech House, and approximately 40m from the rear of Willow Tree House (adjacent dwelling). The proposed garage will be sited near an existing garden building that is positioned to the rear boundary of the adjacent dwelling. The introduction of a separated building to the site is therefore not out of character and will not cause adverse harm to the appearance of the area. The materials proposed of natural timber of black softwood with synthetic slate roof tiles. A pre-commencement condition (Condition 03) will be added to approve the finish of the building, but either natural timber or black softwood would be acceptable options. A further condition will be added to retain the use of the garage for incidental purposes to the host dwelling (Condition 04). As the materials and use of the proposed garage are appropriate for a residential site, the proposal is therefore in compliance with Policies DM15 and DM16.

The rear garden had landscaping works underway during the site visit. None of the nearby hedges or trees are protected by a Tree Preservation Order. However, the Denmead Neighbourhood Plan (section 4.40) notes that roadside and other boundary hedges should be retained in order to promote biodiversity. Some of the existing hedge/planting has been cleared near where the access is proposed. With the loss of some of the existing hedges (3-4m approximately), an informative will be added to encourage bird or other wildlife habitat installations within the site for compliance with CP16 of the LPP1.

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There is existing parking available to the applicants within the front of the dwelling from the existing access along Upper Crabbick Lane, as well as within the existing integral garage. The WCC Residential Parking Standards for a 4-bedroomed dwelling suggest a minimum of 3 off-road parking spaces within the site. The minimum number of parking spaces suggested by the Parking SPD have been demonstrated, and the new access has provided details of safe visibility splays and gate access in order to be compliant with DM18 (Access and Parking), and this also addresses any impacts to highway safety. This policy, however, does not limit the amount of parking and hardstanding to a site if consideration is given to the character of the surrounding area. The new access and garage are considered minor alterations within a rear garden of a dwelling's site, uses lightweight building materials, and is within the settlement boundary where the form of development is acceptable. As the impact has not been demonstrated as harmful to the character of the immediate area, the proposal is therefore in compliance with Policy DM18 and the proposal can continue without adverse harm to the surrounding highway network.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted if material considerations do not have sufficient weight to justify a refusal of the application. Based upon the above assessment it is considered that the development proposed would not have an unacceptable impact on the character or appearance of the local area. The proposal therefore complies with policy CP16 of the LPP1, and DM15, DM16 and DM18 of the LPP2.

Development affecting the South Downs National Park

The application site is located approximately 1km (0.62 miles) from the South Downs National Park. Due to 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 listed structure or its setting; the dwelling is not considered a Non-designated Heritage Asset; 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.

Willow Tree House is the dwelling northeast of the proposal site, the 2nd dwelling built within the planning approval reference 17/02293/FUL. The proposed garage is to be

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located near the shared boundary of Willow Tree House (eaves 2.7m, sloping to 4m at ridge). However, there is an existing outbuilding within the rear garden of Willow Tree House, and assumed to be incidental to the primary residence located approximately 40m away from the proposed garage. Due to the position and distance of the garage in relation to the primary amenity space of Willow Tree House, no further harmful impact is expected to neighbouring amenities.

The proposed garage and new access is located across School Lane from Anthill Common Cottage (located south). However, the distance of the garage to the dwelling is approximately 35m away. Due to the position and distance, no further harmful impact is expected to residential amenities of Anthill Common Cottage.

The land adjacent the proposed garage and access along the west is for agricultural purposes, and there is an existing track near the proposed drive and garage. This land is well screened by the trees/planting between the rear of Beech House and the access track and no further residential amenities will be impacted.

Therefore, no further 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 proposed garage and new access will allow a secondary parking area for the site. A minimum of 3 vehicle parking spaces are maintained in the site, which complies with the recommendations of the WCC Parking Standards – there are no maximum limits to the amount of parking to a site, and the additional parking area to the rear of the site is not considered to have a visual harmful impact to the site or rural character. Visibility splays have been demonstrated in order to prevent any harmful impact of highway safety to the new access. Therefore the proposal is in compliance with CP10 of the LPP1 and DM18 of the LPP2.

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.

The Hampshire Biodiversity Information Centre databases and 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). An informative will be added to the decision to encourage additional enhancements within the site (for either swifts, hedge sparrows, and/or bats) after completion of the proposal.

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Sustainable Drainage

The primary hardstanding proposed is a shingle driveway with a crossover only built of tarmac to prevent migratory materials transferring into the road. 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 sites existing runoff. Therefore the proposal complies with policy DM17(iii) of the LPP2 (Drainage).

Other Topics

Denmead Parish Council had raised three reasons for objection to this application (Appendix 1) and requested the application to be determined via planning committee.

- The first objection noted that the application is contrary to Policy MTRA4 (Development in the Countryside). The site, however, is located inside the settlement boundary, so the application was assessed on applicable policies to residential development within the settlement boundary – therefore, Policy MTRA4 does not apply.
- The second objection was to Policy DM18 (Access and Parking). Although the site has demonstrated sufficient parking as existing, there is no maximum parking controls within policy, so the proposal was assessed against potential impacts to the character of the area.
- The third objection was for hedge removal and its potential impact the biodiversity. As protected species had not been identified within the site from the previous 2017 ecological surveys or within the current WCC and Hampshire biodiversity database research, an informative was added to consider providing biodiversity enhancements (such as bird boxes) within the site.
- The objections have been considered within the appropriate sections of this report, and the proposed alterations are considered in compliance with the relevant policies for rural character, biodiversity and parking.

Further public comments have been received that question the length of time the orange site notice was in position. (The planning officer had hung the orange notice during the site visit on 4th July 2023 near the verge of School Lane and Upper Crabbick, and it was to remain in place until 27th July 2023.) The application also benefited from neighbour notification letters to adjacent properties, was referenced within weekly planning application validation lists sent out to subscribers, and was discussed during Denmead Parish Council's planning meeting on the 19th July 2023. The notification process has been complied with and the minimum 21-days for comment is considered sufficient to meet statutory obligations for publicity.

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.

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Planning Balance and Conclusion

The proposed new access, gates and garage are within the settlement boundary and are within scale of the existing dwelling and site. The new access with its visibility splays defined does not prove to have any potential harm to highway safety. Consideration has been given to its relationship to the rural character of the area with the small loss of 3-4m of hedgerow. The proposed garage 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 is recommended for approval, 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: -

- Site & Location Plan, Proposed Plans and Elevations, drawing PL.709.23-01 rev C amended 31 July 2023
- Visibility Splay, drawing PL.709.23-02 received 26 July 2023

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

3. No relevant works to the construction of the approved garage shall commence until a full material schedule has been submitted to and approved in writing by the Local Planning Authority.

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

4. The garage hereby permitted shall only be used for the purpose of accommodating private motor vehicles or other incidental domestic storage purposes, and shall not, at any time, be used for living accommodation, business, commercial or industrial purposes.

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

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5. The proposed access should be constructed of a non-migratory surface material for a minimum of 5 metres in order to reduce the risk of loose materials being transferred to the highway.

The location of the gate demonstrated within drawing ref PL.709.23-02 shall be maintained at a minimum distance of 6m from the roadside unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide satisfactory access and in the interests of highway safety.

Informative:

1. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council. The submitted details should be clearly marked with the following information:

- The name of the planning officer who dealt with application
- The application case number
- Your contact details
- The appropriate fee

Further information, application forms and guidance can be found on the Council's website
- www.winchester.gov.uk.

2. Before undertaking any work which affects a public highway (including a public right of way) you must obtain specific written approval from the Director of Economy, Transport and Environment at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or other works on or to the public highway. For further information:

<https://www.hants.gov.uk/transport/parking/droppedkerbs>

3. 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.

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

Local Plan Part 1 Joint Core Strategy:

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

Local Plan Part 2:

DM1 – Location of Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

5. 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.

6. 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 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>

7. 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.

8. 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.

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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>

9. 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>

10. In order to promote biodiversity, please consider the installation of avian wildlife roosting/nesting provisions (for either swifts, hedge sparrows, and/or bats) after completion of the proposal.

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Appendix 1

Denmead Parish Council response below:

Denmead Parish Council wishes to raise an OBJECTION with a request that the application is considered by Winchester City Council's planning committee, if the Planning Officer is minded to approve the application, on the following grounds:

- This application is contrary to Winchester City Council's Policy MTRA4 - Development in the Countryside. There is no necessity or operational need for this development in a rural setting, nor is it proportionate to the countryside location of this site. It would cause harm to the character and landscape of the area and create inappropriate traffic generation. This is urbanisation of the countryside.
- This application is contrary to Winchester City Council's Policy DM18 - Access and Parking. Parking is already provided in accordance with relevant standards for the property, with a planning condition imposed stating that the existing garage must remain in perpetuity. An additional access onto a rural lane is not appropriate, is detrimental to the character of the surrounding area and raises concern with regard to sight lines into the lane. There is already sufficient parking on site for two vans, a car, and a motorhome, with room for additional vehicles. There does not appear to be any requirement for an additional garage which would remove a large portion of the garden and a mature hedgerow.
- The removal of a mature hedgerow in the creation of a new vehicular access is a loss of biodiversity in a climate emergency.