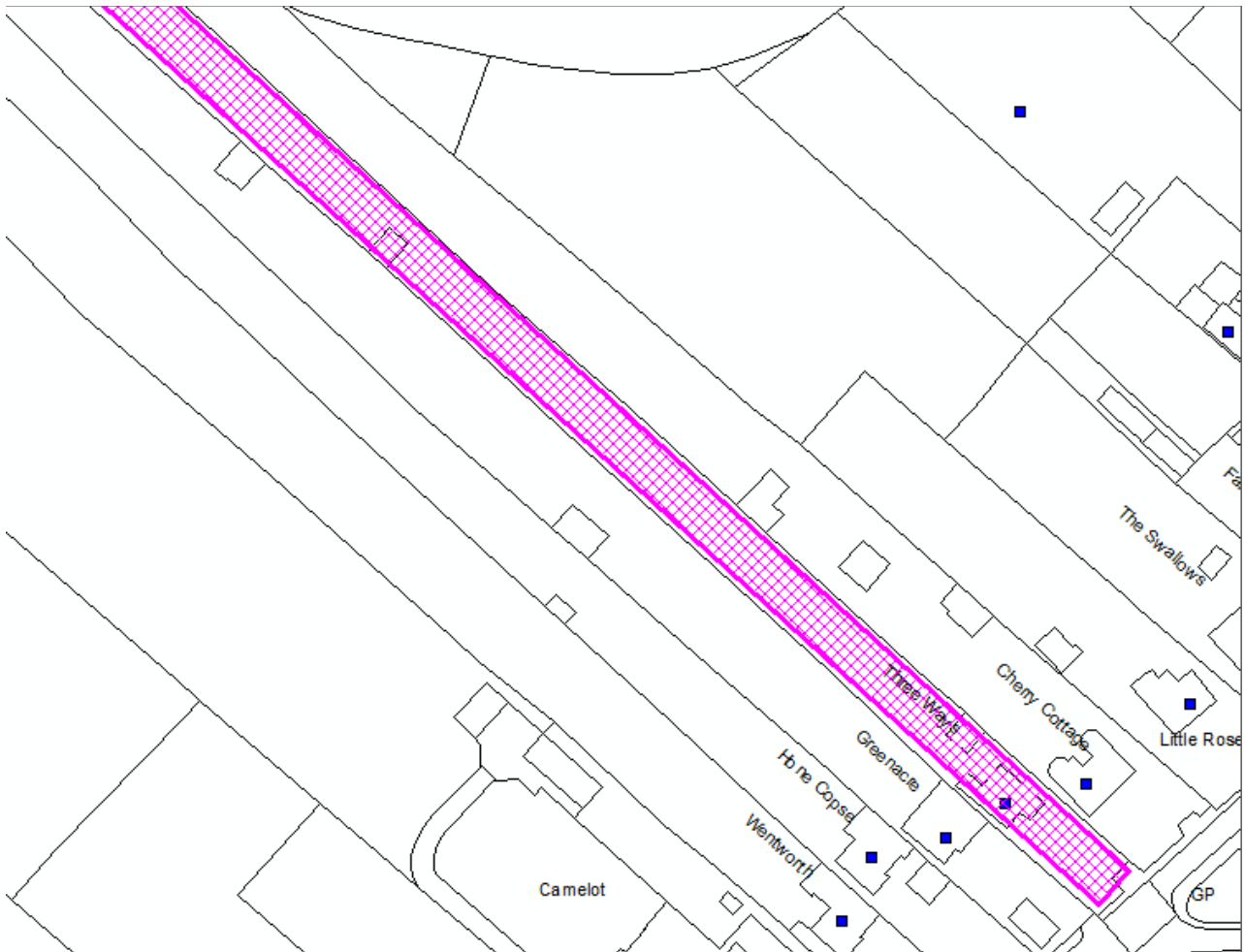


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 23/01099/FUL  
**Proposal Description:** Conversion of garden outbuilding to ancillary living accommodation  
**Address:** Threeways, Heath Road, Wickham, Fareham, Hampshire,  
**Parish, or Ward if within Winchester City:** Soberton Parish Council  
**Applicants Name:** Mr Kevin Lamport  
**Case Officer:** Cameron Finch  
**Date Valid:** 4 May 2023  
**Recommendation:** Permit  
**Pre Application Advice** No

**Link to Planning Documents**

[Link to page – enter in reference number 23/01099/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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**Reasons for Recommendation**

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

**General Comments**

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

**Amendments to Plans Negotiated**

None

**Site Description**

Threeways is a four bedroom detached property located to the South West of Soberton Heath, a village with no defined settlement boundary. The property is situated near the junction of Heath Road and Liberty Road in an area which is semi-rural in character. The surrounding development is linear in form and generally consists of low density, detached houses set markedly back from the road. The front of the application site is visible from the public realm and is relatively flat, featuring a drainage course between the front boundary and the road.

Threeways is set back within the plot, allowing a large front garden and parking area to the front and markedly extends to the rear, allowing an expansive rear garden within this relatively narrow plot. The existing dwelling is a chalet style bungalow which provides living accommodation across the ground floor and the four bedrooms within the roof space which has been expanded through the provision of large front rendered dormer windows and a rear tile hung dormer window. An incidental outbuilding has been constructed within the rear garden to provide a home office and gym. It is single storey and finished with a gabled roof form. The external surfaces are finished with grey Cedral cladding. The building is set in from the Northern and Southern boundaries of the site.

The current boundary treatment is open to the front of the dwelling whilst feather board timber fencing is provided along the Southern boundary with some planting behind. The northern boundary is defined by a mature conifer hedge. Parking provision is to the front of the site with the ability to park in excess of three cars on the front driveway.

**Proposal**

The proposal seeks to convert the existing outbuilding into a residential annexe, ancillary to the host dwelling. The existing layout of the outbuilding is maintained by the proposal. The annexe provides a single bedroom with ensuite bathroom. A combined living, dining, and kitchen area is also provided. There are no external changes to the exterior of the building as built and this has been confirmed as compliant with permitted development criteria. The building can be accessed through a gate to the Northern side of the existing dwelling and parking provision remains as existing. The construction of the building was

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confirmed as permitted development by lawful development certificate 20/01595/LDP. It is noted that a gabled roof has been added as opposed to the flat roof within the LDP drawings, and the garage has been changed to a home office with storage space and a small bathroom. Minor changes to fenestration have been made to reflect the removal of the garage. It is confirmed that the structure as existing complies with permitted development.

As the building is constructed using Permitted Development rights, this application is seeking consent for the change of use of the building to ancillary uses only.

### **Relevant Planning History**

(20/01595/LDP) (PERMITTED 04.09.2020) Erection of gym and garage outbuilding incidental to Threeways.

(20/02207/HOU) (PERMITTED 26.01.2022) (Amended Plans and Description) First floor front extension, porch and enlarged rear dormer

(23/00627/PNHOU) (PRIOR APPROVAL NOT REQUIRED 25.04.2023) Single storey rear extension

### **Consultations**

Service Lead - Engineering (Drainage): No Objection

### **Representations:**

Soberton Parish Council

Soberton Parish Council objects to this Application for change of use of the gym and garage outbuilding which was given a certificate of lawfulness under Class E (buildings etc incidental to the enjoyment of a dwellinghouse) and follows some previous applications for the site and proposals for the outbuilding which were subsequently withdrawn.

This application now seeks to amend the existing outbuilding to an ancillary residential use as identified in the Committee Report associated with Application 20/02207/HOU. This proposal will now result in a self-contained unit where the aforementioned report concluded 'However, I do not consider that there is merit to submitting a planning application for the annexe accommodation of this scale where the facilities provided allow independent occupation without dependency on the main dwellinghouse'.

If this Application is granted permission there will be visual, lighting and noise impacts which will result in a loss of amenity to neighbouring properties.

We would also make the following comments regarding the submitted Planning Statement:

Section 2 - Surface and foul water from the ancillary unit will discharge into the existing drainage systems which serve the main house. The proposals do not seek to create new residential provision, just the reorganization of the existing resident's accommodation. This comment is disingenuous. It is not clear that no new

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residential provision is proposed. At the same time there are well documented problems of drainage along this length of road. If consent is to be granted the Applicant will need to demonstrate and be required to provide a robust drainage strategy which will not result in any additional surface and foul water flows into the existing poor-quality drains, and the Parish would expect a suitable condition would be applied.

Section 3 Planning Policy - This Section quotes entirely Fareham Borough Council policies and therefore the Application is invalid and should not have been accepted.

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

- Conversion would constitute backfill development.
- Harm caused to neighbours by noise and light pollution.
- The building is overlooked by neighbouring dwellings.
- Change of use sets a precedent for other neighbours to undertake the same development.
- The garage as built is different to that shown under 20/01595/LDP.

Will lead to an increase in surface water drainage. Unclear how foul drainage is dealt with.

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

#### National Planning Policy Framework

- Section 12

#### 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
- CP11 - Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP16 – Biodiversity
- MTRA3 – Other Settlements in the Market Towns and Rural Area
- MTRA4 – Development in the Countryside

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

- DM1 – Location of New Development
- DM3 – Small Dwellings in the Countryside
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM23 – Rural Character

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Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Residential Parking Standards 2009

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, 2023) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is outside of a defined settlement boundary. In this area, policy DM3 seeks to protect small dwellings in the countryside. The property has an existing floorspace above 120sqm and is therefore not bound by the size limitations within this policy.

The application site is within an area where additional residential units are resisted. The proposal is for an ancillary building associated with the existing dwelling on the site. The proposal is not of a size or scale that it could be considered a new dwelling. The outbuilding is in close proximity to the host dwelling and it is considered that the site layout would make it difficult to sever it from the host dwelling. The floor area provides facilities which are typical of a residential annexe and there is a reliance on the host dwelling with regards to parking and utilities. It is considered that the use of the building can be controlled through a suitable worded condition (condition 3) which regulates the ancillary use of the building. It is considered that the development is acceptable in principle.

### **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 utilises an existing building on the site which was confirmed as meeting Permitted Development criteria under a Lawful Development Certification application. The external appearance is not changed by the application. The building is not visible from the public realm and is completely screened from the highway by the intervening built form of dwellings and boundary treatment which run along the North Western side of Heath Road. Due to boundary screening and the layout of neighbouring gardens, the outbuilding does not appear prominently within the surrounding rural landscape. The proposed use does not lead to an over intensification in use of the site compared with its existing use. The use of the building remains residential which is in accordance with the semi-rural

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nature of the surrounding area. The outbuilding is in close enough proximity to the host dwelling that it is not considered there would be encroachment into the rural context by use of it as an annexe.

There are a number of outbuildings within rear gardens of varying sizes within the surrounding area. It is not considered that the building is of a size or scale that a separate unit of accommodation would be created and it retains the character of a subservient outbuilding typical within the surrounding area. Condition 3 ensures that the use of the building remains ancillary to Threeways. The building as existing has minor external changes to that shown under 20/01595/LDP

The proposed development does not have an adverse impact on the character and appearance of the surrounding area or rural landscape. Therefore the proposal complies with policies DM15 – Local Distinctiveness, DM16 – Site Design Criteria, DM17 – Site Development Principles and DM23 – Rural Character of WDLPP2.

### **Development affecting the South Downs National Park**

The application site is located 0.05 Miles 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.

Whilst the site is in close proximity to the Park, the outbuilding is not visible from the boundary and does not have an impact. It is sited in close proximity to residential dwellings where there will already be limited light overspill which the existing building already contributes to.

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.

### **Historic Environment**

The proposed works do not affect a statutory listed building or structure including their setting; it is not sited within a Conservation Area, and does not impact upon Archaeology or non-designated Heritage Assets including their setting.

### **Neighbouring amenity**

Greenacres is the neighbouring dwelling to the South of the proposal site. The outbuilding is sited approximately 4 metres away from the boundary with this neighbour and is sited approximately 14 meters from the rear of this dwelling. The building as existing is visible from the rear of this dwelling and harm is not caused by overbearing or by overshadowing.

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It is not considered that the use of the building as an annexe would lead to an intensification in use compared with the existing incidental use that would lead to harm being caused by overlooking or light overspill. The building as existing is already visible from the rear first floor windows of this neighbour and it is acknowledged that there is limited existing overlooking impact between these dwellings as a result of the layout of built form. The building is single storey and does not overlook into neighbouring gardens. The use of the building for ancillary purposes does not cause a material difference to the existing incidental use.

Cherry Trees is the neighbouring dwelling to the North of the proposal site. The outbuilding is sited approximately 28 metres away from the rear of this dwelling. The boundary is defined by mature conifers, a timber panel fence and mature trees which provide effective screening of the building and prevents overbearing and overshadowing harm. As acknowledged above, it is not considered that the use of the building as an annexe would lead to an intensification in use compared with the existing incidental use that would lead to harm being caused by overlooking or light overspill. The building remains in a residential use and it is not considered that there would be noise impacts on neighbours as a result of continued domestic noise which would be expected at all dwellings and is reasonable. Separate legislation exists for instances in which there is a nuisance. No direct impact on key amenity space is demonstrated.

No further dwellings have a direct relationship with the building and are not harmed by the change to an ancillary annexe. The outbuilding is visible from Hone Copse to the South West and Little Rose to the north-east. The building would also be visible in glimpses from other dwellings along Heath Road. Whilst the building is visible, they are at a sufficient distance that the use as an annexe does not cause harmful overlooking between these dwellings. No harm is caused by overbearing, or overshadowing.

Therefore the proposal complies with policy DM17 – Site Development Principles of WDLPP2.

### **Sustainable Transport**

It is not considered that the proposed development produces an increased number of trips to and from the site as the use is linked to the existing dwelling. The existing parking provision on site is sufficient to accord with adopted car parking standards. Three vehicles can be accommodated comfortably on the existing front driveway.

Therefore the proposal complies with policy DM18 – Access and Parking of WDLPP2.

### **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). The proposal is associated with the existing residential unit on the site as such is not an additional unit of overnight accommodation requiring nutrient mitigation.

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.

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Therefore the proposal complies with policy CP16 – Biodiversity of LPP1.

### **Sustainable Drainage**

The proposal will have no impact as the annexe utilises an existing building. The existing facilities for foul drainage are utilised and as this is unlikely to produce additional load. There is no increase in hardstanding on site as a result of the proposed development and there will not be an increase in surface water runoff as a result of the proposed development.

The proposal therefore complies with policy CP17 of LPP1 and DM17 of LPP2.

### **Equality**

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

### **Planning Balance and Conclusion**

The proposed conversion of the existing outbuilding into an ancillary residential annexe does not cause harm to the character and appearance of the surrounding area. The annexe does not constitute the creation of a new dwelling in the countryside and is in accordance with the development plan.

### **Recommendation**

Permission subject to the following condition(s):

#### **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 permitted shall be constructed in accordance with the following plans:

Location Plan received 04 May 2023

Proposed Floor Plans & Elevations received 04 May 2023 drawing no. GP/01/02 REV C

Proposed Block Plans received 04 May 2023 drawing no. GP/03/22

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

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3 The annexe hereby permitted shall be occupied in association with the dwelling house or shall be used for the purposes ancillary to the dwelling house (Threeways).  
At no time shall the annexe be sold, let or occupied as an independent unit of accommodation.

Reason: To accord with the terms of the application and to prevent the creation of inappropriate units of accommodation, possibly leading to over intensive use of the site.

**Informative:**

1.

In accordance with paragraph 38 of the NPPF, 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, MTRA3, MTRA4

Local Plan Part 2 – Development Management and Site Allocations: DM3, DM15, DM16, DM17, DM18, DM23

Car Parking Standards Supplementary Planning Document (2009)

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.

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.

6.

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Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practise  
<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

7.

Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: [buildingcontrol@winchester.gov.uk](mailto:buildingcontrol@winchester.gov.uk))