

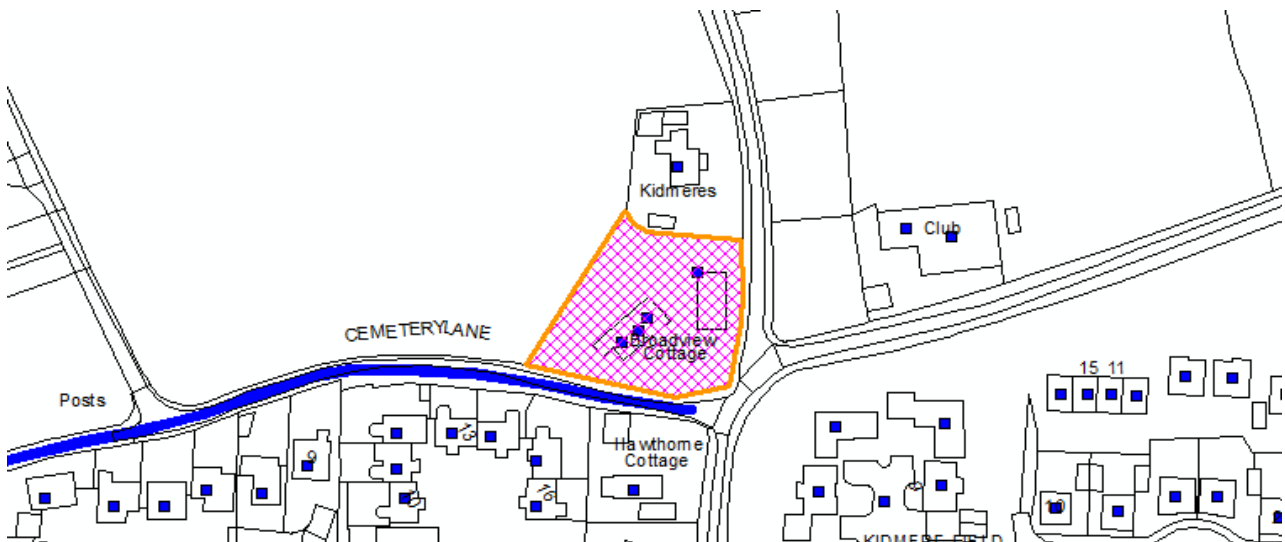
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PLANNING COMMITTEE

Case No: 23/02685/FUL
Proposal Description: It is proposed to use the converted garage as a fully independent dwelling house including creation of separate curtilage, enlargement of patio doors, change garage door to feature window, extend roof canopy front and rear, change roof lights in front elevation to dormers and add porch.
Address: Broadview Cottage, Kidmore Lane, Denmead, Waterlooville, Hampshire
Parish: Denmead Parish Council
Applicants Name: Mr and Mrs P Harrison
Case Officer: Liz Young
Date Valid: 15 December 2023
Recommendation: Refuse
Pre Application Advice Yes

Link to Planning Documents

23/02685/FUL

<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

Refusal is recommended because the proposal would result in the introduction of an unjustified new dwelling in the countryside, in an area where residential development is not normally permitted. Alongside this concern, the proposal would have a harmful impact upon the rural character of the area and there is insufficient information to rule out the potential loss or deterioration of the protected veteran oak tree which lies on the boundary of the site.

General Comments

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

Amendments to Plans Negotiated

The applicant has submitted additional supplemental information to address the representations received which has been taken into account in the assessment.

Site Description

The application site comprises a detached dwelling (an attractive thatched property which is a relatively recent replacement of two smaller dwellings) and a substantial detached two storey outbuilding. The site is prominent and lies at the junction between Cemetery Lane to the south and Kidmore Lane to the east. The existing outbuilding has been in place for some time but was originally built as a standard two storey garage. Consent was then granted in 2014 (14/00869/FUL) to significantly enlarge the height and footprint of the building to facilitate the creation of additional ancillary accommodation as an annexe to the main house. To ensure the site remained as one residential unit a condition was imposed on this consent to ensure the outbuilding would be used only for purposes ancillary to the main house.

The overall size of the site amounts to approximately 1,500 square metres. Both buildings are readily visible from the highway, and the majority of the roadside boundary is enclosed by hedgerow. A protected tree (a veteran oak tree) lies in the south east corner of the site. The west boundary is adjoined by open fields whilst the north boundary is adjoined by a detached dwelling. The site lies in open countryside and the settlement boundary of Denmead lies immediately to the south, across Cemetery Lane. A public right of way (PROW) runs long the front boundary of the site.

Proposal

Consent is sought to change the use of the existing outbuilding (currently used for garaging and ancillary accommodation) to a self contained, three bedroom dwelling. Various external alterations are proposed, and these would consist of the enlargement of patio doors, replacement of garage doors with a feature window, extended roof canopies to the front and rear, and the addition of dormer windows and a front porch. The overall resulting habitable floor internal floor area (excluding the porch and roof canopies) would measure 150 square metres.

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Alongside the additions to the proposed building, additional parking provision is proposed to the front of the building, extending up to the hedgerow on the east boundary and also across the front garden area immediately south of the main house.

Relevant Planning History

- (Non-material minor amendment to 14/00869/FUL) Garage building amendments to window and external door position and sizes including roof lights (retrospective) (22/01167/NMA) Permitted 27.06.2022
- (HOUSEHOLDER) Alterations to existing detached garage and rear ground/first floor extension to house (14/00869/FUL) Permitted 19.08.2014
- (HOUSEHOLDER) Raising of roof and extensions to existing detached garage to form carport and store with gym/games room on first floor (13/00338/FUL) Withdrawn 18.04.2013
- Demolition of existing garage and construction of a two bedroom bungalow; detached double garage (for Broadview cottage) (02/02427/FUL) Refused 12.11.2002
- Replacement dwelling and garage (99/00500/FUL) Permitted 12.05.1999

Consultations

Service Lead – Engineering (Drainage) – No objections subject to conditions

Service Lead – Sustainability and Natural Environment (Trees) – Objection raised

Hampshire County Council (Rights of Way) – No objections raised subject to informatives being imposed on any planning consent

Hampshire County Council (Highway Authority) – No objections raised subject to adherence to Highways Standing Advice

Natural England – No objections subject to appropriate mitigation being secured

Representations:

Denmead Parish Council: Raises a **STRONG OBJECTION** with a request that the application is put before Winchester City Council Planning Committee on the following grounds if the Planning Officer is minded to approve the application:

- The application is contrary to Policy MTRA4 of the Winchester District Local Plan Part 1 as it would result in an additional residential unit in a countryside location with no justification.
- The application is contrary to Policy CP20 of the Winchester District Local Plan

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Part 1 as it would fail to enhance the local distinctiveness, tranquillity, and setting.

- There is concern for the health and wellbeing of the oak tree on the corner of the property adjacent to the crossroads which will be very close to the proposed vehicle turning area.
- Additionally, there is concern that it is proposed to remove hedgerow to widen the driveway.

7 letters from different addresses within the administrative area of Winchester City Council supporting the application:

- The existing building is part of the Kidmore Lane street scene
- Would address the housing shortage
- Parish Council objection is unreasonable in light of the Carpenters Field development which is outside the settlement boundary
- The proposal relates to the conversion of an existing building
- The applicants contribute to the local community
- The site lies in a sustainable location
- The proposal would be in keeping with the area
- The proposal does not involve building on open fields
- The local development boundary is about 5M from the boundary of this property.

3 letters from 2 addresses within the administrative area of Winchester City Council objecting to the application:

- Granting permission would set an unwanted precedent for similar developments in the area
- Loss of privacy to the property to the north
- Harmful impact upon the tranquillity and setting of the area
- Various windows have been added to the existing building which have not benefitted from planning consent
- Internally the building has already been built as a three bedroom property
- The current parcel of land which comprises Broadview cottage would now contain two separate properties and would be an over development of the site.
- Likely future need to provide garaging on site
- The submitted arboricultural report does not adequately address tree concerns
- The new driveway will necessitate removal of some additional hedging to widen the driveway
- Additional cars driving over the root structure will damage the roots

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2023):

Chapter 2 – Achieving Sustainable Development

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Section 5 – Delivering a Sufficient Supply of Homes
Chapter 9 – Promoting Sustainable Transport
Chapter 12 – Achieving Well Designed and Beautiful Places
Chapter 15 – Conserving and Enhancing the Natural Environment

Winchester Local Plan Part 1 - Joint Core Strategy (2013) (LPP1):

Policy DS1 - Development Strategy and Principles
Policy MTRA 4 - Development in the Countryside
Policy CP11 - Sustainable Low and Zero Carbon Built Development
Policy CP16 - Biodiversity

Winchester District Local Plan Part 2 - Development Management and Site Allocations (2017) (LPP2):

Policy DM1 – Location of New Development
Policy DM15 - Local Distinctiveness
Policy DM16 - Site Design Criteria
Policy DM17 - Site Development Principles
Policy DM18 - Access and Parking
Policy DM23 - Rural Character
Policy DM24 - Special Trees, Important Hedgerows and Ancient Woodlands

Denmead Neighbourhood Plan 2011 – 2031 (Made 2015):

Policy 1 – Spatial Strategy
Policy 2 – Housing Allocations
Policy 3 – Housing Design

Supplementary Planning Documents:

High Quality Places SPD (2015)
Car Parking Standards Supplementary Planning Document (2009)
Denmead Village Design Statement (2016)

Other Relevant Guidance:

Climate and Nature Emergency Declaration
Carbon Neutrality Action Plan 2020 – 2030
Statement of Community Involvement 2018 and 2020
Ancient woodland, ancient trees and veteran trees: advice for making planning decisions (Natural England 2022)

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) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Policy DS1 of the LPP1 is consistent with the NPPF which states in paragraph 11 that decisions should apply a presumption in favour of

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sustainable development and that for decision taking this means approving development proposals that accord with an up to date development plan without delay.

The application site falls within open countryside outside of the defined settlement boundary of Denmead.

Policy 1 of the Denmead Neighbourhood Plan (DNP) states that development proposals outside of the Denmead Settlement Policy Boundary will be required to conform to development plan policies in respect of the control of development in the countryside. This policy directs future development in the parish to the settlement of Denmead. The DNP acknowledges that the LPP1 sets out a requirement for about 250 new homes in Denmead to meet the identified need for housing in the parish and wider District. As of September 2013, planning permissions, completions since 2011 and SHLAA sites within the settlement boundary were stated to deliver a total of 124 new homes, with the remainder set to be delivered through the sites now allocated within the DNP.

Within open countryside, LPP1 Policy MTRA4 seeks to restrict development that which has an operational need for a countryside location, re-use of buildings, expansion of existing businesses or low key tourism uses. The proposal restricts additional residential units in the countryside.

The proposal does not relate to an agricultural, horticultural or forestry development, tourist accommodation, community use or affordable housing and is therefore not supported by this policy. Given that the proposal is not in accordance with the Development Plan, it would be necessary to have regard to any material considerations, including the case put forward within the applicant's submission.

The application acknowledges that the site lies within open countryside and in a location where the principle of new residential development is not supported by planning policy and (in seeking to address this) makes the following points in support of the proposal:

- The site of Broadview Cottage is more sustainable than much of the remainder of Denmead
- The site at Broadview Cottage meets the criteria for infilling
- The proposed development would have no impact on either the rural or urban landscape

Whilst it is the case that the application site lies within walking distance of local amenities it falls wholly outside the settlement boundary of Denmead and the proposal would result in the introduction of a substantial new dwelling into the open countryside. This would represent a significant departure from the sequential approach advocated by LPP1 Policy DS1 which seeks to ensure proposals make efficient use of land within existing settlements, prioritise the use of previously developed land in accessible locations.

It is not agreed that the proposed development would have no impact on either the rural or urban landscape. A number of external alterations are proposed to facilitate the change of use of the building to a separate dwelling, including the insertion of two dormers to the front elevation (amongst various other works). Alongside this the submitted plans indicate that the existing front parking area would be enlarged also. The cumulative impact of these

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changes (alongside increased levels of activity associated with the use) is discussed in further detail below.

The reference made by the applicant to infilling is not relevant as Denmead is not one of the settlements listed under LPP1 Policy MTRA3 (the policy which lists the settlements with undefined boundaries in which infilling is permitted).

As acknowledged by the applicant's representation, the application site was previously occupied by two dwellings prior to planning consent being granted in 1999 to replace these with a single dwelling unit (99/00500/FUL) – the existing dwelling. Whilst this is the case, the proposal to now convert the existing outbuilding to a habitable unit would not result in a comparable situation (to the pre-existing layout of two small dwellings).

The planning use of the site is for 1 residential unit. Whilst the historical use of the site for 2 units is acknowledged, at the point of assessment and decision there is 1 unit on the site and the conversion of the annexe to a residential unit does not comply with the spatial strategy of the development plan and is not acceptable in principle.

Following on from this, permission was refused in 2002 (02/02427/FUL) for the introduction of a single storey dwelling. This was turned down on the grounds that it would result in the addition of a new dwelling into the open countryside. There is no change in circumstances since this previous decision which would justify taking a different approach in this case.

With these various points in mind, it is concluded that the two dwellings which previously existed on the site would not justify the introduction of a new dwelling in this instance, having regard to the planning history and existing use of the site.

The applicant also makes reference to previous planning decisions in the wider area, including two dwellings permitted outside the settlement boundary (references 11/02781/FUL and 19/00095/ FUL). In the case of consent 11/02781/FUL this was permitted under the predecessor development plan (and so different policies would have applied). Planning consent 19/00095/FUL relates to an agricultural dwelling, and it would therefore have been demonstrated that in this case there would have been an operational need for a countryside location (in contrast to the current application). The cases referred to by the applicant would therefore not serve to provide any substantive justification for the current proposal.

With regards to the case within East Hampshire District Council, this was permitted primarily on the basis that East Hampshire District Council currently does not have a five-year housing land supply. The fact that it lies within a different local authority area and was assessed under different policies would also limit the relevance of this case.

With regards to the reference the applicant makes to shortfall in housing supply, in accordance with paragraph 226 of the NPPF, the Council is able to demonstrate a four year housing supply (this now being the correct test under the updated NPPF) and has an emerging local plan that has reached Regulation 18 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including proposed allocations towards meeting housing need. It should also be highlighted that in the Authority Monitoring Report (2022), the Council demonstrated a 7.6 year supply for the 2024-2029. Therefore, there is no shortfall in housing supply to be rectified and there are no material considerations in

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this instance which would justify a departure from the policies contained within the Development Plan.

It is acknowledged that a number of supporters make reference to residential development within Carpenter's field (to the south east of the site and south of Tanners Lane). However, this is a planned development within the settlement boundary which has been allocated through the Denmead Neighbourhood Plan and designed to minimise impacts upon key views in the immediate locality. This would therefore not serve to provide any justification for the current proposal.

There is a recently permitted conversion of offices to dwellings within Parklands Industrial Park (also outside the settlement boundary). However, in the case of this scheme, the principle of development was supported by virtue of the development being in accordance with the criteria set out in Part 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). It therefore did not require formal planning consent and would not have been assessed against the Local Development Plan. As such it would not serve to form any justification for the current proposal.

Having regard to the above, along with the fact that the proposal would also conflict with the aims of the NPPF which seeks to manage patterns of growth and to avoid new homes in the countryside, it is concluded that the material considerations the applicant makes reference to would not sufficiently outweigh the identified Development Plan conflict.

Overall, it is therefore concluded that the general principle of the development is not acceptable having regard to both the relevant Development Plan Policies and also other material 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

Planning policy acknowledges that when considering the impacts of development in rural areas it is necessary to have regard to both visual impacts alongside wider impacts upon tranquillity (such as noise and light pollution). These factors are recognised (by LPP2 policy DM23 in particular) as essential components of rural character. As highlighted in the supporting text to LPP2 Policy DM23, the introduction of urban elements, such as significant areas of hard landscaping can detract from the special qualities of the countryside. This policy also highlights that noise and lighting pollution may be more noticeable in rural areas due to the relative tranquillity of the surroundings. It states that the cumulative impact of developments will be considered, including any ancillary or minor development that may occur as a result of the main proposal.

LPP1 Policy MTRA4 is also relevant in that it seeks to ensure proposals which are not located within defined settlements should not cause harm to the character and landscape of the area or neighbouring uses, or create inappropriate noise/light and traffic generation.

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The application site falls within the Forest of Bere Lowlands Character Area (Winchester Landscape Character Appraisal 2022) in which key identified issues include the suburbanised urban 'fringe' character of parts of the area. The application site itself forms part of a small cluster of development which has a distinctly different character and grain to the built up area of Denmead which lies immediately to the south. The rural characteristics and more spacious layout of the site contributes positively to views from the PROW to the south and the roads which adjoin the site.

Whilst the application building is relatively substantial it retains an incidental form as a result of its simple roofline, modest fenestration and uncluttered elevations. The proposed external alterations to the building will result in a significantly different character and a more dominant and domestic form which would impact directly upon views from outside the site. The proposed canopies to the front and rear would visually add to the overall volume of the building's roofline, whilst the dormer windows would add a greater degree of importance to the front elevation, altering the character of the building from an incidental outbuilding positioned within the grounds of the dwelling to that of a separate house with associated parking and garden area. This would be contrary to the current spacious characteristics of the site which uphold the rural character of the area.

A further consideration relates to the proposal to introduce additional parking to the front of the site. Paragraph 4.25 of the High Quality Places SPD states that '*The interface with the countryside is a vital consideration for any development on the edge of a settlement.*' With regards to parking in particular, paragraph 5.44 advises that '*the basic principle is to ensure that vehicular parking has the least impact possible on the aesthetics of the proposed development, especially in relation to the public realm and when the development is viewed from key vantage points.*' It also states (in paragraph 5.47) that '*Where in-curtilage parking is the best available option, the parking should be to the side of the buildings, which reduces the impact on the street scene and allows more space for planting to the front.*' Contrary to this guidance, the proposal to add additional and highly prominent parking spaces to the front of the site (within less than a metre from the roadside boundary), would further exacerbate the overall impact of the change of use and would result in a different character and function to the frontage of the site along with an increased density of residential uses.

The proposed parking area would also encroach significantly towards the boundary hedgerows. Roadside hedgerow is a consistent feature along Kidmore Lane which contributes towards its rural character. The tree report which accompanies the application states that the hedge on the eastern boundary with Kidmore Lane would be retained, with the extended driveway falling within 0.2 metres of this feature. The proposed site layout plan however does not clearly identify this hedgerow as a retained boundary feature. Having regard to this (and the significant encroachment) it is unclear whether retaining this hedgerow would be achievable with the layout as proposed. The proposals would also see the removal of a 4 metre section from the eastern end of the hedge on the south boundary. The loss and / or decline of hedgerows on the site boundaries would further exacerbate the visual presence of additional development and increased intensity of domestic use across the site and would also undermine the rural street scene. Contrary to Policies DM15 and DM24 the proposal would therefore fail to preserve or enhance hedgerows which contribute to local distinctiveness and the space required to support them in the long term.

The harmful impacts identified are consistent with the concerns raised in respect of the
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previously refused application to introduce a single storey dwelling in the same location (02/02427/FUL). Alongside the general unacceptability of the principle of introducing a new dwelling into open countryside, this application was also turned down on account of its poor relationship with the existing house and the fact that it would represent *‘a consolidation of development in this rural area and because associated improvements to facilitate the intensification of the use of the access would be ‘detrimental to the appearance and character of the area.’* This is a consideration which further highlights the harmful impact of the development now proposed.

Overall, it is concluded that the proposed development would be detrimental to views from the highway and right of way to the south, particularly when having regard to the increased amount and prominence of parking provision, the proposed external alterations to the existing building increase activity and potential loss of hedgerow. The proposal would therefore significantly and harmfully undermine the rural, edge of settlement character of the area contrary to the requirements of LPP1 Policy MTRA4 and also LPP2 Policies DM15, DM23 and DM16.

Development affecting the South Downs National Park

The application site is located 950 metres south of 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 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 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.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

Historic Environment

Relevant Legislation:

The preservation of the special architectural/historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policy DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

The proposed development does not affect nor is it near to a statutory listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage
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Assets including setting. Therefore, no impact is demonstrated.

Neighbouring amenity

The closest neighbouring property (Kidmeres) lies immediately north of the application site. The north elevation of the application building is readily visible from the garden area of this neighbouring property.

Whilst it is acknowledged that third party concerns have been raised in relation to the impact the proposal would have towards the occupants of this property from loss of privacy, no significant changes are proposed to this elevation above ground level (there are already two rooflights in place facing towards the neighbour's boundary). These rooflights were approved previously as a non-material amendment (reference 22/01167/NMA) to the previous consent to carry out alterations to the building (reference 14/00869/FUL). Whilst the proposed rear canopy would bring the external footprint of the building closer towards this property, the overall height and scale of this aspect of the works is such that it would not lead to a materially harmful impact in terms of loss of light or visual intrusion. There are no other residential properties with the potential to be impacted by the proposed development.

Overall, it is therefore considered that the proposed development would not give rise to a significant adverse impact upon the amenities of the occupants of the neighbouring property and therefore no conflict with LPP2 Policy DM17 has been identified.

Sustainable Transport

The submitted plan (which proposes to retain an element of garaging within the application building) indicates that the proposal would meet the requirements of the Car Parking Standards Supplementary Planning Document (2009) in respect of both the existing four bedroom dwelling and proposed three bedroom dwelling unit. Five spaces would be provided in total (including the integral garage to be retained within the outbuilding).

The Highways Authority advise that subject to ensuring the development would adhere to the relevant standing advice they raise no objections to the proposed development. The relevant guidance requires that any development of 2 – 5 dwellings using a shared vehicular access from the highway should be able to facilitate vehicles entering and exiting from the development onto the highway in a forward gear. The proposed layout plan includes vehicle tracking details which indicates that there would be sufficient space for vehicles to turn within the site.

The guidance also states that if gates are to be fitted across the vehicle access, then these must open away from the highway (inwards). To ensure that there is sufficient space for a vehicle to exit the highway it is stated that gates must be set back 6m from the edge of the carriageway. In this case the access gate opens inwards to the site but is not set back by 6 metres from the highway. However, in light of the fact that the gate is already in place (and in the event that consent was to be forthcoming this could reasonably be removed), any objection on the ground of highway safety would not be sustainable in this instance.

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The overall scale of the use is such that it would not give rise to a or harmful impact in highway safety terms. In the absence of any objections from the Highways Authority, it is concluded that there would be no conflict with the requirements of LPP2 Policy DM18.

Ecology and Biodiversity

With regards to local biodiversity interests, there are no ecological designations within or adjacent to the site which would be directly impacted by the proposed development. The development lies wholly within the established residential curtilage and would not necessitate the removal of significant areas of undisturbed vegetation or demolition of existing buildings. The proposal is therefore unlikely to have a significant adverse impact upon local ecological interests.

With regards to the water environment, the proposed development is within Winchester District where foul water is distributed into the European designated areas Solent SPAs/Ramsar sites via water treatment plants. In accordance with advice from Natural England and as detailed in Policy CP16 of the Winchester City Council Local Plan Part 1 Joint Core Strategy a net increase in housing development (over night accommodation) within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in Nitrates. As such, in the event that consent was forthcoming, a Grampian condition in line with the Winchester City Council Position Statement on Nitrate Neutral Development will be required to secure appropriate mitigation prior to occupation. This would ensure that the mitigation is calculated and provided at the agreement of conditions stage prior to occupation and would ensure the proposed development would not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites. This would also enable any development to meet the requirements of LPP1 Policy CP16 and also the provisions within the EU Habitats Directive and Conservation of Habitats & Species (Amendment) Regulations 2011.

Appropriate Assessment.

The application will have a likely significant effect in the absence of avoidance and mitigation measures on European and Internationally protected sites as a positive contribution of 0.87 Kg/N/year is made. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Winchester City Council Position Statement on nitrate neutral development and the guidance on Nitrates from Natural England.

The authority's appropriate assessment is that the application coupled with a mitigation package secured by way of a Grampian condition complies with this strategy and would result in nitrate neutral development. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework (2023).

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Sustainability

The policy requirements contained within the Local Development Plan in relation to sustainable construction are not relevant in this instance, due to the fact that the proposal relates to the change of use of an existing building. Had the application been successful, a condition requiring the submission of a BREEAM Conversion standard would have been conditioned.

Sustainable Drainage

With regards to surface water drainage, the application site does not lie within or directly adjacent to a flood zone. Whilst the footprint of the building would increase, the overall level of increase is such that it is unlikely to lead to a significant increase in surface runoff from the site, subject to ensuring any new hardsurfacing would be permeable.

With regards to foul drainage provision, the application building is already connected to the main sewer.

The proposal would therefore not cause unacceptable deterioration to water quality and would ensure adequate surface water drainage and wastewater infrastructure to service the development as required by LPP1 Policy CP17.

Trees

A prominent veteran oak tree lies in the south east corner and at the front of the site adjacent to the existing access. The tree is protected by a tree preservation order and is full public view giving the tree high visual public amenity value.

NPPF paragraph 136 recognises that trees make an important contribution to the character and quality of the environment and can also help mitigate and adapt to climate change. It promotes opportunities to incorporate trees within development and to ensure that appropriate measures are in place to ensure existing trees are retained wherever possible. Paragraph 5.18 of the High Quality Places SPD states that trees are a hugely significant part of the character of the district, both in landscape and townscape terms. Therefore, the first principle is that trees which make a positive contribution should be retained wherever possible.

In accordance with Natural England's standing advice (recently updated) the protected Oak is a veteran tree and thereby should be protected in accordance with their standing advice. This advice makes it clear that for veteran trees, the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. The guidance also states that such buffer zones should contribute to wider ecological networks (by creating or establishing habitat with local and appropriate native species).

The submitted plans indicate that the proposed extension to the car parking forecourt area will take place within the buffer zone of the Oak tree. The tree report also indicates that proposed new fencing and gate posts will be carried out within the buffer zone. Whilst it is acknowledged that mitigation measures are proposed, the cumulative effects of the loss of existing root protection area, soil disturbance, removal of roots and further reduction of the

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tree's rooting area would have an unacceptably detrimental impact on the tree's long term health and amenity value. Alongside these impacts, the proposal would also rule out any possibility of establishing any form of ecological enhancements within the buffer area as required by the Standing Advice.

LPP2 Policy DM24 recognises the potential biodiversity, heritage, cultural and amenity value of ancient trees and accordingly states that development should not result in the loss or deterioration of such trees and the space required to support them in the long term. The loss or reduction of the oak tree which is likely to result from the proposed development in this case would therefore be contrary to the requirements of this policy, along with Natural England Standing Advice.

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

Contrary to LPP1 Policy MTRA 4, the proposal does not relate to any form of development which has an essential need for a countryside location and results in the introduction of a new dwelling in the countryside, in an area where residential development is not normally permitted.

The incremental impact of even small scale development proposals for new residential uses outside settlement boundaries would be at odds with the Development Plan as they would cumulatively undermine the approach set out within the development strategy for the district and would erode the rural character of the open countryside. Because the proposal would fail to accord with the spatial strategy set out in LPP1 Policies DS1 and MTRA4, the site is not a suitable location for the proposed development.

Having regard to these considerations along with the harmful impacts upon the protected veteran oak tree and the rural character of the area (as identified above) it is recommended that planning permission should be refused.

Recommendation

Refuse for the following reasons:

1. The application site is outside of a defined settlement boundary and is therefore within the countryside. The development would therefore result in the introduction of new residential development into the open countryside for which no justification exists, contrary to Policy MTRA 4 of the LPP1 and Policy DS1 of the LPP1.

2. The proposed change of use, associated operational development and increased levels of domestic activity would be unacceptably detrimental to views from the highway and right

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of way to the south as a result of the increased amount and prominence of parking provision. The proposal would therefore undermine the rural, edge of settlement character of the area contrary to the requirements of LPP2 Policies DM23 and DM16 along with advice contained within the High Quality Places SPD (2015).

3. There is insufficient information accompanying the application to rule out the loss or deterioration of a protected oak tree within the site and the space required to support it in the long term. The loss or reduction of the tree would have a detrimental impact on the local visual public amenity contrary to LPP2 Policy DM24, guidance within the High Quality Places SPD (2015) and paragraph 136 of the National Planning Policy Framework.

Informatives:

1. In accordance with paragraph 39 of the NPPF (2023), 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.

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

Winchester Local Plan Part 1 - Joint Core Strategy (2013) (LPP1):

Policy DS1 - Development Strategy and Principles
Policy MTRA 4 - Development in the Countryside
Policy CP11 - Sustainable Low and Zero Carbon Built Development
Policy CP16 - Biodiversity

Winchester District Local Plan Part 2 - Development Management and Site Allocations (2017) (LPP2):

Policy DM1 – Location of Development
Policy DM15 - Local Distinctiveness
Policy DM16 - Site Design Criteria
Policy DM17 - Site Development Principles
Policy DM18 - Access and Parking
Policy DM23 - Rural Character
Policy DM24 - Special Trees, Important Hedgerows and Ancient Woodlands

Denmead Neighbourhood Plan 2011 – 2031 (Made 2015):

Policy 1 – Spatial Strategy
Policy 2 – Housing Allocations
Policy 3 – Housing Design

3. This permission is refused for the following reasons:

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The development is not 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 approval of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be refused.

APPENDIX 1 – DENMEAD PARISH COUNCIL COMMENTS

Application Summary

Application Number: 23/02685/FUL

Address: Broadview Cottage Kidmore Lane Denmead Waterlooville Hampshire PO7 6JU

Proposal: It is proposed to use the converted garage as a fully independent dwelling house including creation of separate curtilage, enlargement of patio doors, change garage door to feature window, extend roof canopy front and rear, change roof lights in front elevation to dormers and add porch.

Case Officer: Liz Young

Customer Details

Name: Denmead Parish Council

Address: Denmead Parish Council, The Old School, School Lane, Denmead Waterlooville, Denmead PO7 6LU

Comment Details

Commenter Type: Parish Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Denmead Parish Council raises a STRONG OBJECTION with a request that the application is put before Winchester City Council Planning Committee on the following grounds if the Planning Officer is minded to approve the application:

- The application is contrary to Policy MTRA4 of the Winchester District Local Plan Part 1 as it would result in an additional residential unit in a countryside location with no justification.

- The application is contrary to Policy CP20 of the Winchester District Local Plan Part 1 as it would fail to enhance the local distinctiveness, tranquillity, and setting.

- There is concern for the health and wellbeing of the oak tree on the corner of the property adjacent to the crossroads which will be very close to the proposed vehicle turning area. Additionally, there is concern that it is proposed to remove hedgerow to widen the driveway.