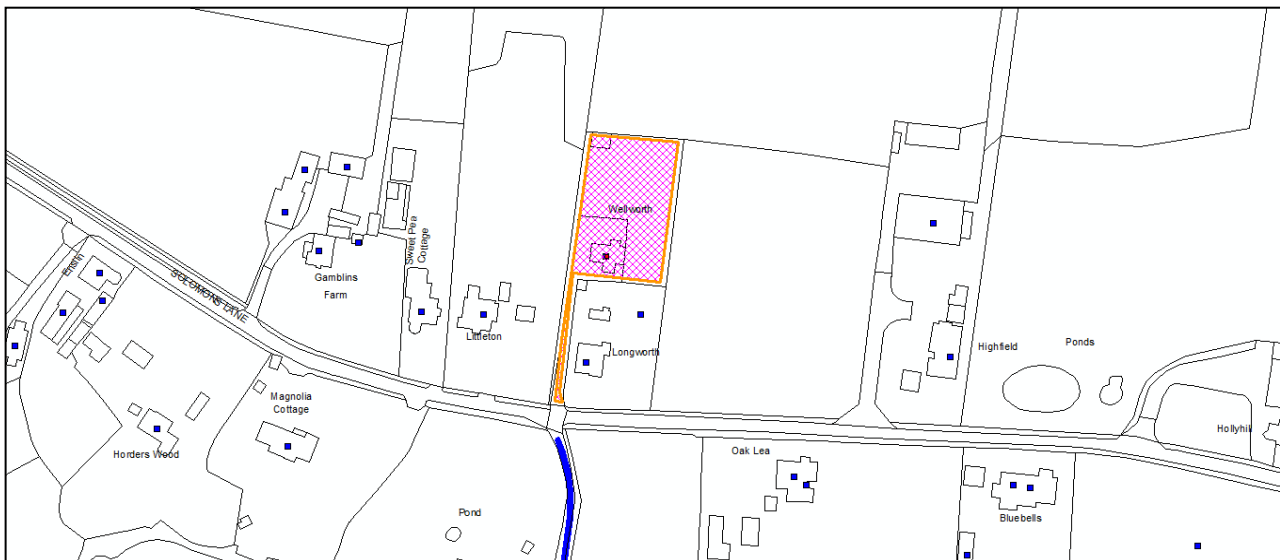


WINCHESTER CITY COUNCIL
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Case No: 24/00855/HOU
Proposal Description: First floor extension to bungalow (retrospective to regularise prior notification 22/02416/PNASDH)
Address: Forest Edge, Solomons Lane, Shirrell Heath, Southampton, Hampshire, SO32 2HU
Parish, or Ward if within Winchester City: Shedfield Parish Council
Applicants Name: Miss Mary Day
Case Officer: Marge Ballinger
Date Valid: 4 June 2024
Recommendation: Permit
Pre Application Advice: Yes

Link to Planning Documents: 24/00855/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 the first floor extension (as partially built) and the dwelling's use of external materials are considered to not have a harmful impact upon the proposal site and the character of the semi-rural residential area in accordance with Policies DM15, DM16 and DM23 of the LLP2 and would not adversely harm neighbouring residential amenity (once completed) in accordance with policy DM17 of the LPP2.

General Comments

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

Amendments to Plans Negotiated

None.

Site Description

Forest Edge (once known as Wellworth) is a 2-storey, 3-bedroom dwelling positioned north of the detached dwelling Longworth, and has access off of Soloman's Lane. The dwelling has a south-facing front elevation and a sizeable side and rear garden. There is existing hard-standing along its front, side and rear near the dwelling (once gravelled), with a grassed rear garden. Internal and external finishing works to the dwelling are still pending, but the majority of the external works have been completed. There are high hedges along its front boundary toward the dwelling Longworth and to its side boundaries, with unobstructed rear views north through a post-and-rail fence. There is agricultural and grazing land to the north and east of the site. Soloman's Lane in this part of the immediate area is described as "horticulture and small holdings" within the WCC Landscape Character Assessment, and maintains a semi-rural residential setting.

Proposal

In 2022 an application (reference 22/02416/PNASDH) was submitted and approved to add an additional storey to the dwelling under Class AA, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This legislation sets out national grants of permission which are known as permitted development rights. These allow certain building works and changes of use to be carried out without having to make a planning application. For some types of permitted development, such as that set out in Class AA, there is a simplified process, known as Prior Approval that must be completed and agreed before any works can be commenced. The process for Class AA applications allows for consideration of a limited number of matters only and does not allow for consideration of local plan policies, including Neighbourhood Plans, or matters of character and appearance other than the need for materials to match those used to construct the original dwelling. There is no requirement for materials to reflect local character.

Class AA allows for the enlargement of a dwelling house by construction of additional storeys under the Prior Approval route. For a detached single storey dwelling, one additional storey can be added subject to the resultant dwelling not exceeding 18 metres in height, not raising the highest part of the roof by more than 3.5 metres and limitations on the internal floor to ceiling height of any additional floor. These are the only matters of scale and massing that can be considered. The development is also subject to conditions which require that the materials used are of similar appearance to those used

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in the construction of the exterior of the dwelling; that there are no windows in a side elevation and that the roof pitch of the principal part of the dwelling following the development must be the same as the roof pitch of the existing dwellinghouse. All of these limitations were found to be met when the Prior Approval application was agreed and Condition 2 of the decision which required the use of similar materials to those in the original dwelling was imposed.

The development has been carried out without complying with the materials condition. Instead of using a red brick for the elevations and a red/brown concrete tile for the roof, the first floor and roof have been completed with a dark grey tile. As the development is contrary to the requirements of the Prior Approval it is therefore unauthorised. In all other regards the development accords with the Prior Approval.

The proposal is to regularise the as-built first-floor extension and its use of materials of dark grey tile with light render to ground floor level.

The plans for the development as built also differ from the agreed plans in that roof lights have been added and there are some minor changes to the position of windows and doors.

Relevant Planning History

- 81/00092/OLD (W595/07) – Erection of garage/store (Longworth) – permitted 18.03.1981
- 88/00086/OLD (W595/10) – Bungalow and Store (Longworth) – refused; appeal dismissed 09.03.1988
- 99/00586/LDC - Existing use as a separate dwelling house (Wellworth) (Certificate of Lawfulness) permitted 05.07.1999
- 22/02416/PNASDH - Construction of an additional storey on existing bungalow (Forest Edge) – prior approval required; approved 09.12.2022

Consultations

None.

Representations:

Shedfield Parish Council –

Shedfield Parish Council would like to object to this application for several reasons.

1. It goes against the original proposed conditions which were to blend in with the neighbouring locations. These conditions have seemingly been ignored by the applicant.

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2. It is considered by the Parish Council that this application is a way to legitimise non-compliance with the original application.

3. The house does not fit in with other properties in the close environs; and is considered by some to be an eyesore. As the property is so contrasting in size, shape and colour to its neighbours it appears prominent, noticeable and is therefore not in-keeping.

4. The application conflicts with the criteria of Policies DM15, DM16 and DM23 of the Winchester Local Plan Part 2. Taken together, these policies require that development respect the qualities, features and characteristics that contribute to the distinctiveness of the local area, responds positively to the character, appearance and variety of the local environment and that they not have an unacceptable effect on the rural character of the area.

5. It also goes against the Village Design Statement:

Design Guidelines 5

1. a) New development should be designed to match or complement the styles and materials of existing buildings in the area. LP policies CP13, DP3 (emerging DM16, DM17).

Shedfield Parish Council ask that this application is referred to the Planning Committee for consideration.

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

- Does not comply with Policy DM3 for extensions limited to 25% of the original dwelling (if outside the settlement boundary, and originally had floor measurements of less than 120 square metres).
- Exterior materials out of character with the area; creates an urban-style building in the rural setting.
- Visible from Soloman's Lane and as far as Forest Road.
- Building not fit with the local topography; the building stands out and is obtrusive; overbearing.
- First floor windows along the south elevation are not obscured as per the condition required within ref 22/02416/PNASDH.
- The use of materials is not compliant with Shedfield Parish's Village Design Statement.
- Application would set a precedent for any new development in the area.
- Site notice was placed upon a telephone pole on land of neighbouring dwelling (Littleton); did not receive neighbour notification letters.

No representations received in support.

Relevant Government Planning Policy and Guidance

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National Planning Policy Framework (December 2023)

- Para 7 - the proposal meets the needs of the present without compromising the ability of future generations to meet their own needs. The test of sustainable development includes the economic, social and environmental objectives.
- Para 39 – LPA to approach planning decisions in a positive and creative way and work pro-actively with applicants that will improve economic, social and environmental conditions of the area. Decision makers should seek to approve applications for sustainable development where possible.
- Para 47 - planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- Para 126 – the creation of high quality, beautiful and sustainable buildings and places is fundamental to the planning process.
- Para 185 – Planning decisions should ensure development (a) mitigates and reduces potential adverse noise impacts on health and quality of life and (b) protect tranquil areas undisturbed by noise and (c) limit the impact of light pollution on local amenity.

National Planning Practice Guidance

- Use of Planning Conditions: Paragraph: 001 Reference ID: 21a-001-20140306

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

- DS1 – Development Strategy & Principles
- CP13 – High Quality Design
- 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
- DM23 – Rural Character
- DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality Supplementary Planning Document 2021

Residential Parking Standards 2009

Shedfield Village Design Statements

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023

Nature Emergency Declaration

Statement of Community Involvement 2018 and 2020

Landscape Character Assessment April 2022

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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.

The proposal is outside the settlement boundary. Outside defined settlement boundaries, development proposals which accord with the Development Plan will be permitted where they do not have an unacceptable effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment (Policy DM23).

The proposal details above outline the permitted development regime relevant to this proposal. Forest Edge was once an ancillary building to Longworth (dwelling to the south) that became a lawful dwelling along with its surrounding garden in 1999 (reference 99/00586/LDC). The original dwelling was built of red brick and a concrete tiled roof and had an external floor plan measurement of 98 square metres prior to the demolition of two conservatories. The dwelling and its extended garden land was subdivided from the host dwelling and sold to the current applicant.

Although Policy DM3 of WCC's LPP2 controls extensions to be no more than 25% greater than the floor area of the original floor area for dwellings with less than 120 square metres of floor area outside the settlement boundary Class AA of Schedule 2, Part 1 of the GPDO does not allow for these limitations to be considered. Given the previous permission under reference 22/02416/PNASDH the first floor extension is a form of development that is deemed by national permitted development rights to be acceptable regardless of its location. The proposed drawings submitted with the current application confirm that the size and scale of what has been built is compliant with what was agreed under Prior Approval. It is the decision of the applicant to finish the development in materials which are not similar to those used in the construction of the original dwelling which render it unauthorised and accordingly it is considered reasonable to agree the principle of the current application to regularise the additional first floor and its raised and altered roof.

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

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In reaching the conclusion in respect of the principle of the development as above, visual impact of the development has also been considered. The ground is quite level near the proposal when compared with adjacent dwellings, but slightly slopes down from southeast to northwest. There is a public right-of-way path located south of the proposal site across Soloman's Lane (approximately 64m south), and from that viewpoint only glimpses of the roof are visible behind other dwellings more prominent and nearer the road. Given the distance and scarce views of the roof only from the public right-of-way, it was not considered necessary to advertise in the local paper or consult with HCC Countryside Services to assess the impact visually upon the right-of-way access. Although the dwelling may be visible from other longer distances across fields and residential gardens, the resulting impact is not considered to have a detrimental impact upon the rural setting.

Notwithstanding that the materials used in the construction of the first floor and roof do not comply with the original Prior Approval the grey hanging wall tiles and the roof tiles are considered to be acceptable in the rural setting. Dark grey or black timber cladding and corrugated sheeting is commonly seen on rural buildings in the countryside, as seen in a building within Gamblins Farm approximately 100m west and visible from Soloman's Lane.

The Shedfield Parish Village Design Statement states within its Design Guideline 5(a) that "new development should be designed to match or complement the styles and materials of existing buildings in the area". Although brick was the original material for the dwelling on the site and is used commonly within nearby dwellings, there is also timber cladding, hanging tile and light render visible as well in nearby dwellings and buildings. The proposal also retains the original dwelling's design and footprint. Given there is no set pattern of building designs, positions or plot sizes within the immediate area, and the proposal is set back from the road behind other dwellings by approximately 52m, what is built does not represent a dominant or harmful impact upon the streetscene.

The additional changes of rooflights and window positions within the dwelling are not considered to have any visual impact upon the site and setting when compared with the approved versions. Condition 6 of the application 22/02416/PNASDH included obscure-glazing or glazing film to the south-facing first floor windows. The dwelling still requires internal and external finishes, so this condition will be carried through into the current application (Condition 2). Condition 4 of 22/02416/PNASDH for a construction management plan had not formally been discharged prior to commencement but as the majority of the building works have been completed, it is no longer necessary to impose any construction management condition.

The dwelling's position further back from the roadside appears subservient to the dwellings closer to the road, and the dark hanging tile is considered more recessive when viewed from public areas. The use of the materials and window/door alterations are not considered to demonstrate a level of harm that requires further alterations or a refusal of the application. Therefore, the proposal is compliant with policies CP13 of the LPP1 and DM15, DM16 and DM23 of the LPP2.

Development affecting the South Downs National Park

The application site is located approximately 1.7km from the South Downs National Park.

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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, an adverse impact on the National Park and its statutory purposes is not identified.

In conclusion 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 works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting, given the distance from any listed buildings or conservation areas.

Neighbouring amenity

As part of the statutory publicity requirements for all planning applications, an orange site notice was displayed on a pole nearest the driveway to the proposal site, and adjacent neighbours Littleton and Longworth had neighbour notification letters printed and mailed out on the 11th of June 2024.

Longworth is a detached dwelling located south of the proposal site. Longworth had permission to extend into the loft in 2020, and has a garage and various garden buildings in its rear garden. It shares a boundary adjacent to the parking area of the proposal site. The rear elevation of Longworth measures approximately 19m to its rear boundary hedge, and the proposal is positioned approximately 6m back from the boundary hedge and in-line as existing with Longworth. The first floor rooms on the south elevation of Forest Edge are for ensuite, a bathroom and a stairwell. The previous condition to obscure-glaze or add glazing film to first floor windows along the south elevation will be added into this decision (Condition 2) to prevent any harmful overlooking impacts to Longworth. The distance of approximately 25m between dwellings does not represent harmful overbearing or overshadowing impacts to Longworth.

Littleton is a detached dwelling located southwest of the proposal. There is a 35m gap between the dwellings. Although the proposal is approximately 7m from the side boundary of Littleton's rear garden, there are no side-facing windows within the first floor extension, and views toward the dwelling's primary outdoor amenity space is limited due to the

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existing planting and tree screening. No further overlooking, overbearing or overshadowing impacts are expected to Littleton.

Highfield is a detached dwelling located approximately 115m east of the proposal. There is an open field in the land between the dwellings. Due to the existing distance between the two dwellings, no further overlooking, overbearing or overshadowing impacts are expected to Highfield.

Overall, in consideration to all nearby neighbouring amenities, the proposal complies with Policy DM17 of the LPP2.

Sustainable Transport

The proposal has existing off-road parking for up to three vehicles and turning space to allow a forward exit onto the main road. There are no new or altered access proposed onto Soloman's Lane to consider within this application.

In accordance with Section 18 (1) (d) of the Order, Hampshire County Council has determined that it will discharge its consultee responsibilities as the LHA through the provision of Standing Advice for the residential development of 1 to 5 new dwellings, served by an access onto an unclassified road. The standing advice does not apply to household developments without a new or altered access.

The local planning authority is satisfied that the application is in accordance with the Standing Advice, is not likely to result in a material increase or change in the volume or character of traffic entering or leaving a highway. It is therefore concluded that there are no highway reasons to refuse the application and it is also considered to comply with policy DM18 of 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 new overnight accommodation affecting Nitrates.

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

Research within the HCC and WCC ecological databases were undertaken. The site has been flagged for potential for great crested newts as there are ponds in the area outside the proposal's site. However, these ponds are more than 100m away from the Forest Edge and its garden, so there is no statutory requirement to consult with our newt officer or require further ecological surveys. Therefore, the proposal complies with policy CP16 of the LPP1.

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Sustainable Drainage

The site is within Flood Zone 1, and has a low probability of flooding from rivers and the sea. There is a low risk of surface water flooding (between 0.1% and 1% chance each year), so there was no requirement to obtain a flood risk assessment. The proposal will have no impact on drainage because the site has existing residential use. The proposal will be subject to a Building Control inspection (Informative 4). Therefore, the proposal complies with policy DM17 of LPP2.

Trees

Policy DM24 of the LPP2 allows development which does not result in the loss or deterioration of ancient woodlands, important hedgerows, special trees, ground flora and the space required to support them in the long term. The application site and surrounding area does not contain any trees. The proposal will therefore comply with policy DM24.

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

Forest Edge maintains the form, design, scale, and massing agreed under application reference 22/02416/PNASDH and has facing materials currently of light render to its ground floor and dark grey slate to its first floor and roof. Although the materials are varied from what can be seen within the adjacent dwelling or from its original red brick, the finish is not considered to have a detrimental effect on the area's character. The previous window glazing condition will be added into this decision to prevent harmful impacts to privacy of Longworth located south, and no further harmful impacts are expected to any adjacent neighbouring amenities. 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

Permit, subject to the following conditions:

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Conditions

1. The development hereby approved shall be as already built on site and shown in the following plans received: -

- Location Plan dated 18 April 2024
- South Elevation (Proposed), East Elevation (Proposed) within drawing E1.1 dated April 2024
- North Elevation (Proposed), West Elevation (Proposed) within drawing E2.1 dated April 2024
- Proposed Floor Plans within drawing FL:Confirmed Layout dated April 2024

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

2. The first floor windows in the south elevation of the extension hereby permitted shall be glazed with obscure glass (or film) which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times. Other methods of obscure-glazing (such as stained glass) would also be acceptable.

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in the Materials section of the associated application forms and as partially built.

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

Informatives:

1. In accordance with paragraph 38 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.In this instance a site meeting was carried out with the applicant.
2. The Local Planning Authority has taken account of the following development plan policies and proposals: -
 - Local Plan Part 1 Joint Core Strategy: DS1, CP13, CP16
 - Local Plan Part 2: DM1, DM3, DM15, DM16, DM17, DM18, DM23
3. This permission is granted for the following reasons:

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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. 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>
5. Biodiversity Net Gain Informative for applications exempt from BNG
Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements (as set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024) are considered to apply as follows:
 - The Development is for a householder application
6. In order to promote biodiversity, please consider the installation of erecting appropriate bat/bird roosting/nesting provision after completion of the proposal. For further advice, please refer to:
<https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>
or <https://www.rspb.org.uk/birds-and-wildlife/helping-birds-and-wildlife>.

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Appendix 1

City Councillor or Parish Council's request that a Planning Application be considered by the Planning Committee

Request from Councillor/Parish: Shedfield Parish Council
Case Number: 24/00855/HOU
Site Address: Forest Edge, Solomons Lane, Shirrell Heath, SO32 2HU
Proposal Description: First floor extension to bungalow (retrospective to regularise prior notification 22/02416/PNASDH)
<p>Requests that the item be considered by the Planning Committee for the following material planning reasons:</p> <p>Shedfield Parish Council would like to object to this application for several reasons.</p> <ol style="list-style-type: none">1. It goes against the original proposed conditions which were to blend in with the neighbouring locations. These conditions have seemingly been ignored by the applicant.2. It is considered by the Parish Council that this application is a way to legitimise non-compliance with the original application.3. The house does not fit in with other properties in the close environs; and is considered by some to be an eyesore. As the property is so contrasting in size, shape and colour to its neighbours it appears prominent, noticeable and is therefore not in-keeping.4. The application conflicts with the criteria of Policies DM15, DM16 and DM23 of the Winchester Local Plan Part 2. Taken together, these policies require that development respect the qualities, features and characteristics that contribute to the distinctiveness of the local area, responds positively to the character, appearance and variety of the local environment and that they do not have an unacceptable effect on the rural character of the area.5. It also goes against the Village Design Statement: Design Guidelines 5 1. a) New development should be designed to match or complement the styles and materials of existing buildings in the area. LP policies# CP13, DP3 (emerging DM16, DM17). <p>Shedfield Parish Council ask that this application is referred to the Planning Committee for consideration.</p>

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