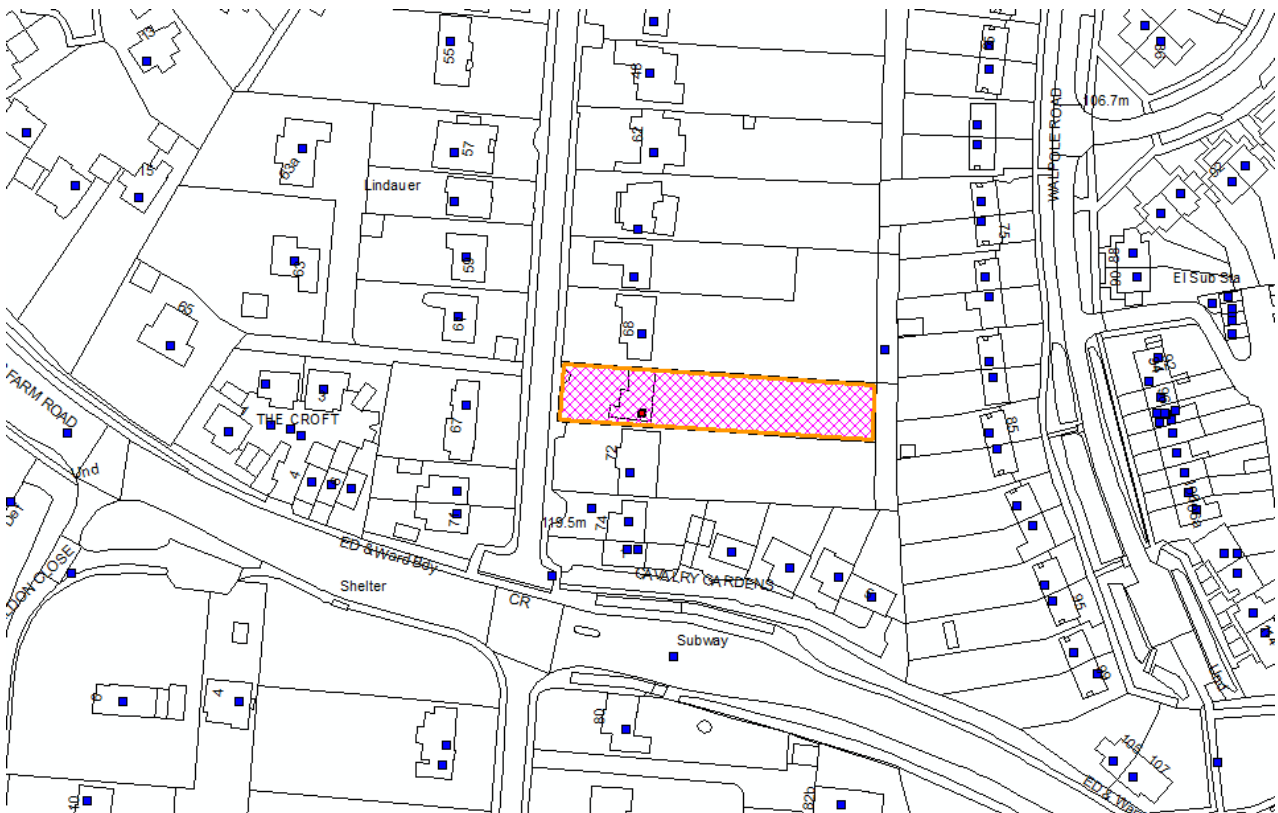


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 24/01559/HOU
Proposal Description: Rear single storey extension to family home, new raised hard landscaping.
Address: 70 Olivers Battery Road North, Olivers Battery, Winchester, Hampshire, SO22 4JB
Parish, or Ward if within Winchester City: Winchester City
Applicants Name: Mr and Mrs Adrian and Annelis Brophy
Case Officer: Ethan Townsend
Date Valid: 22 July 2024
Recommendation: Permitted
Pre Application Advice: No

Link to Planning Documents

Link to page – enter in reference number 24/01559/HOU
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for permission as it is considered that it will not have an impact on the character of the area in accordance with Policies DM15 and DM16 of the LLP2 and would not harm neighbouring residential amenity in accordance with policy DM17 of the LPP2.

General Comments

The application is reported to committee as the applicant is an elected Member.

Amendments to Plans Negotiated

None

Site Description

The application site is located near the end of Olivers Battery Road North. The application dwelling is a large brick-built detached property set within a sizeable plot. The dwelling is set back from the road and is well-screened by virtue of the presence of front-boundary trees (protected by a TPO area), hedging and fencing. The character of the area is defined by large, detached dwellings set within spacious plots. There are a mixture of styles, ages and design of properties in the vicinity, with many properties having been extended over course of time.

Proposal

The proposal seeks to erect a single-storey flat roofed extension to the rear of the property. The extension would be 8.6 metres in width and 4 metres in depth. The extension would be comprised of brick and set underneath a pitched zinc roof. The proposal also includes some landscaping works and alterations to the patio to the rear and side of the extension.

Relevant Planning History

- 99/00149/FUL – Two storey front extension – Permitted 08/03/1999
- 97/00838/FUL – Two storey side extension – Permitted 07/07/1997

Consultations

None necessary.

Representations:

City of Winchester Trust:

- Neutral – comment that they could not see the ground floor plan.

1 Objecting Representations received citing the following material planning reasons:

- Concern over privacy due to the raised patio and the level differences.
- Overlooking due to proposed ground floor window.

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Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

- Section 2 Achieving Sustainable development
- Section 4 Decision Making
- Section 8 Promoting healthy and safe communities
- Section 12 Achieving well designed places

National Planning Practice Guidance

- Public Consultation
- Determining a Planning Application
- Climate Change
- Consultation and Pre-Decision Matters
- Design: Process and Tools
- Use of Planning Conditions

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

- DS1 – Development Strategy & Principles
- CP13 – High Quality Design
- CP16 – Biodiversity
- CP17 – Flooding, Flood Risk and the Water Environment

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
- 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

Other relevant documents

- Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.
- Statement of Community Involvement 2018 and 2020

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

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

Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The surrounding area is characterised by detached two-storey dwellinghouses set within generous plots. The properties are of various built forms, and many have been subsequently extended or altered.

The proposed extension and raised patio would not be visible from the public realm due to their positioning to the rear of the dwellinghouse. The extension would be fairly modest in size in comparison to the existing property. It would clearly appear as a subservient and proportionate addition to the property due to its single-storey nature and its lower eaves and ridge height. The extension and raised patio are not of a size or scale that would overdevelop the plot. Furthermore, the increase in the size of the property would not be out of keeping with the surrounding area.

At present, there is a small patio area to the rear of the dwelling, this proposal seeks to create a slightly larger raised patio area for the dwelling. The raised patio is modest in height and appropriate in appearance. To the edge of the patio would be a planting bed, which will add visual interest to the rear garden. Given that the patio is not visible from the street scene, it would not impact upon the character or appearance of the area.

The proposed extension would be comprised of matching red brickwork to ensure that it successfully blends with the existing dwelling. The roof would be comprised of metal. Whilst the roofing material would not match the existing dwelling, considering that the extension would not be visible from the public realm, it is considered acceptable. The metal roof would not look out of keeping with the property as it would complement the aluminium framed fenestration (doors and windows). Overall, the proposed extension is considered to be of an appropriate design and scale for the existing dwelling and it would not harm the character and appearance of the area. Therefore, the proposal complies with policies DM15, DM16 and DM17 of the LPP2.

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Development affecting the South Downs National Park

The application site is located circa 1.6km 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 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 or expected.

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

There would be no impact upon the historic environment. The works would not affect any designated heritage asset, archaeology, non-designated heritage asset and their respective settings.

Neighbouring amenity

Policy DM17 of LPP2 permits development where it does not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing. The application site is bounded by residential properties to either side (north and south). Number 68 is located the north and number 72 is situated to the south. There are further dwellings on Walpole Road to the rear, these are a considerable distance away from the site with intervening boundary treatment.

The northern (side) wall of the proposed ground-floor extension would run flush with the existing northern (side) wall of the dwelling. The extension would extend approximately two thirds of the width of the rear wall. At its closest point, the northern wall of the proposed extension would be sited 1.1 metres from the boundary shared with number 68, Olivers Battery Road North. The proposed rear extension is positioned further rearwards than this neighbouring property's rear wall. As such, glimpses of the proposed extension will be visible from the private amenity space immediately to the rear of this neighbouring property. However, at present the boundary treatment is comprised of a small fence high boundary fence with hedging above. This high boundary hedging and planting softens the extension and limits its visibility from the neighbouring property.

The neighbouring property, 68 Olivers Battery Road, has provided comments recommending the height of the extension is reduced. The extension would have a pitched roof and it is positioned so that the eaves are the closest point to the boundary with this neighbour. This therefore limits any potential overbearing impact of the extension. The height of the extension varies due to the topography of the site. The eaves height varies

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from 2.5m to 2.9m. Given the extension's slight set back from the boundary, the boundary planting and hedging, and the modest height of the extension, it is not considered to be unduly overbearing. Whilst it is recognised that glimpses of this extension would be possible, its height is not of a scale that would result in an overbearing or overshadowing impact.

Comments have been received from the neighbouring property, 68 Olivers Battery Road North, raising concern over the proposed development, and particularly its impact on privacy. The comment shares concern over the new window on the northern elevation. Similarly, within the received comment, a request has been made for a 2-metre-high boundary fence to be erected at the site. The proposed ground floor plan and proposed elevation plan confirm that the proposed window on the northern flank elevation (facing towards number 68) would be both high level and obscure glazed. The neighbour notes that the window would be above the existing fence line which is comprised of a circa 1-metre-high fence. Given that the window is high-level, it would be positioned above eye level. Whilst the window is in close proximity to the neighbouring property, the existing boundary hedging would help screen this window from the neighbouring property's land. Nonetheless, the fact that the window is obscure glazed means that it would not result in any opportunities for direct overlooking. For these reasons, it is not considered necessary or reasonable to require a 2-metre-high fence on the northern boundary. This neighbouring property's amenity would not be detrimentally impacted by the proposed development.

There is a high boundary fence shared with number 72 Olivers Battery Road North. The extension would be over 5m from the boundary with this property. Due to the positioning of the extension, the modest height of the raised patio, the modest height of the extension and its distance from the boundary, the proposal would not result in an overbearing, overlooking or overshadowing impact on this neighbouring property. Therefore, the proposal would not result in harm to the amenity of neighbouring properties. As such, it is considered to comply with Policy DM17.

Sustainable Transport

This application does not propose to alter the access and parking arrangements at the site: the existing access and parking layout is to be retained. The proposal does not involve an increase in bedrooms at the property. The property would still have sufficient space for three vehicles to park on the front drive and therefore would comply with the Residential Parking Standards SPD.

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.

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Ecology and Biodiversity

The proposal will have no impact as it is not development within, bordering or in close proximity to a Nationally Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) or is not overnight accommodation affecting Nitrates.

Due to the nature of the development and the distance between the application site and the Nationally 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.

HBIC and WCC ecological databases have been reviewed and no local ecological/biodiversity concerns have been identified. Furthermore, the biodiversity checklist identifies that no further surveys are necessary. The proposed development is small in scale and would not impact upon any features which are common for hosting biodiversity. Therefore, the proposal would be in compliance with Policy CP16 of LPP1.

Sustainability

Policy CP11 does not apply to extensions, however the development would need to comply with building regulations.

Sustainable Drainage

The site is located within Flood Zone 1, and therefore it has a very low risk of flooding. The proposal is not considered to have an impact upon drainage as the site is already an existing residential dwelling and the proposal does not seek to increase the number of bedrooms at the site. The dwelling will remain a 5-bedroom property. The proposed extension is expected to use the existing surface water and sewage as the existing dwelling. Therefore, the proposal complies with policy DM17 of LPP2.

Trees

There are several trees within the rear garden of the application site. However, due to the distance between these trees and the proposed development, an adverse impact upon the health and amenity of these trees is not expected. The existing hedging on the side boundaries is to be retained. On the southern boundary, the vegetation will be pushed back to allow for hard landscaping, planting bed and for side access. The rest of the hedge will be retained.

The tree to the front of the dwellinghouse is protected by a TPO (ref. 00039-2003-TPO), this is a TPO area which runs the length of Olivers Battery Road North. The proposed development is sited a sufficient distance from this tree to ensure that it would not harm this tree. As a precautionary measure, a condition is recommended to ensure that the tree is protected during the construction phase of the development. Whilst it is noted that much of the tree's root protection area is covered by hardstanding, additional pressure by virtue of storage of materials and equipment during construction could result in some harm. Therefore, through the addition of this condition any potential harm is mitigated. The proposal will therefore comply with policy DM24.

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Other Matters – Air Quality

In September 2021, the Authority produced an Air Quality Supplementary Planning Document. Whilst the application site falls within the 'Air Quality Management Area', it is not applicable as this application is for householder development.

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 development is proportionate in size to the main dwellinghouse, it is well designed and respects the character and appearance of the property. The proposal is not considered to have a harmful impact upon the character and appearance of the area, nor would it result in any material planning harm to neighbouring properties' residential amenity.

The proposal would comply with Policies DS1, CP13 and CP16 of the Local Plan Part 1 (2013) DM1, DM15, DM16, DM17, DM18 and DM24 of the Local Plan Part 2 (2017) and the High-Quality Places SPD and Residential Parking Standards SPD.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

01 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).

02 The development hereby approved shall be constructed in accordance with the following plans received:

- Block Plan as Proposed, drawing no. 787.PL.BLOCK, received 22/07/2024
- Site Plan as Proposed, drawing no. 787.PL.SITE, received 22/07/2024
- Ground Floor as Proposed, drawing no. 787.PL.001, received 22/07/2024
- First Floor as Proposed, drawing no. 787.PL.002, received 22/07/2024
- Roof as Proposed, drawing no. 787.PL.003, received 22/07/2024
- Elevations as Proposed, drawing no. 787.PL.011, received 22/07/2024

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

03 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 also as indicated within the permitted drawings.

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

04 No development shall take place until arrangements to be taken for the protection of trees and hedges on the site and Arboricultural Method Statement in accordance with BS5837: 2012 have been submitted to and approved in writing by the Local Planning Authority.

The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

Informative:

01. In accordance with 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 the agent was updated with the progress of the application.

02. This permission is granted for the following reasons: The development is in accordance with the Policies and Proposals of the Development Plan set out below, 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.

03. 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 - Joint Core Strategy: Development Management and Site Allocations: and DM15, DM16, DM17 and DM18
- National Planning Policy Framework
- High-Quality Spaces SPD
- Residential Parking Standards SPD

04. 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

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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.

05. 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.
06. 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 Considerate Practise <https://www.ccscheme.org.uk/resources/the-code-of-considerate-practise/>
07. 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) <https://www.winchester.gov.uk/building-control>
08. 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.
09. 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>.