

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 23/02553/HOU
Proposal Description: Single storey rear extension and two storey side and front extension with associated internal works. External landscaping works with garden office
Address: 44 Stockers Avenue Winchester Hampshire SO22 5LB
Parish, or Ward if within Winchester City: St Barnabas
Applicants Name: Mr & Mrs White
Case Officer: Mrs Megan Osborn
Date Valid: 23 November 2023
Recommendation: Application permitted
Pre Application Advice Yes

Link to Planning Documents

[Link to page – enter in reference number 23/02553/HOU](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

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The development is recommended for permission as it is considered that the proposed extension would not result in a harmful impact on the character of the existing house or surrounding area and will therefore be 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 due to the number of objections received contrary to the Officer's recommendation.

There has been another planning application submitted on this site, which is pending decision, for a new dwelling located within the side garden of 44 Stockers Avenue (23/02552/FUL).

Amendments to Plans Negotiated

Amended plans were submitted on the 13th February 2024, which included alternations to the two storey side extension on the northern elevation and a change to the location of the rear balcony area. The neighbouring properties were reconsulted on the amendments on the 13th February 2024.

Amended plans:

Combined proposed site plan 2105_PRE_012 A
Floor plans proposed 2105A_PR_100_B
Elevations proposed 2105A_PR_300_B

Site Description

The existing site comprises of a detached two storey dwelling located to the west of Stockers Avenue close to the end of the cul-de-sac.

The dwelling has a large rear and side garden with the far southern point of the garden adjoining the Public Right of Way that leads from Hampton Lane to Chilbolton Avenue.

The garden slopes up from the front of the dwelling to the rear and backs onto dwellings on Hampton Lane.

The rear garden is relatively clear with hedging and trees along the boundaries.

Proposal

The proposal is for a two-storey side and front extension, a single storey rear extension and a roof terrace. The plans also include changes to the fenestration of this building.

Relevant Planning History

82/01053/OLD - Erection of single storey extensions. Permitted 31st March 1982.

83/00805/OLD - Erection of conservatory. Permitted 10th March 1983.

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88/00928/OLD - First floor side extension and rear balcony. Permitted 26th October 1988.

97/02064/FUL - Single storey front extension. Permitted 6th January 1998.

There is a current application for 'New dwelling and vehicle access on land adjacent to 44 Stockers Avenue' (23/02552/FUL)

Consultations

Service Lead – Sustainability and Natural Environment (Ecology) –

- No objections, subject to condition 4

Representations:

City of Winchester Trust

Support – The proposed extensions enhance the use and appearance of the house.

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

- Loss of light
- Overlooking
- Overshadowing
- Too high and not in line with the buildings on the street.
- Balcony will result in impact
- The extension would be out of character
- This is overdevelopment of the site.
- The home office should be temporary and represents over development of the site
- Too much hardstanding

8 Objections after re-consultation of amended plans, these were from neighbours that had already previously commented on this proposal.

- Still overbearing and overlooking
- The new position of the balcony now overlooks the new dwelling
- No details of the type and species of planting to be provided
- Still overdevelopment of the site
- The home office would overlook the rear of 42 Stockers Avenue

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

Section 14 Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

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Design: process and tools
Flood risk and coastal change
Planning Obligations
Use of planning conditions

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

DS1 – Development Strategy and 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

DM15 – Local Distinctiveness
DM16 – Site Design Criteria
DM17 – Site Development Principles
DM18 – Access and Parking

Supplementary Planning Document

National Design Guide 2019
High Quality Places 2015
Air Quality Supplementary Planning Document 2021
Car parking standards 2009

Other relevant documents

Climate Emergency Declaration; Carbon Neutrality Action Plan 2020-2030
Statement of Community Involvement 2018 and 2020

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2023) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

The principle of development is therefore acceptable.

Assessment under 2017 EIA Regulations

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

Impact on character and appearance of area

The proposal is for a number of extensions to this existing detached dwelling. The
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surrounding area is uniform in that the dwellings are originally 1970's detached dwellings with spacious plots that have been well landscaped with off road parking. There are a number of extensions that have taken place with this area, some of which are visible from the road and are a departure from the original architectural design of the dwellings.

The proposal includes a two storey extension to the front of the dwelling that is timber clad on the first floor elevation with matching roof tiles. Although this is prominent in the street scene, it is not considered that result in a detrimental form of development that would appear incongruous in relation the surrounding character and existing dwelling.

The second element is a single storey side extension. This has been reduced in size from the original submission, removing the first floor element, reducing the scale of this in relation to the boundary to the north. The bulk and scale of this is acceptable in relation to the existing dwelling.

The rear single storey element is also considered acceptable in relation to the existing and surrounding character.

There is a terrace proposed to the rear of the dwelling, which is considered acceptable in relation the character of the surrounding area.

The home office proposed to the rear of the site is small in scale and would not result in any detrimental impact on the character of the surrounding area or existing dwelling.

There will be no impact as a result of this development towards the Public Right of Way.

Therefore, the proposal complies with policies DM15, DM16 and DM17 of the LPP2.

Development affecting the South Downs National Park

The application site is located 2.3km 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.

In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Historic Environment

No Impact, the works do not affect a statutory Listed building or structure including
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setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

Residential Amenity

The proposed single storey extensions are wrapping around to the north western side of the building and all along the rear. It is considered that this single storey element would not result in any material planning harm towards any neighbouring amenities, especially number 42 Stockers Avenue, which is the closest dwelling to the site.

There is a proposed two storey extension to the east (front) of the existing dwelling and a single storey extension on the north side of the dwelling. These have been assessed in relation to the private amenity area of number 42, and it is considered that the proposals would not result in a detrimental impact on the private amenities of this dwelling. Officers have been on site and have taken into consideration the level changes between the sites, which lead to an amendment to the size of the extension to the north. It is considered that, due to the scale and size of the extensions, the orientation and the reduced scale of the extension to the north, this development would not result in any material planning harm in terms of overshadowing or overbearing impact to the neighbouring amenities.

There are no windows proposed on the first floor north elevation and there is a window for a bathroom on the southern elevation, which will be obscurely glazed. The proposed balcony to the rear has been reduced in size and moved away from the southern boundary. Therefore, the development would not result in any material planning harm as a result of overlooking.

The proposed garden office would not result in any material planning harm towards the amenities of any neighbouring dwellings.

Therefore, the proposal complies with policy DM17 of the LPP2 in that it would not result in any material planning harm towards to amenities of neighbouring properties.

Sustainable Transport

The proposal has no changes to the current access into the site and although there is an increase in bedrooms there is plenty of parking on the site, sufficient for a dwelling of this size.

Therefore the proposal complies with policy DM18 of the LPP2.

Ecology

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

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

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The submitted ecology report confirms that the dwelling to be extended has moderate potential for roosting bats and therefore two nocturnal surveys were carried out which confirmed the likely absence of roosting bats. The dwelling has potential for nesting birds, with some potential for reptiles and amphibians within the private garden which will not be majorly affected as a result of the proposed extension works and new garden office. Therefore, the detailed precautionary measures are considered to be proportionate and condition 4 is proposed.

Therefore the proposal complies with policy CP16 of the LPP1.

Sustainability

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

Sustainable Drainage

The site is not prone to flooding.

The proposal will have no impact on the existing drainage because this is for an extension to an existing dwelling house.

Therefore the proposal complies with policy DM17 of LPP2.

Equality

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

Planning Balance and Conclusion

The proposal is of an appropriate scale and design and is not considered to have a significant adverse impact upon the character and appearance of the site and would not result in any material planning harm on the neighbouring residential amenities.

The proposal therefore complies with policies DS1, CP13 and CP16 of the Local Plan Part 1 (2013) DM1, DM15, DM16, DM17 and DM18 of the Local Plan Part 2 (2017) and the High Quality Place SPD and Car Parking SPD.

Recommendation

Application Permitted subject to the following conditions:

Conditions

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1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. The 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.

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

3. The development hereby permitted shall be carried out in accordance with the plans listed below unless otherwise agreed in writing by the local planning authority:

Site location plan 2105A_EX_001A
Block plan proposed 2105A_PR_001_A
Combined proposed site plan 2105_PRE_012 A
Floor plans proposed 2105A_PR_100_B
Elevations proposed 2105A_PR_300_B
Garden Office 2105A_PR_101

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the measures detailed in Section 5. 'Recommendations: Opportunities for mitigation and enhancement' of the submitted PRELIMINARY ECOLOGICAL APPRAISAL, BAT SURVEY REPORT AND BIODIVERSITY ENHANCEMENTS STRATEGY by CC Ecology (November 2023). Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

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Reason: To provide adequate mitigation and enhancement for protected species.

Informatives:

01. In accordance with paragraph 38 of the NPPF (July 2019) , 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 application was acceptable as submitted and no further assistance was required.

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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

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 recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions.

<https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>

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 on this please refer the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>