

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 24/01060/HOU
Proposal Description: Ground floor rear, side, and front extensions. Roof alterations to provide first floor accommodation. Associated changes to exterior materials.
Address: 68 Old Kennels Lane Olivers Battery Winchester Hampshire SO22 4JT
Parish: Olivers Battery Parish Council
Applicants Name: Crown Winchester
Case Officer: Matthew Rutledge
Date Valid: 17 May 2024
Recommendation: Permit
Pre Application Advice Yes

Link to Planning Documents

[Link to page – enter in reference number 24/01060/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

The development is recommended for permission as it is considered that it will conserve 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.

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General Comments

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

Amendments to Plans Negotiated

None

Site Description

68 Old Kennels Road is a 3 bedroom bungalow with detached garage. The immediate area is characterised by bungalows and 1.5 storey dwellings.

Access to the site leads to the garage. A low brick wall, with vegetation above partially screening the property from the road, provides the boundary treatment. There is space for vehicle parking on the driveway, both in front of the garage and in front of the house.

Proposal

A porch area is also to be added where the existing front door is located.

A side extension is proposed to link the detached garage with the main dwelling. The garage will be converted to a combined office and guest room, with a shower room to the rear.

Alterations to the roof are proposed to create a 1.5 storey, chalet style, bungalow. These works will bring all the bedrooms upstairs, as well as creating a fourth bedroom. To achieve this, the roof will be re-oriented from a front gable to side gables (so the ridge will run parallel to the road). Two small flat roof dormer windows are to be added to the front of the property and one larger flat roof dormer, extending most of the width of the roof, will be added to the rear.

The proposed exterior finish is white render, with slate roof tiles and grey window frames, fascias, etc.

The access and parking provision will remain the same, notwithstanding the loss of one parking space inside the garage.

Relevant Planning History

23/02700/HOU - Alterations to provide first floor structure including internal and external changes. WDN 3rd January 2024.

Consultations

None.

Representations:

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Oliver's Battery Parish Council

Objection on the basis that the alterations to the roof would be contrary to the Oliver's Battery Village Design Statement, would be overbearing and cause overlooking to adjacent neighbours.

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

- Out of character with surrounding area
- Alterations to the roof will be overbearing and cause overlooking and loss of light
- Overdevelopment
- Insufficient parking

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

Chapter 2 – Achieving Sustainable Development

Chapter 4 – Decision Making

Chapter 12 – Achieving Well Designed and Beautiful Places

Chapter 15 – Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Natural Environment 2019

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Planning Obligations

Use of planning conditions

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

Policy DS1 – Development Strategy and Principles

Policy CP13 – High Quality Design

Policy CP16 – Biodiversity Policy

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

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 DM24 – Trees

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality Supplementary Planning Document 2021

Residential Parking Standards 2009

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Oliver's Battery Village Design Statement

Other relevant documents

Winchester District Local Plan 2020-2040: Regulation 19 Consultation
Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.
Nature Emergency Declaration.
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 proposed changes to the NPPF that are currently being consulted on identify an anticipated approach on Government policy. However, as this is only a public consultation document at this stage, it does not yet hold substantial material weight.

The Regulation 19 Local Plan as now agreed by Full Council can be given appropriate and increasing weight in the assessment of development proposals in advance of Examination and Adoption.

The application site is within the defined 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

There is a variety of bungalows and 1.5 storey properties in the immediate area.

A large number of properties in the locality have received some form of development such as dormers, side extensions, and rear extensions. Following development some properties now present a more modern appearance such as the nearby 74 Old Kennels Lane, along with number 93 further to the south.

The property sits in a row of four bungalows that, while they have received various extensions, still retain the height and general appearance of the original bungalows.

The proposed designs assessed here are the latest revision of plans that were discussed with the agent/applicant at pre-application stage.

Given the property's position between the other bungalows, it was considered important that the ridge height of the existing bungalow is not increased. These plans represent a compromise between restricting the ridge height while still allowing the applicant to create additional living accommodation in the roof space.

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The re-orientation of the roof matches the other three bungalows in the group. The front dormer windows are not considered to be detrimental to the character of the property or surrounding area, given the varying development and other examples of dormers in the area. The rear dormer will not be visible from the public realm and is therefore not considered to harm the character of the property or area.

The minor change to the porch is not considered to substantially change the appearance of the property. The side extension to incorporate the garage into the existing property is also not considered to be detrimental to the character of the property or area.

Comments of objection have referenced the Oliver's Battery Village Design Statement. The design statement refers to Old Kennels Lane with three design guidelines, SK1-3.

SK1 states '*Development in this area should respect street scenes which offer rural views over or between properties, as shown on Map 3.*' Map 3 does not identify a key view in the area 68 Old Kennels is sited. As such, little weight is given to the remainder of this guideline.

SK2 relates to the creation of additional dwellings which is not applicable.

SK3 relates to the conversion or replacement of single storey dwellings with two storey dwellings. The guideline states that these should only be permitted '*where the roof height and overall bulk of the resulting dwelling would not dominate the street scene, adversely affect neighbouring properties, or restrict outward views and the low profile of the settlement when seen from outside the parish.*' Under this proposal the eaves height and maximum roof height does not change. The addition of dormers creates usable rooms in the roof, but this is not considered to have the same impact as adding a second storey. Overall, the proposal is not considered to add significant bulk to the dwelling that would warrant the refusal of this application.

The design and materials used are considered acceptable in the area.

Based on the above assessment it is therefore considered that the proposal complies with policies CP13 of the LPP1 and DM15 and DM16 of the LPP2, along with the guidelines set out in the Oliver's Battery Village Design Statement.

Development affecting the South Downs National Park

The application site is located approximately 2km 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.

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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 setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

Neighbouring amenity

The proposed change to the roofscape, along with the mass of the rear dormer, has the potential to present as overbearing on the occupants of the adjacent neighbours to either side, numbers 66 and 70.

Despite the changes to the roofscape the eaves height and maximum ridge height of the existing property is not increased.

There is approximately a 2m gap between the host property and the northern boundary with 66 Old Kennels Lane, the space between the properties themselves is approximately 4.8m. The land within the curtilage of number 66 that is adjacent to the shared boundary contains the property's garage and driveway, which is not considered to be of high amenity value.

To the south, the property is set approximately 4m from the shared boundary with the neighbour number 70, and approximately 6m from the nearest point of number 70 itself. Number 70 has undertaken development to extend the property to the rear such that part of number 70 now extends past the rear elevation of number 68 and ends almost level with the rear of the existing garage to number 68. The proposed alterations to the garage do not appear to increase the height or mass along the boundary line. The land within the curtilage of number 70 along the shared boundary is a narrow pedestrian access to the rear garden, which is not considered to be of high amenity value.

The distances between the application property and the adjacent neighbours on either side, together with the existing structures and development along the shared boundaries, are considered to reduce any perceived sense of overbearing from the proposals. Overall, it is not considered that the proposal would be substantially and demonstrably overbearing to the detriment of the residential amenity of any surrounding neighbour.

The proposed rear dormer introduces two new windows above ground floor level that have the potential to impact upon the privacy of adjoining properties. In a suburban setting it is not unexpected for neighbouring properties to have rear facing windows above ground level. The introduction of the dormer windows would need to result in a significant loss of privacy and therefore harmful impact on the residential amenity of nearby properties in order for the application to be refused on this basis.

Considering the likely viewing angles from the proposed dormer windows, the separation between properties, existing boundary treatments, and the intervening structures such as number 70's extension and the garage to number 66, it is not considered that the proposed dormer windows have a substantial negative impact on the privacy of these neighbouring properties.

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To the rear (northwest) of the site, numbers 1 and 5 Sunnydown Road adjoin the end of the garden of the application site. At a distance of approximately 16-20m, and considering existing vegetation/boundary treatments, it is not considered that the dormer windows would have a substantial negative impact on the privacy of these dwellings.

It is not considered that the proposed dormers to the front elevation cause any issues of overlooking or loss of privacy.

The alteration to the roofscape and introduction of the rear dormer window has the potential to cause a loss of light to neighbouring properties. Given the path of the sun overhead, it is considered that number 66 is the only property that could possibly be impacted in a negative way.

The proposed elevations 2401_PR_301 indicate that the new roof orientation and dormers will fall within the outline of the old roof when comparing the side elevations. Given that the sun would likely be shining towards the south side elevation of the property, or perhaps a diagonal cross-section of the property, for much of the day, it is not considered that the proposed changes to the roof of number 68 would result in a substantially different situation than at present when considering the light that may reach the south elevation of number 66. The distance between the properties will also reduce the potential for any overshadowing. Overall, it is therefore not considered that the proposal would result in a substantial loss of light to any neighbouring property that would warrant refusal of this application.

Based on the above assessment, therefore, due to the orientation of the site, size of the property and intervening distance to neighbours it is not considered that the proposal will have a demonstrably harmful impact on overlooking, overbearing, or overshadowing to the significant detriment of the neighbouring property or any other neighbouring amenity.

Six comments of objection have been received in relation to these proposals. These objections reference the impact on the character of the property and area as already discussed in this report. The objections also state that the proposals would be overbearing and cause a loss of light to neighbouring properties, as well as overlooking the gardens of neighbours. For the reasons described above, it is not considered that these objections hold sufficient weight to warrant the refusal of this application.

Therefore, the proposal is considered to accord with policy DM17 of LPP2.

Transport

The access to the site is unchanged under this proposal and it will therefore have no impact on highway safety. It is considered that the site has sufficient space to park three vehicles, and therefore meets the Council's parking standards for a 4+ bedroom dwelling in accordance with the Car Parking Standards Supplementary Planning Document.

The proposal will not result in increased traffic generation as no additional dwellings are created.

Therefore, the proposal complies with policy DM18 of WDLPP2.

Trees

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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.

There are a number of small trees/shrubs within the site and one medium sized tree that is marked T4 on the drawing Site/Roof Plan – Proposed 2401_PR_010.

The tree T4 is proposed to be removed as part of the application. This tree is not protected by way of a tree preservation order or by virtue of falling within a conservation area. Permission to remove the tree is therefore not required.

In addition, the tree is not considered to provide significant visual amenity to the surrounding area. The loss of the tree as part of this proposal is therefore considered to be acceptable.

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.

Biodiversity Net Gain

This application is for householder development and is therefore exempt from the Biodiversity Net Gain requirements.

Planning Balance and Conclusion

The application site is within a defined settlement boundary and therefore the principle of development is acceptable, so long as it accords with the Development Plan and material planning considerations.

As assessed above, the proposal is not considered to have a detrimental impact on the character of the property or surrounding area.

After weighing up the potential impacts of the proposal on the residential amenity of nearby neighbouring properties, it is not considered to have a demonstrably harmful impact on overlooking, overbearing, or overshadowing to such a significant degree that would warrant the refusal of this application.

In conclusion, the proposal has been assessed in consideration of the following planning policies: CP13 and CP16 of LPP1 and DM1, DM15, DM16, DM17, DM18 and DM24 of LPP2 and High Quality Places SPD.

The proposal accords with the NPPF and Development Plan policies of the Local Plan Part 1 and 2, and does not raise any material matters of sufficient weight to outweigh it or that would weigh against the granting of planning permission.

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Recommendation

Permit, subject to the following conditions:

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:

Block Plan - Proposed 2401_PR_001
Site/Roof Plan - Proposed 2401_PR_010
Floor Plans - Proposed 2401_PR_100
Elevations - Proposed 2401_PR_301
Street Scene Elevation Proposed 2401_PR_304

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 on the associated application form.

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

Informatives:

1. In accordance with paragraph 38 of the NPPF (July 2018), 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:-

Local Plan Part 1 - Joint Core Strategy: DS1, CP13, CP20, MTRA1, MTRA2, MTRA3, MTRA4

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM3, DM15, DM16, DM17, DM18, DM23, DM27, DM28, DM29

High Quality Places SPD

Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Parking Standards SPD

NPPF Section 16

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. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. 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 Practice

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

6. Any modifications to the approved drawings, whether for Building Control or any other reason, or any departure on site from what is shown, may constitute a criminal offence under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The applicant is required to draw this and other conditions on the Consent to the attention of any contractors or sub-contractors working on site and furnish them with a copy of the consent and approved drawings.

7. 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.