

Case No: 18/02549/HOU
Proposal Description: Approved summer house revised site location in extended rear garden
Address: 63 St Cross Road Winchester SO23 9RE
Parish, or Ward if within Winchester City: St Michael
Applicants Name: Ms Jane Kennerley
Case Officer: Marge Ballinger
Date Valid: 1 November 2018
Recommendation: Application Permitted



© Crown Copyright and database rights Winchester City Council License 100019531

General Comments

This application is reported to Committee as eleven contributors provided letters in objection of the application and this is contrary to the officer's recommendation.

Site Description

63 St Cross Road is a Grade II listed dwelling. The dwelling is mid-terraced, three stories and was built in the early 19th century approximately. The original site measured approximately 315 s.m. and consisted of a long narrow rear garden. The site has a high fence boundary along the side (north) and rear (east) boundaries and a wall on the side (south) elevation. There are small outbuildings sited midway and along the rear of the garden (sheds, greenhouses). The trees and hedges along the rear boundary were cleared.

Additional land to the rear of the site and on a lower ground level was purchased and measures up to 158 s.m. approximately. The site has been cleared of trees, hedges and shrubs. This parcel sits approximately 2m below the existing rear garden to no.63.

Proposal

The proposal is to site a summer house in the rear parcel of land for ancillary purposes. The siting is 1m from the hedge boundary to the adjacent garden of the dwelling to the rear. There will be steps created for access from 63 St Cross original rear garden into the rear parcel, and the parcel's intended use would be a vegetable garden.

Relevant Planning History

18/01484/HOU - Proposed summer house in the rear garden – permitted 09.08.2018

18/02136/TPC - G1 - Removal of group of Spruce and Sycamore to make way for a new vegetable garden. Trees to be dismantled to ground level. 1x Silver Birch which shall give dappled shade shall be kept along with all trees outside of plot to keep with the ongoing theme and aesthetics of the woodland garden. Also approx. 4 Hazel stools to re-coppice at 18-24" high from ground level – permitted 18.09.2018.

Consultations

Head of Historic Environment – no objection, as the re-siting of the summer house is to be in rear gardens relatively obscured from the public realm, the impact to the listed building and the conservation area would be considered low.

Head of Landscape: Tree Officer – no objection but recommended a condition to ensure construction methods for the summer house included pile-and-beam foundation as the summer house is sited near the mature Silver Birch to be retained.

Head of Historic Environment: Archaeology – no objection.

Head of Landscape – no objection.

Case No: 18/02549/HOU

Representations:

City of Winchester Trust – no comment, neither in objection or support of the proposal.

Eleven letters received objecting to the application for the following reasons:

- Loss of privacy to adjacent neighbouring bungalow and garden.
- Overbearing with its size and scale; visual intrusion with its design.
- Details with the application are misleading as it refers to the site as 'woodland' that has since been removed.
- Difficult for the previous wildlife (hedgehogs, squirrels, birds, bats) to be reintroduced with the proposed summer house and its land use / Reinstating privacy planting would be more difficult with the loss of light and impact to soil.
- Concern over retention of the Silver Birch remaining.
- Potential use of summer house for future Airbnb or leading to a future new dwelling.

Reasons aside not material to planning and therefore not addressed in this report

- Details of water and power to the summer house not provided.
- Construction of the steps and disturbance may impede stability of retention wall shared with no.16 Back Street.

No additional comments or letters of support had been received.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy:
DS1

Winchester Local Plan Part 2:
DM2, DM16, DM17, DM27

National Planning Policy Guidance/Statements:
National Planning Policy Framework, Section 12

Planning Considerations

Principle of development

The proposal site is located within the Winchester Settlement Boundary where the principle of constructing domestic extensions and outbuildings is considered acceptable providing it complies with the relevant policies set out below. Structures built for ancillary purposes, such as the proposal, are considered appropriate within domestic curtilages as their use remains associated with the host dwelling. The ancillary nature of the summer house can be controlled through a condition to prevent the formation of a separate dwelling house which may not be appropriate for the area.

Design/layout

The summer house is designed as a taupe painted timber structure with a cedar-shingled roof. The roof is dual-pitched, 2.08m high at eaves and 2.72m high at ridge.

Case No: 18/02549/HOU

The proposed width is 4.2m and depth is 3.6m of internal space with an additional 1.20m decking/porch under the roof. Two windows are proposed on each side, along with 2 windows and a double door upon the front elevation. There is intention to supply the parcel with water for an outside tap for gardening irrigation/garden tool cleaning, etc. Power would be supplied to the summer house for background heating and lighting for year-round use.

The summer house is proposed to be ancillary use to the main dwelling (no.63). There is no intention to use the proposed building to create an independent dwelling and it is recommended that a condition is applied ensuring that the domestic use of the building remains ancillary in its function to be used in association with the main dwelling. It is noted that the minimum nationally described space standard for new dwellings is 39 s.m and policy DM2 of the LPP2 requires this minimum standard to be met. The proposed building will be 20 s.m. thereby limiting the scope for the building to be used as an independent dwelling.

Impact on character of area and neighbouring property

Policies DS1, DM16 and DM17 refer to site design principles requiring all development to respond favourably to the character, appearance and variety of the local environment in terms of design, scale and layout; and not to have an adverse impact on adjacent sites by reason of overlooking, overshadowing or overbearing. In this case, the proposed summer house is suitable for such a garden outbuilding as it will be a timber structure of 4.2m x 4.8m in footprint of up to 2.72m at ridge. The use of painted timber in its construction helps ensure the proposed summer house's minimal impact to the main dwellinghouse and also to the character of the area – as most of the primary dwellings are constructed of brick, and painted timber is what is commonly used for ancillary garden buildings.

Policy DM27 states that any new buildings must respond sympathetically to the historic settlement pattern, are of appropriate height and massing, proportionate and of good quality building materials, respects and will not erode the existing character of an area. Properties along St Cross Road and adjacent dwellings have existing outbuildings sited to the rear gardens of various sizes and materials. There are no views from the public realm to consider with this proposal. In this case, the size, scale and materials proposed would conserve the character of the conservation area by using good design and materials of what would be expected as a rear garden building.

In terms of neighbouring residential amenity the summer house is sited along the east end of the parcel of land approximately 1m from a hedgerow that runs along the boundary to the adjacent property no.17 Back Street. The rear garden of no.17 has an existing depth of 13.5m approximately from no.17's rear elevation to its boundary with the application site. The summer house does not have any rear windows proposed that would look onto the rear garden of no.17, and its entrance and doors will face away from the boundary. Although the summer house will result in a change in outlook from no.17 from the previous situation (removal of trees permitted under application 18/02136/TPC), the proposed summer house is considered of modest size of up to 2.72 at ridge along a 4.8m width and not considered an intrusive structure. Furthermore a landscape plan has been submitted with this proposal to assist with softening the appearance of the summer house when viewed from no.17. This includes the planting of additional Yew hedges and other native trees to frame the summer house and the opened garden area. Based upon the above assessment it is considered that the summer house would not have a

significant overbearing or overlooking impact on neighbouring properties.

Landscape/Trees

The majority of the parcel has been cleared of trees and shrubs within application 18/02136/TPC to make use of the land for a vegetable patch and allow room for the summer house. There is a mature Silver Birch near where the summer house is proposed. The Tree Officer has no objection but recommended a condition to ensure construction methods for the summer house included pile-and-beam foundation, rather than a concrete foundation.

The landscape plan, including the planting of a Yew hedge, evergreens and native trees, has been approved by the WCC Landscape Team and will assist with reinstating some of the original tree/hedge removal to create a softer appearance around the parcel and the summer house.

Conclusion

It has been assessed that the proposal represents an appropriate building of size, scale and design to be used for ancillary use, and that its design and layout will not detract from the visual amenities or character of the main dwelling house, neighbours, or the Conservation Area. Its use as an ancillary building associated with the host dwelling is considered an acceptable purpose for the building maintaining the secondary relationship with the host dwelling. A condition is recommended to ensure that the use of the building remains ancillary. On this basis the proposed development is recommended for permission in accordance with the adopted policies of the Local Plan, subject to conditions.

Recommendation

Permission, subject to the following condition(s):

Conditions

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. Foundation ground preparation and construction for the building hereby approved shall be pile-and-beam foundation only.

Reason: To ensure the protection of the Silver Birch tree along the eastern boundary as it is to be retained.

3. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling.

Reason: To accord with the terms of the application since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

4. The development hereby approved shall be constructed in accordance with the following plans: -
 - Site Location Plan, drawing 5949/PL01 dated October 2018
 - Proposed Block Plan, drawing 5949/PL03 dated October 2018
 - Proposed Plans, Elevations and Materials, Pages 1-6 of drawings from Crane Garden Buildings titled 'Plan View' dated June 2018
 - Landscape Plan, drawing 5949/PL04 dated January 2019
5. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in section 6 (materials) of the associated application forms.

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

Informatives:

1. In accordance with paragraphs 186 and 187 of 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 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:-

The Local Plan Part 1 (2013) - DS1

The Local Plan Part 2 – DM2, DM16, DM17, DM27

3. This permission is granted for the following reasons:

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

Case No: 18/02549/HOU

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

6. 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.

7. The applicant should note that this permission does not give any property rights to building on or encroach over or under the adjoining property. The applicant may be required to serve notice under the Party Wall etc Act 1996.