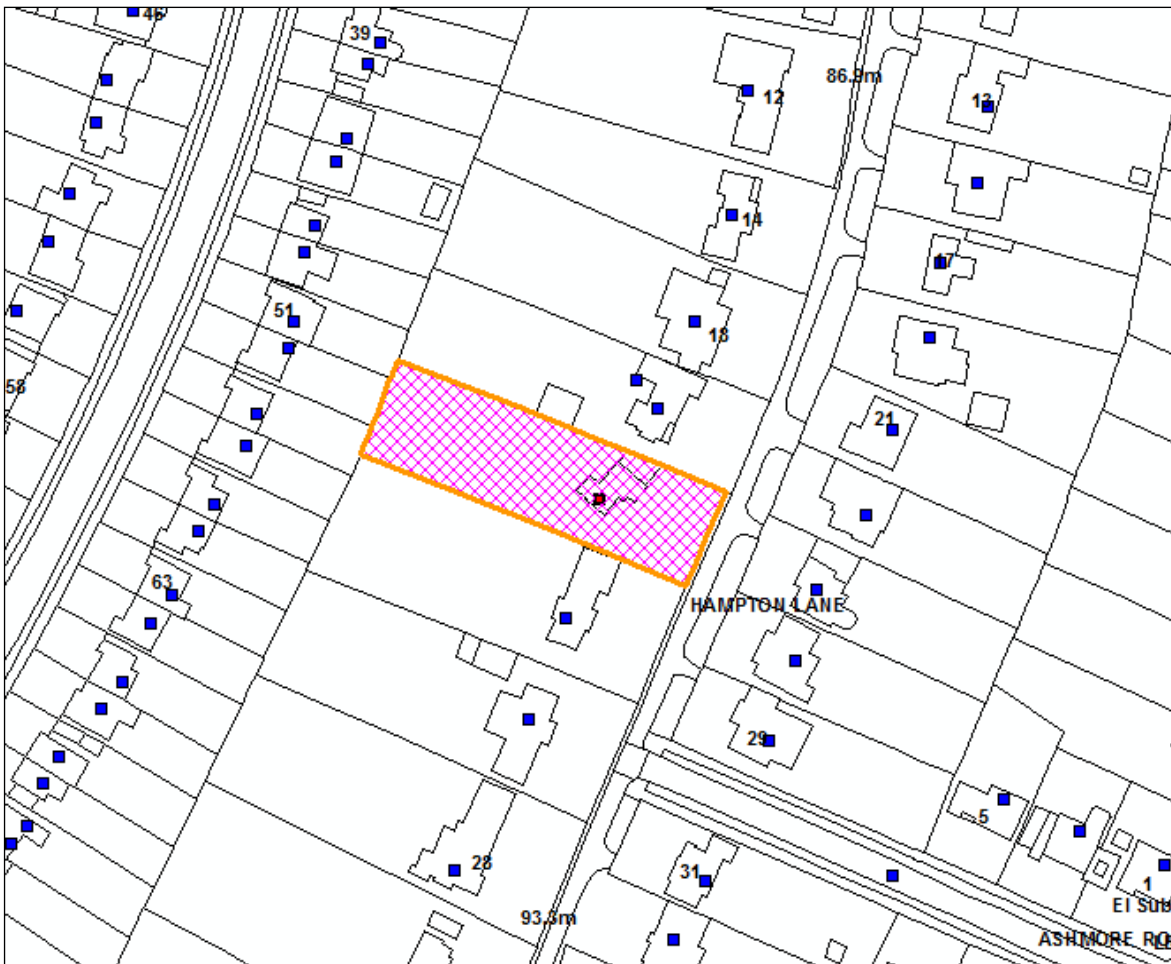


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 19/01208/FUL
Proposal Description: Demolition of existing single dwelling being replaced by erection of a single dwelling. (AMENDED PLANS)
Address: 22 Hampton Lane Winchester SO22 5LF
Parish, or Ward if within Winchester City: St Barnabas
Applicants Name: Mr & Mrs Phil and Aggy Russell
Case Officer: Catherine Watson
Date Valid: 31 May 2019
Recommendation: Application Permitted



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General Comments

Application is reported to Committee due to the number of objections received, contrary to the Officer's recommendation to permit.

Amendments have been submitted showing changes in the size and massing of the proposed dwelling, the positioning and orientation of the workshop, the introduction of boundary planting to the rear and sides of the plot.

Site Description

The site is situated on Hampton Lane, within the Teg Down area of Winchester. The plot is long and narrow, characteristic of the majority of those along Hampton Lane. The existing dwelling is a detached mid-20th century property which is currently in poor repair. Along the front boundaries of the dwellings on Hampton Lane are a number of mature, established trees which are subject to a blanket Tree Preservation Order (TPO). The land slopes by approx. 5m from the front (south-east) to the rear (north-west) of the plot, which looks out over the residential street of Teg Down Meads. From south-west to north-east, along the road frontage, the ground slopes by approx. 0.6m.

Proposal

The proposal is for the demolition of the existing dwelling and the construction of a replacement dwelling with associated workshop and landscaping.

The existing dwelling takes the form of a two storey, detached house with an "L" shaped footprint. To the north-east elevation, a flat roofed garage has been added at a later date and to the front of the house is a parking area and lawn. The current orientation of the house is unusual and does not follow the general building line along this side of Hampton Lane.

The proposed dwelling consists of a central block with two projecting elements to the front, one of which is to be used as an integral garage with bedroom over. To the rear is a further projecting two storey wing aligned with the boundary to no 20 Hampton Lane and an area of raised terracing.

The rear garden is terraced and adjacent to the rear boundary, it is proposed to construct a workshop for the use of the applicant. A detailed landscaping scheme has been submitted to support the proposal.

Relevant Planning History

None relevant and no pre application advice was sought.

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Consultations

Head of Landscape - Engineers: Drainage:

The site is within Flood Zone 1 and is at very low risk of flooding. Soakaways are proposed for surface water drainage, for which infiltration testing is required. A septic tank is proposed for foul drainage but confirmation is needed as to whether a drainage field is required or there is a readily flowing pipe to take the effluent. A package treatment plant would be better. See condition 18.

Head of Landscape:

A suitable management plan has been submitted for 5 years following planting and the tree specification is acceptable. Specifications in terms of size and density, for the shrubs and perennials is also required. See conditions 12, 13, 14.

Head of Landscape - Ecology:

The Phase 1 and 2 Bat Surveys have not recorded bats entering or emerging from the building. The topographic survey identifies a pond on site and further information is required as to whether this is considered suitable for amphibians. A new pond should be included within the proposals to maintain biodiversity. See conditions 5, 6, 7.

Slow Worms have been recorded within the nearby SINC and further surveys are required to determine their presence on site and whether they will be impacted by the development.

Representations:

City of Winchester Trust:

The Trust has no comment to make on this application.

34 letters were received objecting to the original plans and 19 were received in objection to the amended plans for the following reasons:

- The scale is not in line with the existing dwellings in the lane;
- It will cause damage to protected trees;
- Overlooking towards the neighbouring properties on Hampton Lane;
- Loss of privacy;
- The new drive does not allow proper access for a car;
- It will be overbearing towards neighbouring properties;
- The loss of trees along the rear boundary will cause overlooking into Teg Down Meads;
- The rural nature of Hampton Lane will be reduced;
- The lane is single track and there will be problems for residents caused by construction traffic and deliveries;
- The workshop is too large and the noise will create a disturbance for neighbours;
- It does not integrate positively with the context and character of the area;
- The loss of the trees has decimated wildlife.

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

- The applicant trespassed on neighbouring land and removed trees and hedging without permission.

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1 letter of support received.

- The revised design is exceptional and is sympathetic to the context of the rural and built environment.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

CP11 – Sustainable Low and Zero Carbon Built Development
CP12 – Renewable and Decentralised Energy
CP13 – High Quality Design
CP16 – Biodiversity

Winchester Local Plan Part 2 – Development Management and Site Allocations

DM1 – Location of New 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 Guidance

High Quality Places SPD
Parking Standards SPD
St Barnabas West NDS

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Planning Considerations

Principle of development

The site is situated within the settlement boundary of Winchester, where the principle of a replacement dwelling is acceptable in line with policy DM1 of LPP2, provided that it accords with other relevant local planning policies.

Design/layout

Policy CP13 of LPP1 and Policies DM15, DM16 and DM17 of LPP2, as well as the High Quality Places SPD require development to be of a high quality design and to be appropriate for the context of the site and its surrounding area. DM18 requires adequate parking to be provided in line with the relevant standards and for vehicles to be able to enter and leave the site in a safe manner.

The design of the proposed dwelling is in the Georgian style, with white rendered walls and casement windows. The roof is to be natural slate but to the southern roof slopes, it is proposed to fit photovoltaic tiles which will have the appearance of traditional slate.

The layout of the property takes a “Z” shape, with projecting wings to the front incorporating a garage and study on the ground floor and bedrooms at first floor level.

Outside the main entrance is a paved area and the parking area and drive will be gravel

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in order to allow surface water drainage and an area of lawn to be maintained underneath the protected trees on the front boundary.

To the rear of the property is a raised terrace with garden which steps down towards the rear boundaries. At the rear of the garden, it is proposed to construct a workshop which will face into the site and is to be constructed of red brick and with a monopitched photovoltaic slate roof to match that on the main dwelling.

New development should seek to be energy efficient and make use of renewable energy sources where possible, in line with policies CP11 and CP12 of LPP1.

The proposal incorporates photovoltaic slate roofing tiles to provide a renewable energy supply and the dwelling will be constructed with energy efficiency in mind.

The proposed dwelling, whilst larger than that to be demolished, is nevertheless considered to be appropriate in terms of its size, scale and positioning within the plot. The front of the building follows the building line of the properties on either side, no's 20 and 24 Hampton Lane.

The garden has been carefully landscaped and a detailed scheme for the planting and maintenance of trees and hedges on site has been submitted, which will be discussed further below. The proposal therefore accords with Policy CP13 of LPP1 and Policies DM15, DM16 and DM17 of LPP2 as stated above.

Impact on character of area and neighbouring property

The majority of the objections received focus on the impact upon neighbour amenity and the character of the surrounding area.

Whilst Hampton Lane is within the settlement boundary, it retains a distinctive semi-rural and sylvan character, which is highlighted within the NDS (Para.33, p.15).

Comments have suggested that the scale of the proposed dwelling is not in line with the other houses in the lane. Hampton Lane has a wide variety of dwelling sizes and forms and although there is a regular building line along the road frontage, the long, narrow plot allow for extension back into the site as is evidenced at no's 6 and 8, which were granted permission in 2002 (02/02592/OUT and 03/02723/REM). The existing dwelling, whilst not modest, has a narrow profile at two storey but with the addition of the single garage, the mass across the width of the site is not dissimilar to that proposed when the existing orientation is taken into account. Therefore, whilst there will be a noticeable difference in the view from the road, the massing of the dwelling is broken up by the use of wings and differing roof levels.

With regards to the proposed materials, there is a mixture present along the lane including brick, white render and clay and concrete tile. It is therefore not considered that the proposed materials, which are in keeping with the Georgian style of the property, would be out of keeping with the character of the area. Furthermore, the existing protected trees along the road frontage will be retained and will continue to contribute to the character.

To the rear of the property, the garden slopes down significantly towards the boundary with the houses on Teg Down Meads. An important part of the character of this

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boundary, along the whole of Hampton Lane, is the band of mature, native species trees. These trees also provide screening between the houses on Hampton Lane and those on Teg Down Meads.

The applicant has removed the trees along his boundary, thereby enabling overlooking from the property towards Teg Down Meads. The trees are not subject to a TPO and the removal of the trees in itself is not a matter that can be dealt with under the planning remit, however, the potential harm to neighbour amenity caused by their loss is and it is considered that significant harm would occur as a result of their removal.

Furthermore, as well as the risk of overlooking from the house, most notably from the bedroom balcony and raised terrace, it was considered that the position of the proposed workshop and its orientation looking out towards Teg Down Meads, would also cause harm to neighbour amenity.

Consequently, amended plans have been submitted showing a number of changes. The rear balcony has been removed, along with the reorientation of the workshop with its windows and doors directed into the garden. Significant landscaping, including the planting of semi-mature trees and hedging along the boundaries, has been included in order to screen the views into Teg Down Meads. The details of this will be addressed in the relevant section below.

It is therefore considered that the harm by means of overlooking towards the properties in Teg Down Meads, will be significantly reduced by the proposed amendments.

The other key impact upon neighbour amenity to be considered is that upon no's 20 and 24 Hampton Lane, immediately adjoining the site to the north-east and south-west.

The increase in the footprint extending back into the site increases the potential for overlooking, overbearing and overshadowing towards these properties.

Regarding the impact upon no 20, the sole window in the facing first floor elevation is to be obscure glazed as this is to serve an en-suite and therefore, it is not considered that there would be a significant risk of overlooking towards either the house or garden amenity area. Concerns have been raised with regards to the increased mass of the dwelling, its proximity to the boundary and resultant overshadowing that may occur. The applicant has provided a shadow diagram (2328/15) which illustrates the extent of overshadowing at different times of year for both the existing and proposed dwellings. This shows that whilst there will be some increase caused by the new development, this is not substantial enough to cause significant additional harm to garden amenity and the main area affected is the driveway leading up to the garage.

With regards to no 24, the main concern is overlooking from the raised terrace adjacent to the boundary. Section plans (2328/16) have been submitted showing the difference in height between the terrace and the patio at no 24. This shows that there is an approx. 0.9m drop between no 24 and 22 and with the boundary hedge that is to be planted, it is not considered that there would be any significant risk of overlooking in this respect. The facing elevation is to have a single, obscure glazed window at first floor level which is to serve a bathroom and whilst there are first floor windows to the rear elevation, these are relatively narrow and positioned so that they look more directly towards the end of the garden, although it is acknowledged that there will be some oblique views towards the

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rear of the gardens at both no 20 and 24.

With regards to the proposed workshop at the rear of the garden, the windows and door are centrally orientated and although view towards the neighbours could be possible, it is considered that the boundary hedging, as well as the proposed tree screen which will be planted at a higher level, sufficiently mitigates against any potential harm.

The proposal therefore accords with policy CP13 of LPP1 and DM15, DM16 and DM17 of LPP2, as well as the High Quality Places SPD

Landscape/Trees

DM24 requires special trees (including those with TPOs) to be protected and the St Barnabas West NDS (para. 1, p.8) states that existing roadside features, including trees, should be retained.

As mentioned earlier, a detailed landscape plan and implementation/maintenance strategy has been submitted.

Along the rear boundary, where the existing mature trees have been removed, a hawthorn hedge with an instant height of between 1.4 - 1.6m is proposed. This hedge will also extend approx. 9m along either of the side boundaries and the plants will be double staggered, which ensures for healthier, thicker growth. Following the hawthorn, an instant 3m high laurel hedge will be planted along either side boundary, which will then join up with the existing sections of laurel hedging towards the front half of the plot.

The most significant element of the landscaping scheme is the planting of a number of semi-mature oak and beech trees along the rear boundary and again, approx. 10m further up the garden. These are to in part replace those that have been lost and to supplement the screening further up the garden. Each tree is an Extra Heavy Standard with a minimum 16-18cm girth and height of 4m. They will be planted in staggered rows which will allow for healthy growth and more instant cover. Whilst it is acknowledged that they will not immediately provide the same cover as those trees that have been removed, the Council's Landscape Officer considers that they will still provide a good level of cover straightaway and the second band of trees will supplement this. Further to this, native species trees and hedging provide good habitat for wildlife such as nesting birds. A Landscape Maintenance plan has been submitted and its implementation will be controlled by condition.

To the front of the plot, an area of lawn will be retained beneath the protected trees. The driveway and parking area will consist of gravel, except for an area of brick paviours at the access onto Hampton Lane. The Council's Tree Officer considers that this is acceptable in terms of ensuring that the health of the trees is maintained. The small area of pavers at the entrance replaces a similar surface and is not considered to cause any significant additional harm to the health of the tree root systems, provided that they are not salt-leaching.

The proposal therefore accords with Policy CP13 and CP16 of LPP1 and Policies DM15, DM16, DM17 and DM24 of LPP2.

Drainage.

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Detailed drainage plans have been submitted to support the proposal, which are considered to be acceptable, although infiltration testing is required prior to the commencement of works on site. This will be submitted in compliance with condition

Highways/Parking

It is not considered that there would be any additional impact upon road safety as the access itself is remaining the same. The integral garage will provide parking for one car and there is space for another two on the driveway, which is compliant with the requirements for a 5 bed dwelling as set out in the Parking Standards SPD.

Concerns have been raised regarding construction traffic and deliveries, considering the narrow width of the road. Conditions will be imposed requiring details of turning and parking on site to be submitted prior to commencement of construction.

Noise

Local residents have raised concerns regarding noise caused by the use of the workshop. The workshop has an ancillary residential use and it is not reasonable to control its use by means of condition. Should there be any noise-related issues at a later date, these can be reported to and investigated by, the Council's Environmental Protection team.

Ecology

Protected species, where they have been identified as present within a site, must be protected and mitigation provided where there is to be a loss of habitat. Biodiversity enhancement measures should be included as a matter of routine.

The comments from the Council's ecologist refer to the loss of a pond in the back garden, which could result in the loss of habitat for amphibians. It has subsequently been confirmed that the pond container had been removed some time ago and therefore, any amphibians before its removal would have moved away from the site.

Smooth newts were recorded on site in their terrestrial phase and therefore, the recommendations in the report advise the reinstatement of a new wildlife-friendly pond on site.

With regards to the presence of reptiles on site, a survey has been undertaken which detected a single adult slow worm, along with a juvenile. The applicant's ecological survey recommended leaving a 0.5m buffer strip of unmanaged herb-rich grassland around the site's rear garden boundary.

A Phase 2 Bat Survey has been submitted, which concluded that although the works would not impact upon any roosts, some potential roosting opportunities would be lost. It was recommended that external lighting be restricted and this is dealt with in condition 5.

The proposal is therefore considered to be in accordance with Policy CP16 of LPP1.

Recommendation

Application Permitted, subject to the following condition(s):

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

Location Plan Dwg No 2328/01 received 31.05.2019

Site Plan Dwg No 2328/02 E received 27.09.2019

Floor Plan Dwg No 2328/03 B received 19.09.2019

Ground Floor Plan Dwg No 2328/04 E received 19.09.2019

First Floor Plan Dwg No 2328/05 E received 19.09.2019

Street View from Hampton Lane Dwg No 2328/06 A received 14.08.2019

East and West Elevation Dwg No 2328/07 B received 14.08.2019

Section A-A and West Elevation showing frontage of workshop and garden storage Dwg No 2328/08 B received 14.08.2019

North and South Elevation Dwg No 2328/09 C received 14.08.2019

Street View from the rear of Hampton Lane Dwg No 2328/13 A received 14.08.2019

North Boundary and West Elevation Dwg No 2328/14 A received 14.08.2019

Section B-B and C-C Dwg No 2328/16 received 19.09.2019

Landscape Masterplan Dwg No SPW/HL/PLG/001 C received 08.10.2019

Below Ground Drainage Layout Dwg No P1567-001 P1 received 20.09.2019

Below Ground Drainage Details Dwg No P1567-002 P1 received 20.09.2019

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

3. No development above DPC shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

4. No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

5. The development shall be carried out in accordance with the measures, conclusions and recommendations set out within Lindsay Carrington Ecological Services Reptile Survey Report, dated October 2019 and CA Ecology Bat Survey – 22 Hampton

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Lane, dated June 2019. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

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

6. No development shall commence until full details of the lighting plan for the site, including positioning on the building, level of luminance, direction of lighting and details of any motion sensors or timers have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that bats and other nocturnal species are not adversely impacted by the lighting.

7. A Biodiversity Enhancement Plan shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall include details and locations of any enhancement provisions (such as bird or bat boxes or native species rich planting. The biodiversity enhancement provisions shall be sited prior to the development coming into its intended use and retained thereafter.

Reason: To maintain and protect biodiversity.

8. Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that the dwelling shall meet the equivalent of Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

9. Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

10. Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

Reason: In the interests of highway safety.

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11. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before occupation of the development hereby permitted.

Reason: To ensure satisfactory provision of foul and surface water drainage

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

13. The trees shown to be retained on the approved site plan (drawing ref: 2328/02 E) shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority.

Reason: To prevent inappropriate work being undertaken to protected trees.

14. Protective measures, including fencing and ground protection, in accordance with the Site Plan Dwg No 2328/02 Rev E dated 27.09.2019 and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

Reason: To prevent inappropriate work being undertaken to protected trees.

15. Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that the dwelling shall meet the equivalent of Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

16. The first floor windows in the north and south elevations of the dwelling hereby permitted shall be glazed with obscure glass 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.

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

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.

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: CP11, CP12, CP13, CP16

Local Plan Part 2 – Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM24

High Quality Places SPD

Parking Standards SPD

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

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