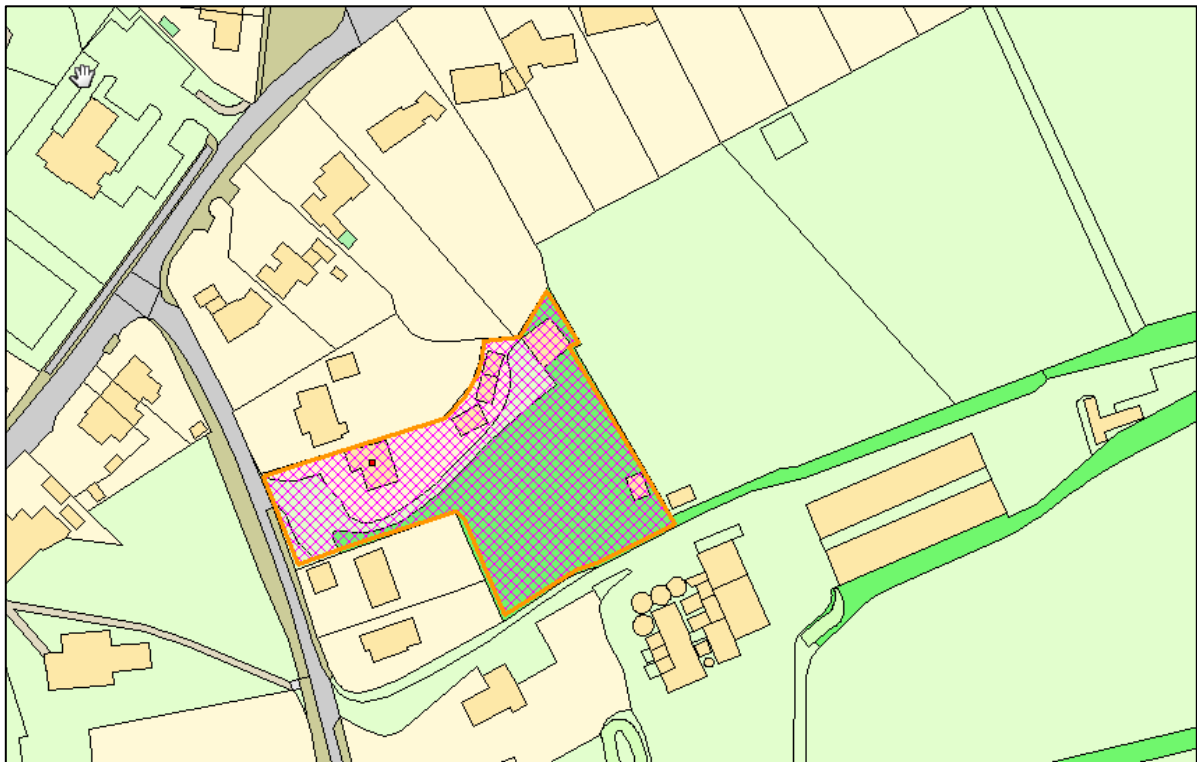


Case No: SDNP/19/03770/HOUS
Proposal Description: Retrospective permission for alterations to the annexe under the approved plans under application ref: SDNP/18/05427/HOUS
Address: Long Ash
Pitcot Lane
Owslebury
SO21 1LR
Parish, or Ward if within Winchester City: Owslebury
Applicants Name: Mr Churcher
Case Officer: Ms Charlotte Fleming
Date Valid: 05 August 2019
Recommendation: Application Approve



General Comments

This application is reported to the Planning Committee at the request of the Parish Council (appended to this report).

1 Site Description

Long Ash is a large detached two and a half storey dwelling granted permission in 2015. It is located within the settlement boundary of Owslebury, however the garden and location of the annex is outside the settlement boundary, which runs through Long Ash's curtilage. Therefore the site of the annex is in designated countryside, and within the South Downs National Park.

The site formerly contained a B1 barn unit constructed of breeze blocks with a metal frame and corrugated metal pitched roof and cladding, set on a concrete base, which was overgrown with ivy and vegetation and was being used as a workshop and un-watertight store for the main dwelling. Permission was granted in January 2019 for the change of use of the existing barn to a single storey annex. Construction started however it was not built to plan, therefore leading to this part retrospective application for a two storey annex on the same site.

The site as a whole slopes away from the road, with the annex set halfway down the existing rear garden plot, adjacent to the main garage and driveway, looking out across the lower less formal garden and up to the house. There is a public footpath and access track running along the property boundary to the south of the site.

The dwelling is set back from the road (Pitcot Lane) and forms part of a small linear development of houses in a variety of styles and plot sizes. The annex is set close to the side boundary, at the rear, and set down from several neighbouring properties.

2 Proposal

Retrospective permission for alterations to the annexe under the approved plans under application ref: SDNP/18/05427/HOUS

3 Relevant Planning History

SDNP/14/02567/FUL - Demolition of bungalow and replacement three storey dwelling

STATUS: REF 24th July 2014.

SDNP/15/00814/LDE - Single storey rear extension (CERTIFICATE OF LAWFULNESS)

STATUS: APP 13th May 2015.

SDNP/15/03445/FUL - Application for the demolition of the existing bungalow and erection of a two storey replacement dwelling (RESUBMISSION)

STATUS: APP 23rd November 2015.

SDNP/18/03893/PRE - Proposed new house.
STATUS: PRE 23rd November 2018.

SDNP/18/04776/HOUS - Balcony over permitted development single storey rear extension
STATUS: APP 9th November 2018.

SDNP/18/05427/HOUS - Change of use from light industrial B1 connected to existing house to domestic annex associated with existing house
STATUS: APP 29th January 2019.

4 Consultations

Parish Council Consultee

The Council wish to strongly object to this planning application.

The Council would like to object on the following points:

- The planning process has not been followed fairly
- The Parish Council would like to raise concerns on the planning process

The Parish Council would like this application to be taken to the planning committee.

5 Representations

One neighbour representation has been received from a neighbour to the south of the site supporting the application stating that the annex now sits in to the landscape well as it has been dug in to the site. The inclusion of smaller windows and the reorganisation of the internal rooms support the revised exterior design and that they look forward to seeing this space being used well.

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the South Downs Local Plan 2014-2033 and any relevant minerals and waste plans.

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

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) which was issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 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.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

Paragraph 2 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the South Downs National Park Local Plan - are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Development Management Policy SD21 - Public Realm, Highway Design and Public Art
- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD25 - Development Strategy
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery

Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 3
- General Policy 50

8 Planning Assessment

Principle of development

The main house is within Owslebury settlement boundary, however the site of the retrospective annex is located in an area which is designated as countryside where the proposal is subject to policy SD25 of the South Downs Local Plan (SDLP).

Policy SD31 of the SDLP covers extensions to existing dwellings, and provision of annexes and outbuildings. The policy allows an applicant to expand or build outbuildings of up to approximately 30% of the main dwelling's original floor area.

The original floor area is based on the dwelling as of December 2002 - this excludes detached outbuildings and detached garages. In 2002 the property was a 85m² 1 bed bungalow which was lawfully extended (SDNP/15/00814/LDE) to a 130m² 3 bed bungalow in 2015. The three bed bungalow was replaced by a large detached (338m²) three storey 5 bed house and quadruple garage (SDNP/15/03445/FUL). The principle of these applications and the conversion of the former outbuilding to an annex have already been approved prior to the adoption of the Local Plan (July 2019).

Paragraph 7.91 of the SDLP states that the purpose of policy SD31 'is to avoid the over-extension of existing dwellings and the adverse impact that this has on the character and appearance of both settlements and the countryside.' The policy also seeks to protect the limited supply of small and medium-sized homes in the National Park.

After the 2015 replacement dwelling the property now reads as a large detached house, so the annex development would not result in the loss of a small or medium sized home. The annex as approved in 2019 had a floor area of 60m² and the annex as built is now 120m². This represents a 100% increase in floor area from what was originally approved in 2019 which far exceeds the approximately 30% increase set out in policy SD31. However, in this particular case, given the size of the host dwelling the proposal is not considered to be at conflict with the underlying purposes of the policy, which are to protect the supply of smaller homes and to protect the landscape character of the National Park.

The proposal respects the character of the area and is set into the site and back from the front with the property's main quadruple garage adjacent to the barn conversion, thus the proposal is not considered to be an overbearing form nor detrimental to neighbour's amenities.

Proposals for annexes to provide additional ancillary accommodation must demonstrate a functional and physical dependency link between it and the host dwelling. The annexe must be in the same ownership as the main dwelling and share utility services, access, vehicular parking and private amenity space. An annexe should usually be incorporated within or physically attached to the host dwelling. Where an extension to provide an annexe is not practical, consideration will also be given to the size of the detached annexe and sub-ordinance to the host dwelling. The proposal for an annex to the main house is considered incidental to the use of the host dwelling and would be subordinate in scale so it is therefore considered to comply with policy SD31 in this respect.

Policy SD5 sets out that new development is acceptable provided that it is appropriate in scale and design and does not have an adverse impact on the character of the area or on surrounding uses and properties. It is considered that the proposal replaces a previously approved annex and therefore meets the criteria of this policy as the annex is in keeping with the existing character of the property and has no adverse impact on the character of the area, subject to conditions.

The site is in between residential and an open arable landscape which must wherever possible be protected to conserve its distinctive character. It is acknowledged that the site is not significantly isolated, given the proximity to the main house and Owslebury village. The proposal could not though be justified as providing landscape enhancements under Policy SD4, yet has no greater impact than the approved annex conversion on the amenity value, tranquillity and views from non motorised travel routes of the Park (Policy SD20).

Policy SD21 states that proposals that improve access should not interfere with the safety, function or character of the road, or have adverse environmental implications, and should meet the highway authority's standards for adoption. The annex shares the same access drive and parking as the main house's garage, so it is considered that the scheme complies with this policy.

Design, scale and impact on the character of the area

The annex is considered relatively modest in scale, reusing the existing footprint, although it has now become two storey the second storey is set into the roof and is completed in dark wood cladding and grey tiled roof to complement the existing residential use. The construction of this amended annex includes a small red brick walled area to support the wall/land dug out to make this annex two storey. The proposed alterations are considered to be acceptable for the character of the property.

The retrospective amended annex is set back and down from the road and given the design, scale and materials, the development is not considered to result in a detrimental impact to the character of the area and would not conflict with the purposes of the South Downs National Park.

Impact on Neighbours

The replacement of an existing outbuilding barn which is set below the hedge and fence boundary of neighbours and blocked by Long Ash's existing garage, is not thought to have any detrimental impact on neighbours, nor set a precedent for a new building line as the proposal is a residential annex not an independent dwelling house.

Other matters

Ecology - The application is retrospective, so an ecology report is an unnecessary condition, however there are known protected species on the site which receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

Dark night sky - the site is just outside a defined settlement of Owslebury, and within an International Dark Night Sky Reserve, although within the defined 'transition zone' of the reserve the windows from the previously approved scheme have changed significantly and are now larger and looking out over the countryside, along with 5 roof lights, therefore a condition regarding mitigation measures to minimise light spillage in the dark night sky reserve is recommended.

9 Conclusion

The application although larger than originally approved is not considered to have a significantly greater impact on the landscape of the National Park, therefore the retrospective application is considered to be acceptable and is recommended for approval.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The additional annex accommodation 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.

3. Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and hours of operation. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the landscape character of the South Downs National Park from light pollution and to minimise the impact on surrounding habitats.

4. The annex conversion hereby permitted shall not be occupied until details (including timings of operation) of automatic black out blinds, or specifications for low transmittance/tinted glass which reduce light spillage from the roof lights are submitted to and approved in writing by the Local Planning Authority. The black out blinds/glazing shall be installed and operated in accordance with the approved details and retained thereafter at all times.

Reason: To minimise light intrusion in the South Downs National Park is a designated International Dark Sky Reserve

11 Informatives

1. Crime and Disorder Implications

It is considered that the proposal does not raise any crime and disorder implications.

2. Human Rights Implications

This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

3. Equality Act 2010

Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

4. In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

5. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if

bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

6. Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000 and Wildlife and Countryside Act 1981 (as amended) and in particular to Sections 1 and 9.

These make it an offence to:

- kill or injure any wild bird,
- damage or destroy the nest of any wild bird (when the nest is being built or is in use),
- damage or destroy any place which certain wild animals use for shelter (including all bats and certain moths),
- disturb certain wild animals occupying a place for shelter (again, all bats and certain moths).

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact Natural England for further information (tel: 0845 601 4523).

Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans	Proposed Annex	1721/01_300_D	06.12..2019	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning

Parish request to be heard at committee

Sent: 19 September 2019 20:24
To: Charlotte Fleming
Subject: SDNP/19/03770/HOUS

Dear Charlotte,

The Council wish to strongly object to this planning application.

The Council would like to object on the following points:

- The planning process has not been followed fairly
- The Parish Council would like to raise concerns on the planning process

The Parish Council would like this application to be taken to the planning committee.

Kind Regards,

Juanita Madgwick
Clerk and RFO
Owslebury Parish Council