

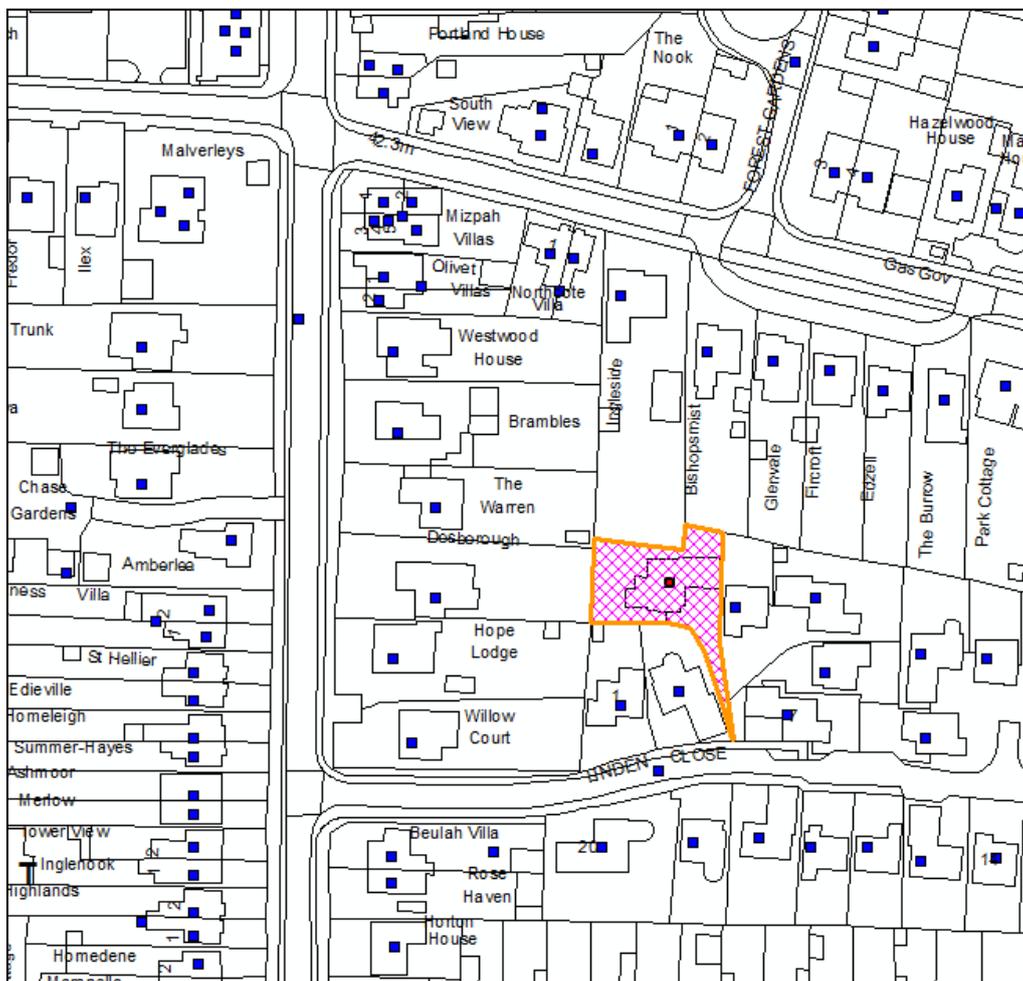
WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 23/01500/HOU  
**Proposal Description:** Retrospective planning on retention of garden building  
**Address:** 3 Linden Close, Waltham Chase, Southampton, Hampshire  
SO32 2TZ  
**Parish, or Ward if within Winchester City:** Shedfield Parish Council  
**Applicants Name:** Mr & Mrs L Richardson  
**Case Officer:** Marge Ballinger  
**Date Valid:** 17 July 2023  
**Recommendation:** Permitted  
**Pre Application Advice** No

**Link to Planning Documents**

[Link to page – enter in reference number: 23/01500/HOU](#)

<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 an area identified in the Local Plan where proposals for redevelopment will be supported, will not have a significant detrimental impact on the character of the area or the amenities of the neighbouring properties. The proposal is in accordance with the Local Plan Part 1 Policies DS1, CP11, CP13, CP14, CP16, CP17; and the Local Plan Part 2 Policies DM1, DM15, DM16, DM17, DM18, DM19 the High Quality Places Supplementary Planning Document (2015) and National Design Guide (2021).

### **General Comments**

The application is reported to Committee because of the number of public objections received contrary to the Officer's recommendation.

### **Amendments to Plans Negotiated**

The amended plans within drawing 3076/06\_01\_rev B were submitted on 18th September 2023 to include amended drainage details to utilise an existing surface water drainage system that leads onto the mains in the road. As the amendments included the installation of a rainwater pipe only into an existing surface water drainage system, it was not necessary to resubmit the drawing for further public consultation.

### **Site Description**

The site is located within a close, and shares access with two other dwellings. No.3 is an L-shaped brick dwelling with an integral garage and parking along the front drive. To the north of the garage is a block-paved patio with the part-retrospective garden building (approximately 4.3m wide x 4m deep x 2.5m high). The patio continues toward the west into a larger grassed garden area along its west elevation. There are landscaping beds along the closed-board fence to its boundaries.

### **Proposal**

The proposal is to retain the part-retrospective incidental garden building erected within existing hardstanding of the dwelling. The building is sub-divided with a larger space for a home office, and a smaller space to store the electrics to the building and provide additional garden equipment storage. The building remains unfinished as works had stopped while the planning application is pending, but it is proposed to be clad in a natural wood finish.

Planning permission is required as the original site development's decision notice (referenced 87/01158/OLD or W8963/05) removed permitted development rights for "any building or structure". Otherwise the building is considered to comply with Class E of the General Permitted Development Order 2015.

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**Relevant Planning History**

None

**Consultations**

Service Lead for WCC Drainage: No Objection

Original comment received without issues for pluvial flooding as the site is within Flood Zone 1, but a further comment was received to the insufficient soakaway details provided within the site given the assumed increase of hardstanding.

However, the building was built upon existing hardstanding of a block paved patio, although with a new foundation. Further investigations into the site's inspection chambers has identified an existing surface water drainage system that was approved within the original development's application details referenced 87/01158/OLD (W8963/05, Condition 02). Therefore, the building will have its rain water pipe connected into the existing surface water drainage system in order to address any further concerns of surface water drainage from the proposed building's construction.

**Representations:**

Shedfield Parish Council: Objection raised as there was no drainage plans provided within the original drawings, and a concern raised that area flood is the result of the outbuilding. Objection to potential of reduction of natural light to the adjacent property (east, No.4).

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

- Permitted development rights were removed and building works had started
- No drainage details (within original drawings); water run-off is potentially harming plants in the adjacent garden (no.4); potentially causing flooding in the side walkway (no.5, east). There has been no evidence provided that the garden building is not causing flooding within neighbouring gardens.
- The amended drawings were not consulted with the drainage engineer to obtain approval as an expert.
- Shared manhole inspection cover has been concreted over
- Design not in-keeping with character of the area
- Overbearing
- Overshadowing; loss of direct sunlight in late afternoon to adjacent garden
- Inaccuracies in planning statement referencing 'low pressure aerated taps, showers'; 'low volume baths' to reduce water consumption; implies use for an annexe
- There are other locations within the site that the building could be positioned.

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**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework 2023

- Para 7 – purpose of the planning system is to contribute to the achievement of sustainable development (social progress, economic well-being, and environmental protection).
- Para 47 - planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- Para 119 - planning decisions should promote the effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy conditions.

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

- DS1 – Development Strategy & Principles
- CP10 - Transport
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP14 – Effective Use of Land
- CP16 – Biodiversity
- CP17 – Flooding, Flood Risk and Water Environment

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

- DM1 – Location of Development
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM19 – Development and Pollution
- DM24 – Special Trees, Important Hedgerows, Ancient Woodland

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Shedfield Village Design Statement 2016

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020-2030

Statement of Community Involvement 2018

Landscape Character Assessment April 2022

Biodiversity Action Plan 2021

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## **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) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal is acceptable in principle as the site is located within the main settlement boundary and is for incidental development within the existing residential property.

### **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**

Policy DM15 of the Local Plan Part 2 (LPP2) would allow development that respects the qualities, features and characteristics that contribute to the local distinctiveness of the area. Policy DM16 of LPP2 allows development that responds positively to the character and appearance of the area in terms of design, scale and layout.

Linden Close is a development of 20 dwellings built of similar sizes, materials and most of the buildings have small rear gardens and front parking areas along each dwelling. The part-retrospective outbuilding is outside the public views as it is positioned behind the double garage of no.3 within a former patio built of a mix of paving stones. The building is positioned approximately 1.18m away from the boundary fence to no.4 (east), and has a mono-pitched EPDM dark grey roof that slopes away from the shared boundary. The external finish is to be natural timber cladding, which is a lightweight material and considered appropriate for garden buildings within a dense residential area. The building is for incidental use, and a condition will be added to control this use (Condition 03).

The Shedfield Village Design Statement notes in its Design Guideline 3 (p.24) that (a) clearly established building lines should be respected, and new buildings should generally be no closer to the street than the existing buildings; and (b) new development should be sympathetic to neighbouring properties in respect to density and plot size. The location of the outbuilding in a former patio area behind the garage retains the front building lines of the dwellings and is outside the public views from Linden Close. The building set back from the boundary by over 1m approximately and approximately 70cm above the existing high fence panel to the boundary does not prove to have a visual harmful impact from adjacent neighbouring gardens once finished with its timber cladding and landscaping. The building also did not involve any removal of any protected or important trees or hedgerows identified in the Shedfield Design Statement or within other WCC TPO maps.

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The size of the garden building is 2.5m at eaves level along its rear elevation, and 2.3m in height along the front, following the slope of the land. The building is located within a rear garden (once previously paved), is to be used for incidental purposes to the dwelling and is not within a conservation area.

The proposal is the retention of an incidental garden building to be built with insulation and triple-glazed windows and with lightweight timber facing materials within an existing residential garden. The construction did not involve removal of any important hedgerows or trees highlighted within the Shedfield Village Design Statement, nor does the proposal create any new dwellings or other building works outside the existing residential curtilage. The proposal therefore complies with DS1, CP11 and CP13 of the LPP1, and DM1, DM15, DM16, DM24 of the LPP2.

### **Development affecting the South Downs National Park**

The application site is located 0.8 miles 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 176 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 development's position within an existing settlement and due to the intervening distance and features, 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 listed structure or its setting; the dwelling is not considered a Non-Designated Heritage Asset; the site is not within a Conservation Area; no further triggers were raised for Archaeology investigation.

### **Neighbouring amenity**

Policy CP17 of the LPP1 states that development should be supported if the proposal avoids flood risk to people and property. Policy DM17 of the LPP2 lists Site Development Principles that must be followed, including that the proposal must not have an unacceptable adverse impact on adjoining land or neighbouring amenities by reasons of overlooking, overshadowing or overbearing, or any other adverse impact to primary amenity spaces (flooding, light pollution).

The site sits within Flood Zone 1, and the amended drawings demonstrate that the building's rainwater drain pipe will connect with an existing surface water drainage system.

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Comments have been raised regarding recent water attenuation within neighbouring properties since the construction of the outbuilding.

The front dwellings no.3-5 all have asphalt driveways, and all dwellings have block paving within existing patio/terraces or walkways near dwellings. The garden of no.4 is set on slightly lower ground level than the proposal site, but there is a retained 1.3m gap between the hardstanding base of the building and shared fence of no.4. The landscaping beds continue to wrap around the rear boundary, so it is assumed that some of the surface water within the proposal site will drain into the soil, while the building will connect into the existing surface water drainage system within the site once completed.

In addition, summer 2023 has been unusually wet (particularly in July, 177% of the long term average in the south-east per the Met Office statistics).

Taking account of the scale of development, its construction upon an existing hardstanding area alongside the appropriate drainage arrangements which can be secured by this consent, it is not considered that the proposal would result in additional flooding or drainage issues within the area.

The proposal is not expected to have any further impacts upon drainage to the two adjacent properties as compared to the original or existing hardstanding and development within rear gardens of no.4-5. The drainage details will be controlled by a condition (Condition 02).

An inspection cover was moved further within the proposal site as it once sat partially under the existing boundary fence with the adjacent property no.4. The cover is still accessible for inspection if required. All manholes requiring authorisation or build-over permits are located along the front drives near the pavement as per the WCC drainage and manhole map research, and this is not impacted by the proposal. Rights of access to manhole covers are not a material planning consideration.

Number 4 Linden Close is to the east. The eaves and roof of the building can be seen from the perspective, approximately 70 cm over the shared panelled fence. The outbuilding is also set back from the boundary by 1.1m approximately, with a height of eaves up to 2.5m. The small height change is not considered to have a detrimental overbearing impact when viewed from various areas of the rear garden of no.4 (near no.4's rear elevation, within the seated garden area along the east garden, or adjacent the high panelled fence near the shared boundary and building itself).

Number 4 has a seated garden area along the eastern side of its boundary, which is approximately 9m from the outbuilding under consideration. Taking account of the orientation of the outbuilding (to the west of this amenity space), alongside the 9m distance between the seating area and the outbuilding, alongside its limited level of protrusion above existing boundary treatments (70cm), an adverse overshadowing impact is not demonstrated.

There were also concerns raised regarding overlooking from the south-facing glazed panel of the outbuilding to both ground floor and first floor windows of no. 4's rear elevation. A condition will be added to ensure the window has glazing film installed to prevent any

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harmful (mutual) overlooking issues between both no.3 and no.4 (Condition 05). A further condition will be added to ensure no further windows are installed along the east elevation toward no.4's rear garden (Condition 06).

Overall, the building's pending connection into an existing surface water drainage system, and other conditions with restrictions in place, no further adverse impact is expected toward neighbouring amenities. The proposal is therefore in compliance with CP17 of the LPP1 and DM17 and DM19 of the LPP2.

### **Sustainable Transport**

The proposal will does not involve further removal of the existing off-road parking and turning areas within the front drive. A minimum of 3 vehicle parking spaces are maintained in the site, which complies with the recommendations of the WCC Parking Standards. Therefore the proposal is in compliance with CP10 of the LPP1 and DM18 of the LPP2.

### **Ecology and Biodiversity**

In regards to nutrient levels, 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.

The Hampshire Biodiversity Information Centre databases and WCC internal ecology databases were reviewed and there are no protected species noted near or within the proposal site. It is considered that the proposal therefore complies with LPP1 Policy CP16 (Biodiversity). An informative will be added to the decision to encourage additional enhancements within the site (for either swifts, hedge sparrows, and/or bats) after completion of the proposal.

### **Sustainable Drainage**

The proposal is within a site that has low risk of pluvial flooding and the alterations proposed do not create a significant change to the dwelling's existing runoff with the retention of the garden building (as also explained previously within the 'Neighbour Amenities' section of this document). The outbuilding is constructed within an area of previous hardstanding and a rainwater pipe will connect any surface water in the existing drainage system (details approved in 1987). Therefore, the proposal complies with policy DM17(iii) of the LPP2 (Drainage) and CP17 of the LPP1.

### **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

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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 retention of the part-retrospective garden building has been positioned within an existing hard-standing area of the garden, and will connect into the surface water drainage system that is existing within the area. Consideration has been given to the building's retention and the relationship to the character of the area, residential amenities, and to the host dwelling in terms of size, scale and design. The proposal will not result in adverse overlooking, overbearing or overshadowing impacts to the adjacent dwellings, with conditions in place. The application is therefore considered to be acceptable and in accordance with the development plan and material planning matters do not indicate an alternative approach should be taken.

### **Conditions**

1. The development hereby approved shall be as partially-built on site and finished as per the details shown in the following plans received: -
  - Location Plan, Block Plan, Proposed Plans & Elevations within drawing 3076/06\_01 rev B amended 18 September 2023

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

2. Prior to the use of the outbuilding hereby approved, drainage of the outbuilding shall be connected to the existing surface water drainage system within drawing 3076/06\_01 rev B, and maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory provision of surface water drainage.

3. The outbuilding hereby permitted shall be occupied in association with the dwellinghouse or shall be used for the purposes incidental to the dwellinghouse. At no time shall the outbuilding be occupied as an independent unit of accommodation or used for business purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the application and to prevent the creation of inappropriate units of accommodation, possibly leading to over intensive use of the site.

4. 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 its surroundings.

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5. Within 3 months of the date of consent, the window in the south elevation of the outbuilding shall be treated with an opaque film 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.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that order, with or without modification), no windows, other than those expressly authorised by this permission shall, at any time, be constructed within the east elevation, nor in the roof slope, of the outbuilding hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

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

**Informatives:**

1. In accordance with paragraph 38 of the NPPF (2023), 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:-

LPP1

DS1 – Development Strategy & Principles

CP10 – Transport

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP16 – Biodiversity

CP17 – Flooding, Flood Risk and Water Environment

LPP2

DM1 – Location of Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

DM19 – Development and Pollution

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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. 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>

5. 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.

6. 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 Practise

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

7. In order to promote biodiversity, please consider the installation of avian wildlife roosting/nesting provisions (for either swifts, hedge sparrows, and/or bats) after completion of the proposal.