

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 25/00653/HOU
Proposal Description: Erection of a two-storey side extension, a single-storey rear extension, and alterations to external landscaping, including changes to the parking arrangement at the front of the property.
Address: 39 Francis Gardens Winchester Hampshire SO23 7HD
Parish, or Ward if within Winchester City: St Bartholomew
Applicants Name: Mr James Bowman
Case Officer: Charlotte Smith
Date Valid: 26 March 2025
Recommendation: Permit
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 25/00653/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 considered that it will have a positive impact on the character of the area in accordance with Policies DM15 and DM16 of the LLP2 and would not harm neighbouring residential amenity in accordance with policy DM17 of the LPP2.

General Comments

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

Amendments to Plans Negotiated

The office was moved from the north eastern boundary of the site – thus allowing the retention of the dense hedge along this boundary. These were submitted on the 23rd April 2025.

This was readvertised via site notice and neighbour letters.

Site Description

The application site is a detached residential dwelling. The host dwelling is tucked away behind the main road and is accessed through a private driveway which serves Nos. 39, 41 and 43 Francis Gardens only.

There is a tall, dense hedge along the northern boundary, and partially along the eastern boundary between the application site and No. 17 Francis Gardens.

Additionally on the site is a garage which is link attached to the host dwelling by a flat, felt roof.

Proposal

The application is for a two storey side extension, a part two storey, part single storey rear extension, the erection of a store and office and landscaping works. The materials proposed are natural slate roof, brown/buff colour brick to match existing, light grey render and vertical timber cladding.

The two storey side extension will protrude approximately 4m from the existing elevation, 6.9m in height and 6.8m in length. On the new east facing elevation will be a glazed door and a high level window.

The two storey aspect of the rear extension will be approximately 5.2m in height, protrude 1.5m from the existing elevation and be 4.4m in length. This will have one window. The single storey aspect of the rear extension will be approximately 3m in height, 14.1m in length and protrude 3.2m from the existing rear elevation. This will have a set of bifold doors and a set of French doors.

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The office will be approximately 2.9m at its tallest point, with a lean-to roof to be 2.3m at its lowest point at the rear. It will be approximately 4m in width and 6m in length. The front elevation will have a glazed sliding door and the south elevation will have a small window.

The garden store will be approximately 2.6m at its highest point, and 2.1m at its lowest point with a similar lean-to roof to the proposed office. It will be approximately 4m in width and 4.5m in length.

The landscaping works proposed will have new sliding vehicle gates to replace the existing inward opening gates, replacement of the existing tarmac drive with block paving tarmac and resin bound gravel.

Relevant Planning History

None Relevant

Consultations

Service Lead – Sustainability and Natural Environment (Trees) –

- Request for further information. Further information supplied. No objections subject to conditions.

Representations:

City of Winchester Trust

- No comment

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

Impact on Design/Character

- Scale and mass/bulk
- Negative impact on character
- Negative visual impact

Residential Amenity

- Overbearing
- Overlooking
- Loss of Privacy
- Dominating
- Sense of enclosure
- Reduced natural light

Biodiversity

- Removal of hedging
- Removal of T1
- Bats

Other Concerns

- Noise from air to air heat pump
- Office not for office use

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- Permeable surface for hard landscaping

4 Neutral Representations received from different addresses citing the following material planning reasons:

- Concern for the brick wall which separates the properties from the communal driveway. Requests extra caution from contractors.
- Any parking and turning by contractor vehicles must be confined to the land owned by No. 39.
- Noise from contractors – either construction or music – should be kept to a minimum.
- Damage to the driveway surface, lawns and flowerbeds will be monitored and reported with the expectation that this will be put right at the expense of the owners of No. 39.

One objection noted disappointment for not having been notified by the applicant. This is not a planning consideration.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

- 2. Achieving sustainable development
- 4. Decision-making
- 8. Promoting healthy and safe communities
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance

- Climate change
- Consultation and pre-decision matters
- Design: process and tools
- Flood risk and coastal change
- Natural environment
- Noise
- Planning obligations
- Use of planning conditions

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

- DS1 – Development Strategy & Principles
- CP13 – High Quality Design
- CP16 – Biodiversity
- CP17 – Flooding, Flood Risk and the 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

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- DM18 – Access and Parking Policy
- DM20 – Development and Noise
- DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality Supplementary Planning Document 2021

Other relevant documents

Winchester District Local Plan 2020-2040: Examination in Progress

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.

Nature Emergency Declaration.

Statement of Community Involvement 2018 and 2020

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the National Planning Policy Framework (NPPF, 2024) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Emerging Local Plan, as now agreed by Full Council, has been submitted to the Secretary of State for examination and can be given appropriate and increasing weight in the assessment of development proposals in advance of examination and adoption.

The proposal site is within the settlement boundary of Winchester where the principle of development is acceptable subject to compliance with the Development Plan and material planning considerations.

The principle of development is therefore acceptable.

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

The character of the area is 1960s style dwellings. Nos. 13-35 Francis Gardens curve around the application site, so the property sits on a substantial central plot behind the back gardens of these properties. There is a large, dense hedge – approximately 5m in height, and 2m in width – which separates the application site from its surroundings. Due to its positioning, there are limited views of the property from the public realm.

The host dwelling is similar in terms of design and presenting materials to its neighbours to the west, Nos. 41 and 43 Francis Gardens. The surrounding properties to the north of the site, Nos. 27-33 Francis Gardens, are bungalows with dormers to the front and rear. The dwellings to the east, Nos. 11-25 Francis Gardens are two storey residential dwellings.

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There is variety to the design detailing in the local context, with vertical timber cladding present on No. 13 – which is prominent in the street scene as you enter the estate. Furthermore, the extension to No. 23 Francis Gardens has vertical grey composite cladding above a buff brick ground floor, and on the porch.

There are further examples of two storey side extensions having been permitted at Nos. 25 and 51 Francis Gardens.

The rear extension is modern in design, utilising light grey render on the ground floor and vertical timber cladding on the cuboid shaped first floor – however, there is no visibility from the public realm and, due to the range of design detailing in the local context, it is not considered that this is harmful to the character of the area.

The proposed side extension is sympathetic. The ridge is set back and lower than the host dwelling, making it subservient to the main house and the matching materials will harmonise well. Due to the western siting of the host dwelling in the plot, this extension on the east elevation is not considered to result in the site appearing overly cramped or overdeveloped.

The garden room and store are externally clad in timber, each with a lean-to roof sloping down towards neighbouring gardens. The result is a muted design which is sympathetic to the local context and will not be prominent. These will not be visible from the public realm and so are considered acceptable.

Overall the proposed development is considered to be well designed and respects the character and appearance of the property. The proposal therefore complies with CP13 of the LPP1, DM15 and DM16 of the LPP2.

Development affecting the South Downs National Park

The application site is located 0.18km 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 2024. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Historic Environment

No Impact, the works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

Neighbouring amenity

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Overlooking –

There are several windows on the rear and new east side elevation.

Due to their positioning on the roofslopes (one on the new side extension, two on the single storey aspect at the rear), the new rooflights are not considered to result in overlooking potential.

The new first floor window on the rear elevation sits further forward than the existing windows by approximately 1.5m. However, this serves an ensuite bathroom and Condition 4 secures this as obscure glazed. This is therefore acceptable.

The ground floor window, bifold doors and French doors on the single storey elevation, by virtue of their ground floor nature, are not considered to result in increased overlooking.

The high level window on the side, by virtue of its positioning, is considered a secondary window. The primary window is on the front elevation and overlooks the front garden of the property – this is not considered to result in overlooking.

The slot window on the east elevation has been conditioned to be obscure glazed and is also secured through Condition 4. This is due to the perception of overlooking from No. 17 Francis Gardens due to the application site being approximately 0.5m higher in level than this neighbouring property.

Overbearing –

The level changes mean that the property appears much closer to the boundary of no. 17 Francis Gardens than exists. The removal of the tree will compound this by removing the established segregation. There is potential for the side extension to appear oppressive from this perspective. However, there remains 3m to the boundary of the site from the extension and approximately 16m to the rear elevation of No. 17 Francis Gardens. This is therefore considered acceptable.

Overshadowing -

Due to the positioning of the dwelling and the trajectory of the sun, as well as the subservient nature of the extension, means that any overshadowing is caused primarily by the host dwelling itself. Therefore, limited additional harm is presented by the scheme which would not be sufficient to warrant refusal.

There is a small window and sliding doors proposed for the garden office. The window will look towards the main dwelling and the glazed doors face the driveway. This is not considered to result in overlooking.

Both the garden room and store have sloping roofs, meaning that the rear aspects of both are 0.5m lower than the front. The result is that the overall height is moved away from the neighbouring properties.

Other issues -

The application does not include an air-source heat pump.

The proposal is therefore considered acceptable and in accordance with DM17 of the LPP2.

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Sustainable Transport

The proposal will have no impact on highway issues because the site is accessed through a private road and, as this is for a householder application, is unlikely to result in increased traffic generation. Sufficient on site parking is provided.

Several objections were received with reference to the parking and turning of contractor and delivery vehicles. Condition 5 requires a Construction Management Plan to be submitted prior to commencement of the development in order to ensure the private road to access the property and Nos. 41 and 43 Francis Gardens will not be inconvenienced by the presence of contractor vehicles.

Therefore the proposal complies with DM18 of the LPP2.

Ecology and Biodiversity

The proposal will have no impact on Nationally Protected Sites and is not overnight accommodation affecting Nitrates, therefore an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

Several objections have been submitted citing biodiversity concerns in relation to the removal of boundary hedging. The hedge is in fact not being removed, but in any case, the Ecology Team at WCC have advised that they would not consider it of importance to retain for biodiversity reasons. However, Informative 8 and 9 have been added to ensure that works would cease if roosting birds or bats were discovered during the construction process.

In order to ensure that biodiversity enhancements are secured as part of the development, Condition 8 has been added requiring the approval of a biodiversity enhancement plan prior to works commencing.

Biodiversity issues have therefore been considered and the proposal is acceptable. The proposal therefore complies with policy CP16 of the LPP1.

Sustainability

Policy CP11 does not apply to extensions, however the development would need to comply with building regulations.

Sustainable Drainage

The Environment Agency's flood maps have been reviewed, and the site lies within Flood Zone 1, and therefore it has a very low risk of flooding. Furthermore, the site has a very low risk of surface water flooding. Due to the modest size of the extension, an adverse impact upon surface water flooding is unlikely. Therefore, the proposal complies with policy CP17 of LPP1.

Trees

Policy DM24 of the LPP2 allows development which does not result in the loss or deterioration of ancient woodlands, important hedgerows, special trees, ground flora and the space required to support them in the long term.

There is a Silver Birch Tree to the north-east of the site. Whilst the trunk of this tree is outside of the development site, the root protection area extends to the corner of the office. This was initially a concern. It was confirmed that there is existing hardstanding which is to

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be reused and both the office and store will be on lightweight shed bases requiring no dug foundations.

There is also an existing tree to the east of the site which is subject to removal, with a replacement proposed for the north-west corner of the site.

The application has been supported by Arboricultural assessments which assess the impact on surrounding trees and protect them during construction. This is secured by condition 6.

The proposal will therefore comply with policy DM24.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

The proposed development is proportionate in size to the main dwellinghouse, it is well designed and respects the character and appearance of the property. The proposal is not considered to have a harmful impact upon the character and appearance of the area, nor would it result in any material planning harm to neighbouring properties' residential amenity.

The proposal would comply with Policies DS1, CP13 and CP16 of the Local Plan Part 1 (2013) DM1, DM15, DM16, DM17, DM18 and DM24 of the Local Plan Part 2 (2017), Sections 12 and 16 of the NPPF (2024) and the High-Quality Places SPD.

Recommendation

Approve subject to the following conditions:

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:

Proposed Elevations - Garden Store and Home Office - Drawing Number P1104-A-ELE-314

Amended Proposed Site Plan - Drawing Number P1104-A-PLN-210_Rev A

Amended Proposed Ground Floor Plan - Drawing Number P1104-A-PLN-211_Rev A

Amended Proposed Front North Elevation - Drawing Number P1104-A-ELE-310

Proposed Side East Elevation - Drawing Number P1104-A-ELE-311

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Amended Proposed Rear South Elevation - Drawing Number P1104-A-ELE-312

Proposed Side West Elevations - Drawing Number P1104-A-ELE-313

Tree Protection Plan - Drawing Number P1104-A-PLN-220

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed on the associated application form.

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

4. The first floor window in the rear elevation and the slotted window on the east elevation of the two storey side extension 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.

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

5. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved by the Local Planning Authority, to include details of:

- i. parking and turning of operative, construction and visitor vehicles
- ii. deliveries, loading and unloading of plant and materials
- iii. storage of plant and materials

The approved details shall be implemented and adhered to during the construction period.

Reason: To ensure that development should not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of local residents, or to existing natural features.

6. Protective measures, including fencing and ground protection, in accordance with the Tree Protection Plan produced by Blunn Architects on 22 April 2025, drawing number P1104-A-PLN-220 and the Tree Protection Statement produced on the 23 April 2025 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.

7. The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with the Tree Protection Plan produced by Blunn Architects on 22 April 2025, drawing number P1104-A-PLN-220. Telephone 01962 848403

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

8. 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
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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.

Informatives:

1. In accordance with paragraph 39 of the NPPF (December 2024), 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: DS1, CP13 and CP16
- Local Plan Part 2 - Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18 and DM24

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.

3. 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.winchester.gov.uk/environment/pollution/construction-sites>

4. 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.

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

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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 Considerate Practice <https://www.considerateconstructors.com/resources/the-code-of-considerate-practice/>

6. Biodiversity Net Gain Informative for applications exempt from BNG

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements (as set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024) are considered to apply as follows:

- The Development is for a householder application

7. 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-ofconsideratepractice>
Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

8. 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 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 building (s), hedgerows and/or tree(s) subject to 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 or getting a suitably qualified ecologist to check for nesting birds prior to the works commencing. The nesting season for birds is considered to be 1 March to 31 August.

9. All bat species are protected under European Law within the E.C. Habitats Directive and under British law within the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). The applicant is advised that should bats be present, works must stop, and a Natural England European Protected Species licence may be required before recommencing.