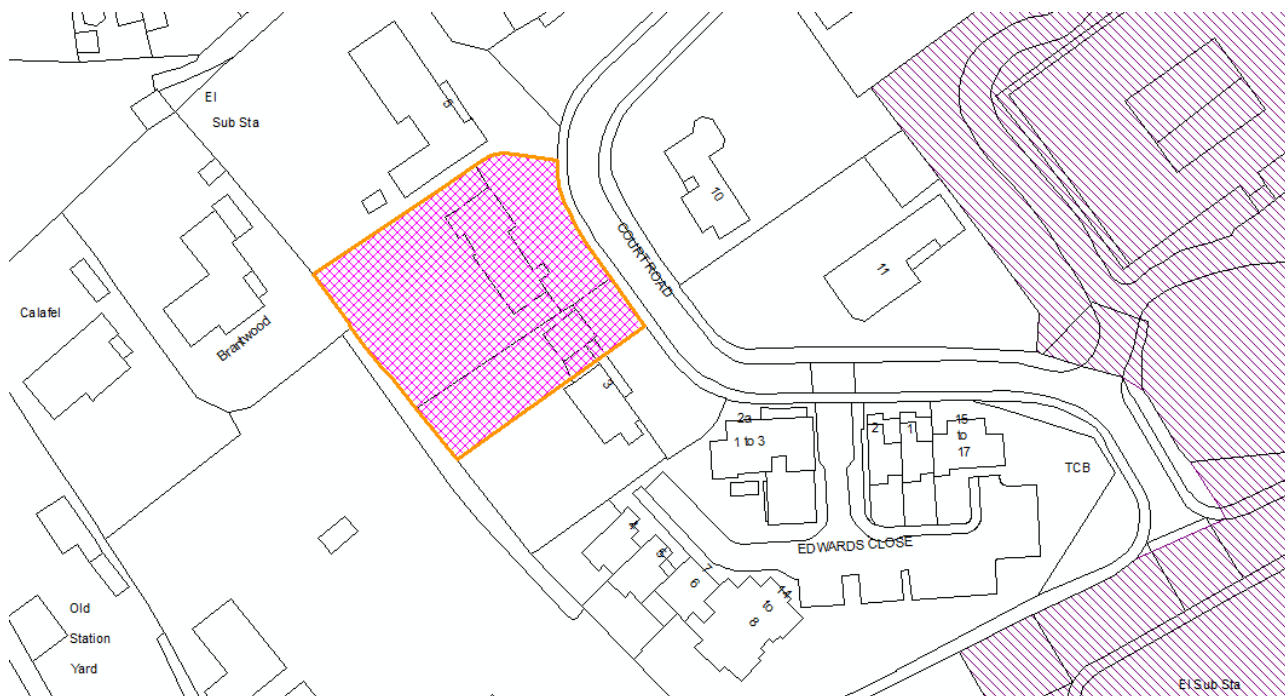


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Case No: 25/01206/VAR
Proposal Description: Variation of condition 2 on application 24/00914/FUL
To extend the dwellings with a single storey extension to create additional space for utility, WC and boot room.
Address: 3 - 4 Court Road Kings Worthy Hampshire
Parish, or Ward if within Winchester City: Kings Worthy Parish Council
Applicants Name: Mr & Mrs Sophie and Toby White and Bowhill
Case Officer: Mrs Megan Osborn
Date Valid: 26 June 2025
Recommendation: Application Permitted
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 25/01206/VAR](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<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 would not result in a detrimental impact to the character of the surrounding area in accordance with Policies DM15 and DM16 of the LPP2 and would not harm neighbouring residential amenity in accordance with policy DM17 of the LPP2.

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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

Amended plans were submitted on the 28th July 2025 and 15th September 2025. Below are the revised references:

- Proposed first floor plan – BR011 A
- Proposed elevations – BR013 A

The plans show amendments to the roof shape of the single storey side extension and the removal of the side round window. These were not readvertised as the changes were not considered to be significant.

Site Description

This site is located within Old Kings Worthy off Worthy Road. Permission was granted under 24/00914/FUL for a dwelling either side of No 4 Court Road. This application therefore relates to 2 sites in between existing dwellings within Court Road.

The sites are currently open plots of land with heras fencing around them.

Proposal

The proposal seeks to vary plans submitted under planning application 24/00914/FUL to substitute the previously approved plans with revised plans. The revised plans show a full depth side extension.

The extensions include a WC, boot room and utility space for both the previously permitted dwellings.

Relevant Planning History

Number 3 Court Road - 22/00121/HOU - Alterations including front and rear extension, raising of roof, and insertion of dormer windows, demolition of garage and link. Permitted 1st April 2022.

Number 4 Court Road - 23/01488/HOU – Rear extension, porch, raising of roof and redesign of exterior. Permitted 18th September 2023.

Numbers 4 Court Road - 23/02272/FUL - Erection of a new dwelling with associated parking following demolition of existing garage and covered open-fronted space. Refused 20th December 2023.

Numbers 3 and 4 Court Road - 24/00914/FUL - Construction of two self build dwellings, following demolition of garage and garage-link building. Permitted 9th October 2024. This application didn't include side extensions.

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Consultations

None

Representations:

Kings Worthy Parish Council

- The Parish wishes to support this application

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

- Proposed extensions and dwellings are out of keeping.
- Over development
- Harm to the rhythm of the street
- This shows no respect for the changes made to the original proposal

5 Supporting Representations received from different addresses citing the following material planning reasons:

- Would like this all built with the house rather than at a later date when the dwelling has PD.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places

National Planning Practice Guidance

- Appropriate assessment
- Biodiversity net gain
- Community Infrastructure Levy
- Design: process and tools
- Determining a planning application
- Effective use of land
- Housing supply and delivery
- Making an application
- Open space, sports and recreation facilities, public rights of way and local green space
- Self-build and custom housebuilding
- Use of planning conditions

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

DS1 – Development strategy and principles

MTRA1 – Development strategy market towns and rural area

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MTRA2 – Market towns and larger villages
CP2 – Housing mix
CP3 – Affordable housing provision
CP10 – Transport
CP11 – Sustainable Low and Zero carbon built development
CP13 – High quality design
CP14 – The effective use of land
CP16 – Green infrastructure
CP17 – Flooding, flood risk and water Environment
CP20 – heritage and landscape character

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

DM1 – Location of new development
DM2 - dwelling sizes
DM15 – Local distinctiveness
DM16 – Site design criteria
DM17 – Site development principles
DM18 – Access and parking

Emerging Plan - Winchester District Local Plan 2020-2040

SP1 – Vision and Objectives
SP2 – Spatial Strategy and Development Principles
D1- High Quality, Well Designed and Inclusive Places
T1- Sustainable and Active Transport Travel
T2 - Parking for New Developments
NE5 - Biodiversity

Supplementary Planning Document

National Design Guide 2019
High Quality Places 2015
Air Quality Supplementary Planning Document 2021
Residential Parking Standards 2009

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, the Emerging Local Plan examination sessions have been completed but the examination remains open and can be given appropriate and increasing weight in the assessment of development proposals in advance of examination and adoption.

The site is within the settlement boundary of Kings Worthy where Policy MTRA2 indicates that the Council will support development which is appropriate in scale and design and will preserve the settlements' identity and local features. The Council's strategy for the provision of additional housing in the District includes a contribution from windfall (unallocated) sites within the Kings Worthy area. The creation of additional dwellings

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would be in accordance with that strategy. The proposed development is therefore acceptable in principle provided it is in accordance with other relevant policies of the development plan and unless material planning considerations indicate otherwise.

The principle for the two dwellings is established through permission 24/00914/FUL and this can be built. Therefore, this planning application is only considering the changes which are the single storey extensions.

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

3 and 4 Court Road were originally large dwellings located on the western side of Court Road with integral garages located to the north of each dwelling. Each property was granted planning permission for the demolition of the garages and extensions and alternations to the main dwellings (22/00121/HOU – number 3 Court Road, 23/01488/HOU – Number 4 Court Road).

A planning application was submitted for a single dwelling to the north of number 4 (23/02272/FUL). This was refused as it was considered that it would impact on the rhythm of the street.

Planning permission was then submitted for the erection of two dwellings, one to the north of number 3 and one to the north of number 4 Court Road (24/00914/FUL). This was permitted as the two new dwellings created a better relationship with the pattern of development along the street and resulted in an acceptable character.

This application is for a Section 73 permission to vary condition 2, changing the approved plans. The addition includes a single storey side extension, the full depth of both number 3a and 4a Court Road.

Amendments have been made during this application to change the form of the roof and remove a circular window on the side elevations and both these dwellings.

The addition of the single storey side extension, although reducing the gap between neighbouring properties, does not result in any detrimental harm to the character of the immediate of surrounding area. There are sufficient gaps between the dwellings and this is for a single storey extension to each property only, which retains that gap further at first floor level.

The change in the roof form has resulted in an improved design as it relates to the roof form of the existing dwelling better.

Therefore, the proposal complies with policies CP13 of the LPP1 and DM15, DM16 and DM17 of the LPP2.

Development affecting the South Downs National Park

The application site is located 0.3 km from the South Downs National Park

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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 189 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

The overall impact of the proposed dwellings was assessed on the previous application as having no material planning harm on neighbouring amenities. The addition of the single storey extensions does not result in any additional material planning harm to neighbouring amenities and will not result in any unacceptably adverse impact due to overlooking, overbearing or overshadowing impacts.

Therefore, the proposal complies with policy DM17 of the LPP2.

Sustainable Transport

The planning permission for the houses has already been granted, and this is an amendment to this. There was sufficient parking provided for dwellings of this size.

Therefore, the proposal complies with policy DM18 of the LPP2.

Biodiversity

The application form states that 'Each applicant intends to development their own plot and live in the property'. Therefore, the proposal is exempt from providing BNG as the dwellings are self-build properties.

Ecology was assessed under first application and found to be acceptable there are no material changes.

Therefore, the proposal complies with policy CP16.

Appropriate Assessment

This application is to vary condition 2 on planning application (24/00914/FUL). This application was assessed in relation the nutrients, see appropriate assessment below:

The proposed development is within Winchester District. In accordance with advice from Natural England and as detailed in Policy CP16 of the Winchester City Council Local Plan Part 1 and the Winchester City Council Position statement on nitrate neutral development,
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a net increase in the development of housing or overnight accommodation is likely to result in impacts to the integrity of those sites through a consequent increase in eutrophication (the increase in dissolved nutrients that stimulate the growth of aquatic plant life, usually resulting in the depletion of dissolved oxygen). This involves both Nitrogen and Phosphorus input.

Development within the district will increase the human population at the coast and thus increase the level of eutrophication resulting in loss of feeding grounds and disturbance of bird species. The impacts of eutrophication (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as they can cause important habitat and feeding grounds to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by eutrophication and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of eutrophication can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

The project being assessed would result in a net increase of 2 residential units on urban land within the Winchester District. In line with Policy CP16 of the Winchester City Council Local Plan Part 1 Joint Core Strategy, and the WCC position statement on nitrate neutral development, a permanent significant effect on the Solent SPAs due to increase in eutrophication as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

The applicant is intending to remove the existing septic tank and connect to the mains drainage of number 4. The nutrient budgets have been submitted, which demonstrate the current house results in an annual load of 9.63kg TN/yr and the annual phosphorus load of 1.22kg TP/yr. With all three houses connecting to the mains sewer there would be an overall reduction of nitrogen load of -1.79kg TN/yr and phosphorous load of -1.15kg TP/yr. Accordingly, no mitigation is therefore required as there would be no adverse effect on the protected European sites.

A condition was put on the original application in relation to the nutrients and this will be carried forward onto this Section 73 application.

Sustainability

Developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable. Policy CP11 expects new residential developments to achieve Level 4 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect. Conditions 9 and 10 on the original planning application ask for these details (24/00914/FUL) – these details have already been submitted and discharged.

The proposal therefore complies with policy CP11 of the Local Plan Part 1.

Sustainable Drainage

The drainage is remaining the same as the originally approved application and no further details are required. The application is therefore in accordance with policy DP17 of the LPP2.

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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.

The application site and surrounding area does not contain any trees.

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

This allocation is for a single storey extension to both 3a and 4a Court Road. Planning permission for the two dwellings has been granted previously.

The design of the single storey extensions has been altered slightly in the roof and it is now considered acceptable in relation to the existing dwelling and surrounding area.

Therefore, this complies with all the relevant planning policy.

Recommendation

Application Permitted subject to the following conditions:

Conditions

1. The development hereby permitted shall begin no later than 09.10.27.

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:

Site plan – BR01

Proposed floor plans – BR010

Proposed first floor plan – BR011 A

Proposed elevations – BR013 A

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

4. 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

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without modification), no windows other than those expressly authorised by this permission shall, at any time, be constructed side elevations of the dwellings hereby permitted.

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

5. All bathroom windows in the dwellings 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.

14. Prior to work commencing on the site a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details:

- Development contacts, roles and responsibilities
- Construction parking
- Public communication strategy, including a complaints procedure.
- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, footpaths and highways.
- Details construction traffic management measures including the provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development
- Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway
- Avoidance of light spill and glare from any floodlighting and security lighting installed.
- Pest Control

Works shall be undertaken in accordance with the approved details and remain in force for the duration of the construction period.

Reason: To ensure that all demolition and construction work in relation to the application does not cause materially harmful effects on nearby land, properties and businesses.

15. An electric vehicle charging point (EVCP) in accordance with the Air Quality SPD Appendix F - Electric Vehicle Infrastructure Specification shall be installed prior to the commencement of the parking or any other ancillary or incidental use of the garage hereby approved, and thereafter maintained and kept in good working order for the lifetime of the permission.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations, and in accordance with WCC Air Quality SPD and LPP1 Policy CP13 which requires measures to minimise carbon emissions and promote renewable energy.

16. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless

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otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details. NB - potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

17. Conditions 3 (materials), 6 (landscaping), 7 (boundary treatment), 8 (sections and levels), 9 (SAP ratings), 10 (SAP ratings), 11, 12 and 13 of planning application 24/00914/FUL have previously been discharged under application 24/02447/DIC the details of which this application should comply with, and in accordance with the details approved in respect of conditions.

Reason: In order to ensure that the development is undertaken in a satisfactory manner.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated of any issues after the initial site visit.

02. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, 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.

03. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, MTRA2, CP2, CP3, CP10, CP11, CP13, CP14, CP16, CP17 and CP20

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM1, DM2, DM15, DM16, DM17 and DM18

04. 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

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Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

05. 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.

06. 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 on this please refer the Construction Code of Practice

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

07. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with application

The application case number

Your contact details

The appropriate fee.

Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.

08. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

09. Replacement of trees is enforceable in law and failure to comply with the condition could result in the issue of a tree replacement notice and prosecution if the local planning authority believes that the criteria of the condition has not been met. Trees make an

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important contribution to the character of the landscape, creating a green environment which we all enjoy. Winchester City Council encourages the planting of new trees to replace any that are felled in order to maintain the positive benefits that trees provide.

10. Replacement of trees is enforceable in law and failure to comply with the condition could result in the issue of a tree replacement notice and prosecution if the local planning authority believes that the criteria of the condition has not been met. Trees make an important contribution to the character of the landscape, creating a green environment which we all enjoy. Winchester City Council encourages the planting of new trees to replace any that are felled in order to maintain the positive benefits that trees provide.

11. As the dwellings hereby approved were exempt from Biodiversity Net Gain due to being a self-build/custom build property, they therefore need to be constructed as self-build/custom build properties, as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 and occupied only as self-build/custom build dwellings for a period of at least 3 years from date of the first occupation of each dwelling.

In the event that either of the dwellings is not built and occupied for a minimum 3 years as a self-build/custom build property, then the development would be in breach of the statutory biodiversity gain condition which sets a Biodiversity Net Gain of 10% for developments as a mandatory requirement in England under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021. In these circumstances the applicant is advised that a revised planning application for the development would be required to include a biodiversity gain plan providing details how the 10% biodiversity net gain will be achieved.