
Appeal Decision

Site visit made on 6 April 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2021

Appeal Ref: APP/L1765/W/20/3263540
13 Hack Drive, Colden Common SO21 1UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Darren Holyoake against the decision of Winchester City Council.
 - The application Ref 20/01388/HOU, dated 1 July 2020, was refused by notice dated 23 October 2020.
 - The development proposed is erection of timber outbuilding to include workshop/garden room and facilitate the change of integral garage use for use ancillary to the dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of timber outbuilding to include workshop/garden room and facilitate the change of integral garage use for use ancillary to the dwelling at 13 Hack Drive, Colden Common SO21 1UD, in accordance with the terms of the application, Ref 20/01388/HOU, dated 1 July 2020, subject to the following conditions:
 - 1) The development permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20.013 116 rev.A; 20.013 100 rev.A; and 20.013 110 rev.D.
 - 3) No development shall take place above slab level until details of all external facing and roofing materials in respect of the outbuilding hereby permitted have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) The outbuilding hereby permitted shall not be used at any time other than for purposes incidental to the occupation and enjoyment of the dwelling known as 13 Hack Drive, Colden Common SO21 1UD.

Procedural Matters

2. The description of development is taken from the decision notice and the appeal form, as it more succinctly describes the proposed development than the description on the application form.
3. The only point of difference between the parties relates to the effect of the proposed outbuilding on the character and appearance of the area. I do not

disagree with the Council's view on the proposed conversion of the integral garage to an integral annexe, or their stance about the outbuilding's effect on the living conditions of the occupiers of neighbouring properties and highway safety and parking.

Main Issue

4. The main issue is the effect of the proposed outbuilding on the character and appearance of the area.

Reasons

5. The appeal site lies on the north side of Hack Drive near the eastern end of the no-through road, and within a suburban residential area. The site is occupied by a semi-detached, two-storey dwelling which has been extended to the side and rear and incorporates an integral garage which is accessed from Hack Drive. The site is separated into two sections by a footpath which links Hack Drive to residential properties in Kiln Green to the rear of the site. The smaller, roughly rectangular-shaped parcel of land has been laid to grass with shrub planting around both side and rear boundaries. It also contains a hard-surfaced parking area, which is accessed via a hammerhead off Hack Drive. Another public footpath runs northwards adjacent to the eastern side of the site, separating it from a pair of dwellings at 15 and 17 Hack Drive.
6. The surrounding area comprises a variety of dwelling types including detached and semi-detached houses, chalet bungalows and single storey dwellings. The housing layout comprises a number of cul-de-sacs with public footpath connections. Open plan frontages and soft-landscaped front gardens mean that the area has a pleasant, spacious and green character, which is complemented by undeveloped treed and landscape wedges interspersed throughout the built development. Whilst many of these green areas are protected from development, the Council has confirmed that the parcel of land, the subject of this appeal, is not specifically designated as an open space or Housing Green in the *Colden Common Village Design Statement* (2012) (CCVDS).
7. Domestic garages are a prevalent feature of the street scene within the site vicinity, including to the side of dwellings on the opposite side of the road, where, despite often being set back from the site frontages, they are visible from the public realm due to the open plan nature of the site frontages, and within Lewin Close, where garages are positioned immediately adjacent to the road frontage. These garages are predominantly low, flat-roofed structures, with brick and render finishes, and often sited in groups of two or more.
8. The design of the proposed outbuilding would differ from that which characterises the garages within the site locality, having a larger footprint than is typical of the neighbouring garages and a hipped tiled roof and a timber cladded finish. However, notwithstanding these differences, the proposal would not appear at odds with the surrounding development. Due to its combined eaves height and shallow hipped roof design, together with the north-south orientation of the building in relation to the site frontage, the new building would appear wholly subservient in scale to the two-storey dwellings to both sides when viewed from Hack Drive.
9. The hipped roof design would be more in keeping with the properties to both sides than a flat-roofed design, and timber walls would be appropriate to the

landscaped backdrop to the site. The overall size and design of the building would reflect its intended use to accommodate the appellant's van and a domestic workshop, and would not be untypical of those of a residential outbuilding. As such, the building would not be inappropriate within this residential area, where there are a variety of building designs, roof forms and facing materials.

10. Its single storey height and low-hipped roof form, together with the retention of soft-landscaped space to both sides and to the rear of the building would ensure that the building would sit comfortably on the site and not appear unduly cramped or over-dominant in views from the road and the public footpaths to both sides. As such, the existing spacious layout of buildings within the street would be retained. The new building would respect the established front building line along this side of the street. The set-back position of the building from the site frontage and occupation of a large part of the site frontage with vehicle access provision would ensure that the open-plan nature of the site would be retained.
11. Whilst physically separated from the host property and its immediate surrounding garden by a footpath, and having undeveloped land to its rear, the land upon which the outbuilding would be positioned already has a domestic character. It has been largely cleared of its former trees/mature shrubs and has been formally laid out with grass, shrubs and a hard-surfaced parking area. The proposal would not necessitate the removal of trees or mature soft landscaping, and the modest scale and domestic design of the building would not significantly alter the character of the site.
12. There are a number of domestic garages that are detached from their host properties, including within nearby Lewin Close. As such, the degree of physical separation of the outbuilding from the dwelling is not, in itself, significantly out of keeping with the prevailing pattern of built development within the site locality.
13. As such, I find that the size, design and positioning of the new building would fit comfortably into the surrounding townscape, and that the building would not appear incongruous or unduly visually prominent.
14. Having regard to the above, I conclude that the proposed outbuilding would not result in demonstrable harm to the character and appearance of the area. As such, the proposal would accord with Policies DM15 and DM16 of the *Winchester District Local Plan Part 2 – Development Management and Site Allocations* (2017) and the CCVDS, in so far as these policies and guidance seek to ensure that new development responds positively to the character, appearance and variety of the local environment, within and surrounding the site, in terms of its design, scale and layout, and does not disrupt the form or rhythm of areas with a distinctive character, or result in the loss of the focal greens or landscaped areas.
15. For similar reasons, the development accords with guidance in Chapter 12 of the *National Planning Policy Framework 2019* (the Framework) which requires high quality design.

Other Matters

16. I have noted third-party concerns about the impact of the proposal on the living conditions of the occupants of 15 Hack Drive and dwellings in Kiln Green. Having regard to factors including the single storey nature of the proposed outbuilding, its low sloping hipped roof form, and the separation distances between the outbuilding and the neighbouring properties, together with the appellant's submitted Solar and Shadowing Study, I am satisfied that there would be no materially harmful impact on the light, outlook and privacy enjoyed by neighbouring residential occupiers.
17. Having regard to third-party objections in respect of the potential use of the outbuilding as an independent dwelling or for commercial purposes, the proposal seeks to use the outbuilding for purposes which would be ancillary to that of the host residential property, and this would be controlled by planning condition No.4.
18. Having regard to the above, I am satisfied that the appeal proposal would not give rise to noise impacts that would be demonstrably harmful to neighbouring living conditions.
19. I have noted the concerns that have been raised about highway safety. I am satisfied that, given the proposed set back position of the outbuilding behind the end of the hammerhead, and comparing the proposal with the existing on-site parking and access arrangements, the appeal scheme would not give rise to any demonstrably harmful impacts on the safety of users of the public footpaths or road within the site vicinity.
20. A number of third party concerns, including the appellant's need for the proposal, previous planning proposals by the appellant, the extent of neighbour consultation in respect of the appeal scheme carried out by the appellant, covenants associated with the site, and potential devaluation of neighbouring properties, are not matters for consideration under this appeal.

Conditions

21. I have considered the Council's suggested conditions in accordance with Paragraph 55 of the Framework and the national Planning Practice Guidance. In addition to the standard implementation condition, it is necessary to define the plans in the interests of certainty. Conditions are necessary to ensure appropriate external materials, and to restrict the use of the outbuilding to that ancillary to the host property dwelling, in the interests of the character and appearance of the area and neighbouring living conditions.

Conclusion

22. For the above reasons, I conclude that the appeal should be allowed.

S Leonard

INSPECTOR