
Appeal Decision

Site visit made on 15 November 2016

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 December 2016

Appeal Ref: APP/L1765/D/16/3155673

19 Archery Lane, Winchester, Hampshire S023 8GG

- 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 Ken Gover against the decision of Winchester City Council.
 - The application Ref 16/00430/FUL, dated 29 February 2016, was refused by notice dated 12 May 2016.
 - The development proposed is a garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Winchester Conservation Area including the effect on the setting of the adjacent listed buildings.

Reasons

3. The appeal site is located within the Winchester Conservation Area. The wider area includes tall buildings, buildings close to the street frontage and high brick walls. The design of the buildings differs but most are of an older style. There is a range of residential, commercial and other uses in the area. The character of the Conservation Area is one of enclosure and prominent buildings in the street scene.
 4. The Council refers to gaps between the buildings as being a key feature of the Conservation Area. I acknowledge that the gap between the appeal site looking through to Archers Lane and to Southgate Street is narrow. From both aspects the view has buildings in the background. Nevertheless, the gap here does provide some relief from the dense nature of development, particularly on Southgate Street looking west.
 5. The appeal site is between two Grade II listed buildings. These are St Thomas Church to the north which is being converted to housing and the Everyman Cinema to the south. The appeal site including the front boundary wall forms part of the setting of the church and cinema. The variety of the designs of these buildings and their set back from the road frontage is a more unusual characteristic of the immediate street scene.
 6. The listing description for the Everyman Cinema (formerly known as Peninsular Barracks Chapel and School Room) refers to two features which are adjacent to
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the appeal site. These are the apse to the north which has a rounded wall and the porch to the west. I consider the apse and porch makes an important contribution to the character and appearance of the Conservation Area.

7. The apse is of a similar height to the appeal property and protrudes into the driveway of the appeal site. From Archers Lane the apse is visible when standing outside the entrance to the appeal site. Whilst it is very close to the appeal building the sense of separation is noticeable. In views from Southgate Street the rounded wall of the apse is only clearly seen from one area on the east side of the street and is partly obscured by the high wall along the frontage of the appeal site. However, as the appeal site and the cinema are on higher ground it is possible to see enough of the cinema that the unusual design of the apse can be appreciated. It is at this point that the important relationship of the cinema with the appeal site can be appreciated from the more public thoroughfare of Southgate Street.
8. The proposal is for a garage which would be erected as an extension on the southern side of the existing house. As the roof line of the garage would be at the same height of the existing house it would be high enough to obscure the majority of the apse when seen from Southgate Street. Only the roof of the apse would remain visible and the unusual curve of the wall would not be distinguishable. From this aspect, the gap would also be closed and it would not be possible to see beyond the garage. The garage would not obscure the apse as seen from Archers Lane. However, it would significantly reduce the remaining sense of separation between the cinema and the house, altering the balance between the two buildings. I find that the significant reduction of the gap and obscuring the apse would have a considerable negative effect on the character and appearance of the Conservation Area in this location. The proposal would also have a harmful effect on the setting of the cinema building.
9. The proposed garage would be designed using matching materials and would appear as a subordinate addition to the existing house. From Archers Lane, the gap between the appeal site and the cinema would be reduced. However, from this view it would still be possible to see parts of the buildings beyond and therefore would have a very limited negative impact on the gap itself. The proposed garage would be located some distance away from the church. The proposal would not affect the setting of this building taking account of the distance between the two structures. However, these considerations do not outweigh the harm I have identified.
10. For the reasons given above, I conclude that the proposal would fail to preserve the character and appearance of the Winchester Conservation Area. It would also fail to preserve the setting of the Everyman Cinema. It would be in conflict with saved Policies DP3 and HE5 of the Winchester District Local Plan Review 2006 and Policy CP20 of the Local Plan Part 1 – Joint Core Strategy 2013. These amongst other things seek new development that responds positively to the character, appearance and variety of the local environment and which preserve or enhance the character or appearance of the Conservation Areas and where emphasis should be given to conserving recognised built form.

Other matters

11. When the effect of the development is considered in the context of the Conservation Area as a whole and on the setting of the listed building, the

harm may be considered as less than substantial. In any such circumstances paragraph 134 of the National Planning Policy Framework requires that any such harm be assessed against any public benefit the development may bring. The use of materials sourced from the redevelopment of other buildings in the area may be considered a public benefit in the widest sense. I have also had regard to the fact that there would be no other location within the appeal site where a garage could be located. However, these are very modest benefits and would be significantly outweighed by the harm I have found.

Conclusion

12. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR