

Appeal Decision

Site visit made on 8 November 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 2nd December 2016

Appeal Ref: APP/L1765/W/16/3154950

Tudor Cottage, 22 Church Lane, Kings Worthy, Hampshire SO23 7QS

- 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 and Mrs Kelly against the decision of Winchester City Council.
 - The application Ref 15/00758/FUL, dated 9 April 2015, was refused by notice dated 16 February 2016.
 - The development proposed is described as 'proposed new three bedroom house'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has confirmed that it has withdrawn its second reason for refusal, relating to the provision of a contribution to affordable housing in the City. This is reflected in my main issues below.
3. I acknowledge some discrepancies between the measurements provided by each party. However, I made my decision on the basis of the plans and evidence before me and what I observed on my site visit. These, together, were sufficient for me to adequately assess the appeal development.
4. The Council confirms, in its evidence, that the Publication (Pre-Submission) Local Plan Winchester District Local Plan Part 2: Development Management and Site Allocations (2015), is still being prepared although at an advanced stage. I am making my decision in light of this.

Main Issues

5. Whether the appeal proposal would preserve the setting of the listed building, Tudor Cottage and, whether it would preserve or enhance the character or appearance of the Kings Worthy Conservation Area (CA).

Reasons

6. The appeal site includes Tudor Cottage and its side and rear garden. Tudor Cottage is a grade II listed building that fronts onto Church Lane. It also sits within the CA.
 7. Tudor Cottage is a timber framed historic building with 17th century origins. It sits near to the road, along with its attached neighbour, which shares many of its characteristics. Its setting comprises its public face, which includes its close relationship to the street, and other buildings that line it and its private rear and side garden, which serve as a reminder of its once closer relationship with
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surrounding agricultural and open land. Its generally spacious and rural setting adds to its significance as a designated heritage asset.

8. The CA comprises the origins of the rural settlement, with later suburban pockets of development. Between Church Lane and London Road there is a collection of historic buildings, some listed, which generally line the street. They are mostly two storeys or less, simple in form and footprint, with high quality, traditional materials and detailing. Buildings have space to their side and rear, giving the CA a rural and spacious character and appearance. The appeal site, the space to the rear and side of the listed building and its relationship to the street and the attached building contributes to that character and appearance.
9. The proposed dwelling would be large in relation to the host building. It would also be higher than Tudor Cottage and its attached neighbour. Its height, in addition to its size and bulk, so close to the listed building would appear overbearing and dominant in relation to it. This, together with the proposed hard surfacing and parking provision would severely diminish the private rear and side garden to the listed building, such that its spacious and rural setting would be adversely affected. I have identified that the host dwelling contributes to the character and appearance of the CA. For the same reasons therefore, it follows that it would fail to preserve or enhance the character or appearance of the CA.
10. In coming to the above conclusions, I have had regard to an extant planning permission brought to my attention (Ref 16/00748/FUL). I acknowledge that the appellant could implement that planning permission. However, that building is smaller and further away from the host dwelling, which differentiates it from this appeal.
11. I acknowledge that the proposed dwelling would be set back further from the street than the host dwelling, that other buildings nearby would be higher and that development generally steps down Church Lane. I have also noted that it would be set into the slope and that it is intended to use a palette of materials seen in the locality. However, those matters do not overcome the harm that I have identified.
12. I have noted that that some public benefits would result, including the provision of a three bedroom dwelling within a 'larger settlement' as defined by Policy MTRA 2 of the Winchester District Local Plan Part 1- Joint Core Strategy (2013) (LPP1), which could be built to current accessibility, energy and water efficiency standards. It would also provide a size of dwelling for which there is a local need as identified in LPP1 Policy CP2, which sets out housing provision and mix. It would also include the removal of existing garden structures and propose new boundary treatments. However, these matters, together, do not outweigh the harm that I have identified.
13. I conclude that the appeal proposal would adversely affect the setting of Tudor Cottage. It would also fail to preserve or enhance the character or appearance of the CA. For these reasons, it would be contrary to LLP1 Policy CP20 and saved Policies HE4 and HE5 of the Winchester District Local Plan Review (2006). These policies, together, support new development which recognises, protects and enhances the District's distinctive landscape and heritage assets and their settings.

Public Benefits

14. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm should require clear and convincing justification. In this case, the harm identified to the setting of the listed building and the character and appearance of the CA would together be less than substantial. The benefits identified would not constitute public benefits sufficient to outweigh the harm that would result. It, therefore, would not fall within the definition of sustainable development as defined throughout the Framework. The appeal therefore fails.

Other Matters

15. I have noted protected trees nearby (Tree Preservation Order 00207-2003-TPO). However, as those trees are some distance from the appeal development, I have no reason to take an alternative view to the Council on this matter.

Conclusion

16. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR