
Appeal Decision

Site visit made on 11 April 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 19 May 2017

Appeal Ref: APP/L1765/W/16/3166000

Land fronting Canute Road, Winchester, SO23 0PW

- 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 Abora Properties Ltd against the decision of Winchester City Council.
 - The application Ref 16/01483/FUL, dated 30 June 2016, was refused by notice dated 25 November 2016.
 - The development proposed is the demolition of three garages and their replacement with a two storey, one bedroom dwelling with integral garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: **first**, the effect of the proposed development on the character and appearance of the surrounding area; and **second**, its impact on the living conditions of those that Nos. 23/24 St Catherine's Road and 17 Canute Road with special reference to visual impact and overshadowing.

Reasons

Character and appearance

3. The appeal site is a small parcel of land to the rear of no. 24 St Catherine's Road. It fronts onto Canute Road and located on it are 2 pairs of prefabricated flat-roofed lock-up type garages. Although of a mundane and utilitarian appearance their modest scale limits their visual impact and such structures are not uncommonly found in residential areas such as this with limited off-street parking.
4. St. Catherine's Road is comprised of attractive terraced housing. Such housing also lines the opposite side of Canute Road to the appeal site. Development on the same side of the road as the appeal site is rather less cohesive, being fronted by the side elevation of St Catherine's Road a small terrace of houses and a substantial residential property with a fully hipped roof. The houses in this area generally have small front gardens.
5. The proposal is for a small detached house that would replace 3 of the 4 lock-up garages on the site. Given the less uniform pattern of development on this

side of Canute Road I see no harm per-se in a detached house on the appeal site. Moreover, the proposed dwelling is well designed containing attractive detail features from nearby housing. It is of a simple design, with a single ridge line parallel to the road, that would fit in well with the modest character and appearance of houses in this road. It would be set onto or close to the back edge of the footpath and have no front or rear garden. However, whilst it would not thereby conform to the pattern of other development in the vicinity it would still, given its modest scale and design, fit in satisfactorily with the character and appearance of the area.

6. In 2009 a scheme was dismissed on appeal APP/L1765/A/09/2106714 for a single dwelling on broadly the same area as the appeal site. This was on grounds, amongst other thing, of harm to the character and appearance of the area. However, the proposed dwelling in that case contained a more complex roof form with a substantial front gable and chimney feature. As such it would have contrasted notably with the more restrained design of the terraced houses in the vicinity in a way that would not be the case in the scheme before me. Indeed, by resulting in the demolition of the existing garages there would be a modest improvement to the character and appearance of the area.
7. It is concluded that the proposed development would not detract from the character and appearance of the surrounding area. It would accord with Policy DP3 of the Winchester District Local Plan Review 2006 (WDLR) and Policy DM16 of the Winchester District Local Plan Part 1 (WDLR1) which require new development to respond positively to its context.

Neighbours' living conditions

8. Nos 23/24 St Catherine's Road back onto the appeal site. Both of these dwellings have recently been extended to the rear at single-storey level. These extensions have large picture windows in their back elevations. From the rear of these properties and their back gardens there would be views onto the southern side elevation of the proposed house.
9. Seen from first-floor windows and above in these neighbouring houses the proposed development would result in a different outlook and the loss of some views. However, given the distance of these windows from the appeal site and their location at first-floor level and above this would not result in the proposed development appearing unacceptably dominant and intrusive from these views. The same cannot be said, though, of views from the first-floor rear patio windows of nos. 23/24 and their small rear gardens. From these view-points, in greater proximity to the appeal site and in part on lower lying land, the proposed development would appear unacceptably intrusive.
10. The northern side elevation of the proposed house would lie in fairly close proximity to the end elevation of no. 17 Canute Road. Only a narrow vehicular access way would separate the 2 elevations. Pedestrian access to No. 17 is obtained down this drive and the entrance to No. 17 is via a door in its southern elevation onto the drive. However, whilst the proposed development would result in a slightly darker entrance to the building this would not be a dissimilar arrangement to that found in many urban areas. As such I do not share the concerns of the Inspector in the previous appeal that a similar arrangement between the 2 properties would have been harmful.

11. Although not raised by the Council concerns have been expressed that the proposed development would detract from views from houses on the opposite side of Canute Road and restrict light to them. However, it is not uncommon for houses to face each other across streets at this kind of proximity and in my view this relationship would not be harmful.
12. It is concluded that whilst not all the alleged harms are supportable the harm identified in relation to the visual impact from nos. 23/24 St Catherine's Road would be unacceptably detrimental to living conditions. As such the proposed development would conflict with WDLP Policy DP3 and Winchester Local Plan Part 2 (WDLP2) Policy DM17 which seek to ensure that new development has no unacceptable adverse impact on neighbours.

Other matters

13. Without clearer evidence to the contrary it seems that it would just be possible to store refuse bins in the garage. The need for the bins to be placed on the highway for collection would be unfortunate. However, this is not an uncommon arrangement in many areas and the Council has raised no concerns on this. The provision of an amenity space in the roof by means of a recessed balcony, to overcome the lack of a garden area, is a rather unusual arrangement. However, for a dwelling of this limited size and with no objection on this from the Council I consider it broadly acceptable. Unlike the previous Inspector I see no reason why a condition could not have been imposed, had I been minded to allow the appeal, to prevent the garage becoming habitable accommodation. The Council's highway engineer has raised no objection to the loss of the current garage parking and from what I have seen and read I have no reason to take a contrary view.

Conclusion

14. I have found that there would be no harm on the first issue or on some of the other matters raised. In addition the proposed house in a sustainable location would be of some economic and social benefit and there would be some environmental benefit from the removal of 3 of the garages. However, a high quality built environment also requires the protection of neighbours' living conditions. The failure in this regard I find decisive and seen in the round this would not be sustainable development and it would be contrary to the development plan when read as a whole.
15. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR