



Appeal Decision

Site visit made on 22 July 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2019

Appeal Ref: APP/L1765/D/19/3231939

2 Thatched Cottages, Weston Colley, Winchester SO21 3AG

- 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 P Deeks against the decision of Winchester City Council.
 - The application Ref 19/00335/HOU, dated 3 February 2019, was refused by notice dated 11 April 2019.
 - The development proposed is the construction of a detached garage and store.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the setting of Thatched Cottage which is a Grade II listed building.
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Setting of listed building.

3. The appeal site lies to the north west of Micheldever, in the village of Weston Colley. The area is predominately rural in character and is designated as countryside in the local plan. A short distance to the west there is a group of mainly residential dwellings, with Weston Farm and associated farm buildings to the north, and Weston Colley to the east.
4. The properties now known as Thatched Cottages, were originally a single dwelling house, built in the 16th Century, but with later additions and alterations. It is grade II Listed and No 2 forms the eastern section of the building. The building is now two storey and generally timber framed to the front, with brick infill under a steep thatched and part tiled roof.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

6. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a Grade II listed building should be exceptional. Substantial harm to or loss of a Grade I listed building should be wholly exceptional.
7. Paragraph 134 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.
8. The dwelling is sited at an angle to Weston Down Road and down a private access drive, where access to the property is located. It is set back from the drive with a gravelled forecourt and turning area to the front. Part of the front boundary has an established hedge, with additional hedging planted between the land where the proposal would be sited and the private drive. There is open countryside and woodland to the side and rear. This means that the dwelling stands relatively unencumbered within this rural setting. This unspoiled and spacious character is an important feature of the setting of this listed building.
9. I acknowledge that a previous planning application (16/00802/FUL) gave planning permission for a separate car port and store to be sited closer to the dwelling. This permission remains extant.
10. The Appellants advise that following this previous decision, an area of land was restored to their ownership, having been historically annexed without consent. This gave the opportunity to re-design the scheme and move it further from the dwelling. The development subject of this appeal, proposes a combined store and garage, sited within the reclaimed land. It would be slightly larger than the two permitted buildings and of timber construction under a tiled roof. A new access would be provided to the east of the existing access.
11. I recognise that the building would be sited further from the listed building. Nonetheless, the proposed development would result in a single building that would be significantly larger than either of those previously permitted. The proposed store room would be similar in width to the listed building and despite being set down into the site, the building as a whole would appear overly large in the context of the host dwelling. In my judgement, the design and scale of the proposed development, in such close proximity to this listed building, would make it appear disproportionately large, and not subservient to, the listed building. The design of the building, with its own access, residential style windows and domestic appearance adds further to this sense of status.
12. Overall, I find that as a result of its siting, scale and design the proposed development would significantly harm the setting of the Listed Building, which is a designated asset. The National Planning Policy Framework states that harm to a heritage asset might be defined as 'substantial' or 'less than substantial.' However, Planning Practice Guidance (PPG) advises that in general terms, substantial harm is a high test and that works that are moderate or minor in scale, are likely to cause less than substantial harm or no harm at all.

13. In finding harm to the setting of this Listed Building, due to the moderate nature of the proposal, I would quantify its extent to be less than substantial. Nonetheless, I attach considerable importance and weight to that harm, and in applying the test set out in paragraph 134 of the NPPF, I note that any public benefits for the proposed development, are minimal, with the main benefits being to the Appellant in terms of providing additional parking and storage for a personal library of books.
14. I therefore conclude that the proposed development would unacceptably harm the setting of this Grade II listed building. Consequently, it conflicts with policies DS1, CP13, and CP20 of the Winchester District Local Plan Part 1- Joint Core Strategy (2013) and policies DM15, DM16, DM17, DM23 and DM29 of the Winchester District local Plan Part 2 Development Management and Site Allocations (2017). In summary these policies aim to conserve and enhance the District's distinctive landscape and heritage assets and their settings.

Character and appearance

15. The Council acknowledges that an ancillary building within the curtilage of an existing dwelling, may be acceptable provided that it would be in accordance with other policies. My attention has been drawn to the Land Registry documents to demonstrate the appeal site is all within the Appellants ownership. However, the lawful status of this land falls outside the scope of this appeal. I am therefore not in a position to determine whether or not it forms part of the lawful curtilage of the dwelling. It is open for the Appellants to make a further application to the Council and provide appropriate evidence for a Certificate of Lawfulness application, where the lawful status of the land can be determined.
16. Whether or not the entire appeal site forms part of the curtilage of the dwelling, it was clear from my site visit, that it is currently undeveloped. It was clear that the land had been fenced from the adjacent field and little of the established hedge that separated this land from the garden remained. Additional hedging had been planted along the access drive and some initial excavation works had been undertaken.
17. The position of the main dwelling at the edge of the adjacent fields with open countryside beyond, makes the transition from the main dwelling to the open countryside very important. The introduction of a large detached residential style building, served by a separate access, into this currently undeveloped space, would be significantly at odds, with the rural character and appearance of the immediate and wider area.
18. I therefore conclude that due to its scale and overly residential design the proposed development would be significantly harmful to the character and appearance of this rural area. Consequently, it conflicts with policies DS1, CP13, and CP20 of the Winchester District Local Plan Part 1- Joint Core Strategy (2013), and policies DM1, DM15, DM16, DM17, and DM23 of the Winchester District Local Plan Part 2 Development Management and Site Allocations (2017). These policies seek to ensure that new development does not have an unacceptable effect on the rural character of the area, and should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area.

Other matters

19. I have had regard to the Appellants view that some of the merits of the listed building are limited as a result of the buildings evolution and the various alterations that have taken place over the years. Nonetheless, it remains a designated heritage asset and such considerations do not lead me to come to a different view.
20. My attention has also been drawn to the existing hedging, that would to some degree screen the building. However, there is no guarantee that this would remain permanently, and screening does not mitigate the harm I have identified to the setting of the Listed Building and the wider rural area.

Conclusion

21. For the above reason the appeal is dismissed.

Hilary Orr

INSPECTOR