



Appeal Decision

Site visit made on 5 January 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 JANUARY 2022

Appeal Ref: APP/L1765/D/21/3286608

11 Ashburton Place, 15 Chilbolton Avenue, Winchester SO22 5HB

- 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 Carter against the decision of Winchester City Council.
 - The application Ref 21/01349/HOU, dated 14 May 2021, was refused by notice dated 23 August 2021.
 - The development proposed is the erection of a new Garden Room including storage shed.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new Garden Room including storage shed at 11 Ashburton Place, 15 Chilbolton Avenue, Winchester SO22 5HB in accordance with the terms of the application, Ref 21/01349/HOU, dated 14 May 2021, subject to the following conditions:
 - (1) The development hereby permitted shall be retained in accordance with the following approved plans:
 - Site Location Plan, drawing PP-SLP-001, dated May 2021
 - Block Plan, drawing PP-BP-001, dated May 2021
 - Site Plan with new structure drawing, PP-SP-001, dated May 2021
 - New Structure, drawing PP-FP-EL-001, dated May 2021
 - (2) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 11 Ashburton Place.

Procedural Matters

2. I note the application was submitted retrospectively and on visiting the site I am satisfied the development has been completed in accordance with the plans submitted. I therefore have dealt with the appeal accordingly.

Main Issue

3. The main issue is the effect of the development on the character and appearance of its surroundings and the local area.

Reasons

4. The appeal site is situated within a purpose built, 4 storey residential complex, called Ashburton Place, and relates to the private garden of unit 11. Ashburton Place has been built into the topography of the area which slopes away from Chilbolton Avenue. Unit 11's garden is to the rear of the complex, with a

communal garden to the south and west. A retaining wall encloses the southern edge of the appeal site and it is separated from the communal garden by hedging. The communal garden is then separated by post and rail fence from the golf course beyond.

5. Ashburton Place has been built of brick with a dark cladding on the fourth storey to imitate a traditional recessed mansard roof. The rear elevation takes a modern rectilinear form, with large balconies and areas of flat roofs. The whole complex has been orientated to have views of the golf course and is well screened from the adjacent residential developments on either side.
6. The form and design of the garden room reflects that of the rear elevation of Ashburton Place and its grey colour is similar to that of the complex's upper floor. It is modest in scale in comparison to the complex's buildings and is proportionate in relation to the private garden. Therefore, the garden room is subservient and in keeping with the character and appearance of Ashburton Place.
7. Ashburton Place is one of several residential complexes along Chilbolton Avenue creating a relatively high density of development. These complexes vary in height but are mainly 3 and 4 storeys. It is this height along with the steep slope of the land dropping away from Chilbolton Avenue, that creates a distinctly built-up character when viewed from the north-west, including the golf course.
8. Due to the undulating topography, Ashburton Place is screened from most public vantage points, including the footpath and bridleway crossing the golf course. It is however, accepted that the garden room is visible from within the golf course, but the developed character of the rear elevations of Ashburton Place and the neighbouring complexes, their scale, and the partial screening of the garden room, mean it is neither visually intrusive nor overwhelming.
9. I conclude that the development does not harm the character and appearance of its surroundings and the local area. It therefore complies with Policy DM16(i) of the Winchester District Local Plan Part 2 (2017) which seeks to protect the local environment in terms of the design, scale, and layout of new development.

Other Matters

10. It is noted that there were several objections to the application. The previous removal of permitted development rights allows the Council to consider relevant development through planning applications, a process which has been followed in this case, albeit retrospectively. On reviewing the information in front of me and on visiting the site, I am satisfied that there would be no harm caused to users of the communal garden. Precedent and lack of management company contact are not directly relevant to this appeal, which I am required to deal with on its merits.

Conditions

11. The Council has suggested 2 conditions which I have considered against advice in the National Planning Policy Framework and Planning Practice Guidance. As a result, I have amended them for consistency and clarity. The condition specifying the approved plans is necessary for certainty, and the condition

limiting use will protect the living conditions of the occupants of the adjoining residential properties.

Conclusion

12. The appeal scheme complies with the development plan as a whole and there are no other material considerations that would indicate a contrary decision. The appeal is therefore allowed, subject to the conditions set out above.

RJ Redford

INSPECTOR