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# Appeal Decision

Site visit made on 2 October 2024

**by Juliet Rogers BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31<sup>st</sup> October 2024**

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**Appeal Ref: APP/L1765/W/23/3333771**

**1 Catways, Hursley, Hampshire SO21 2JT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs M Church against the decision of Winchester City Council.
  - The application Ref is 22/00951/FUL.
  - The development proposed is a new dwelling on garden land.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the Council determined the application a new version of the National Planning Policy Framework (the Framework)<sup>1</sup> came into effect. During the appeal, the main parties have had the opportunity to provide further comments on the revised Framework and, where received, I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.

## Main Issues

3. The main issues are the effect of the proposed development on:
  - the character and appearance of the area, including the setting of the Hursley Conservation Area (the HCA); and
  - the safety of users of Port Lane and Heathcote Place.

## Reasons

### *Character and appearance*

4. The proposed development comprises a detached two-storey dwelling located within the existing garden area of No.1 Catways (the host property). The host property is a semi-detached two-storey dwelling which, together with its adjoining pair, forms part of a shallow curved crescent of six dwellings on elevated land adjacent to Port Lane. These properties have generous plots with large gaps between each pair of dwellings. Although a gap between the proposed and host dwellings would be retained, it would be significantly reduced in width. This reduction, along with the introduction of a narrow-fronted plot of a size substantially smaller than the other Catways properties would, therefore, have a cramped appearance within the crescent. Even if the size of the proposed dwelling and its plot width would be similar to that of

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<sup>1</sup> December 2023

nearby properties, including 22 Port Lane and more recent developments in Hursley, these examples are not physically or visually linked to the appeal site. Consequently, they would not be experienced in the same street scene or vista as the proposed development.

5. Although subservient to the host property by being set back from the existing building line, nevertheless, the detached form and modest scale of the proposed dwelling would be incongruous in comparison to the host property and the crescent as a whole. The use of materials found in the surrounding area and the retention of the existing trees on the site as part of the development do not alter the discordant effect the arrangement of the proposed dwelling would have within the existing pattern of development.
6. During the determination period of the planning application, amendments were made to the proposed development and revised plans were submitted. These sought to position the proposed dwelling back from the host dwelling, reduce the scale and lower the lower ridge and eaves height. Notwithstanding this and the appellant's willingness to work with the Council's planning officer on the scheme, nevertheless, I have found that the revised proposals would cause harm to the character and appearance of the area.
7. The site lies outside of but adjacent to the HCA. Given this proximity, I have considered whether the proposed dwelling would preserve the setting of this heritage asset, including those elements which make a positive contribution to it. Encompassing properties along Port Lane up to its junction with Heathcote Place, the setting of this part of the HCA has a transitional character; from an area strongly influenced by substantial, dense and mature landscape features to one which is defined by the arrangement of built form close to the lane, with limited verdant elements. Although the proposed development comprises additional built form, the mature trees and boundary landscape features on the site, elements which make a positive contribution to the setting of the HCA, would be retained. Therefore, the proposed development would preserve the setting of the HCA.
8. The main parties dispute whether a previous planning permission for the host property remains extant<sup>2</sup>. Notwithstanding the limited detail before me regarding this scheme, it relates to an extension to the host dwelling, rather than a new property. Even if the amount of footprint or floor space proposed in each scheme is similar, the proposed development would have a materially different function and character to the previous permission. As such, the two schemes are not directly comparable. Furthermore, I cannot conclude with certainty that, should I allow the appeal, the proposed dwelling and the extension could both be implemented, wholly or partially, without harming the character and appearance of the area.
9. Whilst I have found that the proposed development would preserve the setting of the HCA, nevertheless I conclude that the proposed development would harm the character and appearance of the area, contrary to Policy CP13 of the LPP1<sup>3</sup> and policies DM15, DM16 and DM17 of the LPP2<sup>4</sup>. In combination, these policies promote high standards of design which respond positively to the local context and make a positive contribution to the local character.

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<sup>2</sup> Application ref: 21/00375/HOU, dated 20 April 2021

<sup>3</sup> Winchester District Local Plan Part 1 – Joint Core Strategy (the LPP1)

<sup>4</sup> Winchester District Local Plan Part 2 – Development Management and Site Allocations (the LPP2)

### *Highway safety*

10. Vehicular access to the proposed dwelling would use the existing dropped kerb located at the junction between Port Lane and Heathcote Place. This is also where the path which runs alongside the front of the properties in Catways converges. As a result, vehicles entering and exiting the appeal site would need to cross the path to gain access to the proposed driveway. Consequently, this would result in conflict between users of the driveway and those of Port Lane and Heathcote Place, as well as pedestrians on the path.
11. The proposed development includes the retention of the hedge and trees currently located along the boundary of the appeal site with the path. These are of a scale and density which prevents drivers exiting the driveway being able to see if there was a pedestrian on the path. Pedestrians would also be unable to view a vehicle exiting the site until they reached the point at which the path meets the driveway. Furthermore, the acute angle and revised alignment of the proposed driveway with the path means pedestrians would need to look around, and almost back on themselves, quickly to check if any vehicles were emerging from the proposed development. This, in itself, is not conducive to creating a safe and effective environment which meets the needs of pedestrians.
12. Close to the site boundary with the pavement, the verge between the host property and Port Lane is banked which, combined with the hedging at the rear of the parking area, limits visibility up the lane towards Keble Close. However, nearer to the dropped kerb, and the point at which visibility splays are needed, the bank is at a low level before gradually rising away from the lane to the same level of the Catways properties. Although no visibility splays are indicated on the plans, I see no reason to conclude that they could not be satisfactorily accommodated. If I were to allow the appeal, the appropriate visibility splays could, therefore, be secured through the imposition of a suitably worded condition.
13. At present, the dropped kerb provides access to the informal track that runs close to the site boundary with Heathcote Place. The evidence before me indicates that this track formerly served a sewage depot and has been used by the appellant for some time, as confirmed by a Lawful Development Certificate (LDC)<sup>5</sup>. However, the LDC and the previous planning permission referenced above were determined based on access being limited to a single dwelling. As stated on the LDC, it applies only to the use specified, namely as an accessway to 1 Catways via a dropped kerb.
14. The Site Plan and Street Scene drawing<sup>6</sup> shows a 'possible parking space' for the host property. This would be in addition to existing parking in the small area off Port Lane, although this area is devoid of markings or signage designating the spaces to specific properties. Therefore, there would be no guarantee a space is available at all times for the residents of the host property. Moreover, given the convenience of the 'possible parking space', I cannot conclude with certainty that it would not be used frequently, despite how the properties may have been accessed traditionally. As an accessway serving two dwellings would be a materially different form of development

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<sup>5</sup> Application Ref: 23/02105/LDC, dated 27 November 2023

<sup>6</sup> Ref: IN 1502: 12

than one which provides access for a single dwelling, the LDC is not transferrable to the proposed development.

15. Nonetheless, I conclude that the proposed development would harm the safety of users of Port Lane and Heathcote Place. It would be contrary to the objectives of Policy CP10 of the LPP1 which seeks to reduce demands on the transport network including, amongst other ways, encouraging walking and cycling. I also find conflict with Policy DM18 of the LPP2 as safe and effective access which incorporates the required visibility splays and meets the needs of pedestrians and cyclists would not be provided.

## **Other Matters**

16. The proposed development would provide social and economic benefits from the construction and occupation of an additional dwelling. Environmental benefits would result from the use of energy-efficient glazing and appliances, an air source heat pump, water-saving devices and green materials. However, the benefits resulting from a net gain of one dwelling within an area where a five-year supply of deliverable housing sites can be demonstrated would be small in scale. I, therefore, attached limited weight to the scheme's benefits in my decision.
17. Although the site is located within the settlement boundary of Hursley, where the principle of development is supported by Policy DM1 of the LPP2, this is on the basis that it accords with other policies in the development plan. I have found that the proposed development would conflict with policies CP10 and CP13 of the LPP1 and policies DM15, DM16, DM17 and DM18 of the LPP2. Therefore, the local development strategy set out in Policy DM1 of the LPP2 does not weigh in favour of the proposed development.
18. Even though the proposed development was recommended for approval by the Council's planning officers, the Planning Committee is under no obligation to agree, however frustrating this may be to the appellant.
19. The appeal site is located within the buffer of several Special Protection Areas (SPAs)<sup>7</sup> and Special Areas of Conservation (SACs)<sup>8</sup>, European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017. If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the proposed development upon the SPAs and SACs. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider such matters any further.

## **Conclusion**

20. The proposed development conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, which indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

*Juliet Rogers*

INSPECTOR

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<sup>7</sup> Solent and Dorset Coast SPA, Solent and Southampton Waters SPA and New Forest SPA

<sup>8</sup> Solent Maritime SAC and New Forest SAC