



Appeal Decisions

Site visit made on 1 April 2025

by Zoë Hill BA (Hons) DipBLDGCON MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 April 2025

Appeal A Ref: APP/L1765/W/24/3357952

The Sunday School, Victoria Road, WINCHESTER, HAMPSHIRE, SO23 7DU

- 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 Henry Newman against the decision of Winchester City Council.
 - The application Ref is 24/01407/HOU.
 - The development proposed is described as reopening and widening of existing aperture to form an access.
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Appeal B Ref: APP/L1765/Y/24/3357953

The Sunday School, Victoria Road, WINCHESTER, HAMPSHIRE, SO23 7DU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Henry Newman against the decision of Winchester City Council.
 - The application Ref is 24/01718/LIS.
 - The works proposed are described as reopening and widening of existing aperture to form an access.
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Decision

1. Both Appeal A and Appeal B are dismissed.

Preliminary Matters

2. The description on the application forms is extremely lengthy. I have therefore used the shorter description set out in the Council's Decision Notices and the appeal forms in the header above as this adequately describes the proposed development and works.

Main Issues

3. The main issues in respect of these appeals are:
 - (a) whether or not the proposed works would preserve the special architectural and historic interest of the grade II listed building described as 'garden wall of nos 20 to 25 Hyde Close'; and,
 - (b) whether or not the proposal would preserve or enhance the character or appearance of the Winchester Conservation Area; and,
 - (c) if harm is identified, whether there are any public benefits sufficient to outweigh that harm.

Reasons

4. Whilst the site address for these appeals differs from that of the list description, the Council asserts (and it is accepted by the appellant), that the wall, the subject of this appeal, is listed it being formerly the garden wall of No 23 Hyde Street. The list description, provided for identification purposes is brief 'C18. Flint and brick with brick and tile coping' (typographical error omitted).
5. I saw that the wall, of flint, stone and brick, is part of a much wider complex of buildings and structures, with an adjoining section also being a Scheduled Monument (SM). The section of wall to which this appeal relates is punctured at three points, two openings in close proximity with brick detail surrounding shallow arched, timber boarded, doors. There is a brick column between these two openings. The third opening is a smaller incursion and it appears it would have had a slightly lower, similar width opening, when compared with the other two doorways. This opening is identified by a brick header and partial brick dressings to each side but not to ground level. At some point this opening has been blocked up with brickwork, whilst this is modern and includes some less satisfactory materials, it is not a recent change.
6. I saw that the wall, including beyond the immediate appeal site, has seen many alterations, including the introduction of varied materials, which are a key component of its historic and architectural significance. Given its great age and location within an urban context, where there have been many changes over the centuries, this forms part of an important architectural and historic record.
7. Indeed, the character of the Winchester Conservation Area, in part, is established by the sizeable expanses of medieval flint and stone walling. This is seen in many locations including defining boundaries with highways, watercourses, and former ownerships.
8. The appeal proposal seeks to 'unblock' the bricked-up smaller opening and to remove further sections of the flint and stone wall to create a significantly wider opening to create a vehicular access. There would be a loss of the former brick door case, flint and stone wall (as well as the more modern infill). This loss of historic fabric would be harmful, and thus fail to preserve the special architectural and historic interest of the listed structure. Notably, it contains evidence of phases of development and use as well as historic material and is a clear continuation of the SM albeit of lesser integrity and therefore archaeological interest. As such, the proposal would not be reversible as claimed because that historic wall could not be replicated in terms of its historic fabric or intrinsic evidential value.
9. Furthermore, given the extent of structural work required it is likely that the alteration sought would result in a significant portion (even greater than of the opening sought) of this listed building being demolished and rebuilt.
10. It follows that the harm to this listed building, which would be clearly apparent within the public realm, would also adversely impact upon the character and appearance of the Winchester Conservation Area. This is particularly so given that walls of this type are a key component of that character.
11. Whilst the harm to these heritage assets would not amount to substantial harm in this case, the harm is nevertheless a matter of considerable importance and weight. Whilst the heritage statement provided by the appellant suggests the harm

in the wider context should be considered at the lower part of a spectrum of less than substantial harm I do not agree. In terms of this listed building the harm would, for the reasons I have set out above, be towards the higher end of that spectrum. The National Planning Policy Framework (NPPF) requires that such harm should be weighed against any public benefits.

12. The proposal is sought to provide a parking space which would be fitted with a electrical vehicle (ev) charging point, which would be powered from solar panels that have recently been granted permission on the host property's roof. This would facilitate the use of a less environmentally harmful vehicle and would provide an additional parking space. Whilst this is a positive ambition which gains support from the NPPF and has some moderate public benefit, this is largely a private benefit, including for the neighbour who might then be able to use the parking space freed up elsewhere. That moderate public benefit would not outweigh the harm that would arise from the loss of historic fabric (albeit less than substantial harm), the historic change it records, the evidential value it holds, or the visual harm that would arise to the Conservation Area and streetscene from the effect on this visually important form of historic enclosure.
13. The proposal would materially harm the special interest of the listed building and would neither preserve nor enhance the character or appearance of the Winchester Conservation Area. This would conflict with the objectives of s.16 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as the public benefits cited do not outweigh that harm, I find conflict with the NPPF. I also find conflict with policies DM15, DM16, DM19, and DM27 of the Winchester District Local Plan Part 2 (2017) and policy DM18 of that plan insofar as it requires compliance with other policies of the development plan.

Other Matters

14. Although it is suggested that conditions could be imposed to overcome harms, I do not consider this possible given the development/works proposed.
15. I also note this proposal would provide for disabled access to the property. The concerns in this regard are not fully set out, but should such access be required it is likely this could be secured through other means, whilst safeguarding the significance of the listed structure.
16. Having concluded definitively in respect of the listed building and the Conservation Area, I have not assessed the effect on the setting of other designated and non-designated assets, although this is only likely to increase the weight to harm already identified, and therefore would not lead me to consider a different outcome.

Conclusion

17. For the reasons set out above and having had regard to all representations made I conclude the appeals should fail.

Zoë Hill

INSPECTOR