



Appeal Decision

Site visit made on 10 July 2025

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/L1765/D/25/3366737

Buckingham House, 50 Hyde Street, Winchester, Hampshire SO23 7DY

- 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 J Crowe against the decision of Winchester City Council.
 - The application Ref is 24/02577/HOU.
 - The development proposed is the reinstatement of railings to front boundary.
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Decision

1. The appeal is allowed and planning permission is granted for the reinstatement of railings to front boundary at Buckingham House, 50 Hyde Street, Winchester, Hampshire SO23 7DY. in accordance with the terms of the application, Ref 24/02577/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings numbered 3242/11_01_ Rev B, SU4830SW Location Plan scale 1:1250 and Block Plan.
 - 3) Notwithstanding condition 2) no development shall take place until details of the railings together with the materials to be used in the construction of the plinth below the railings and any replacement paving have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. The Highway Authority, Hampshire County Council, are of the opinion that the proposed railings and the area to be enclosed by them would sit within the extent of the public highway.
3. Paragraph 027 of the Planning Practice Guidance sets out that the planning system entitles anyone to apply for planning permission to develop any plot of land, irrespective of ownership. However, an applicant is required to notify the owners of the land to which the application relates.
4. The appellants, when submitting both the original planning application and this appeal, have declared by completing Certificate A that they are the owners of the land in question.
5. On this basis, I will determine the appeal based only on the main issues, below.

6. The address given for the appeal site is 50 Hyde Street. However, the property faces onto Worthy Road. Nevertheless, I have adopted, in the bullet point above the address taken from both the application form and the Council's decision notice.

Main Issue

7. The main issue is the effect of the proposed development on the safety and convenience of users of the public highway.

Reasons

8. Buckingham House, 50 Hyde Street (No 50), is an unlisted semi-detached house, located in the Winchester Conservation Area.
9. The appellants wish to install railings to the front of the property to replace those removed in the 1930s. From the Council's evidence I note that it found that the proposed development would accord with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, Policies DM27 and DM29 of the Winchester District Local Plan Part 2 Development Management and Site Allocations (Adopted April 2017) (LP) and the advice in the Planning Practice Guidance as they seek to preserve or enhance the character or appearance of conservation areas. From what I have seen and read there is no reason for me to take a different view.
10. However, in the event that I am minded to allow the appeal, to ensure that the character and appearance of the conservation area is preserved and enhanced, the detailed design, installation detail, fabrication materials and colour of the railings along with any plinth beneath the railings and the finish the ground enclosed would need to be approved prior to the works being undertaken. This would ensure that the work is carried out to an appropriate standard. This is a matter that could be addressed by a suitably worded condition.
11. With reference to the photographs submitted in evidence from the 1930s I note that the road layout has been significantly altered at the junction of Hyde Street and Worthy Road. Such that Worthy Road is now the principal road with Hyde Street joining it at a new junction to the south on No 50. This alteration has resulted in the formation of a green space, and a limited tapered widening of the pavement in front of No 50 along with a dropped kerb and crossfall for a pedestrian crossing just to the south of No 50. The overall width of the pavement in front of the line of the proposed railings reduces from about 3.0 metres at the southern end down to about 1.8 metres or so at the northern end.
12. The area of land to be enclosed in front of No 50 itself also tapers such that at its southern end it's about 1.0 metre deep, where the garden wall of No 50a already defines the width of the footpath, down to about 0.250 metre or so at the northern end of the property. Given that the widest part of the land to be enclosed is set behind the garden wall of No 50a that projects in front of the front facade of No 50, I am not persuaded that this small piece of land, although currently paved makes a significant contribution to the useable footpath here.
13. As I observed on my site visit the width of the footpath varies along this side of Worthy Road between its junction with Arthur Road and as it runs into Hyde Street. The footpath is at its narrowest in front of No 52, and indeed is made slightly narrower by the positioning of a large control box that projects from the green

space into the footpath. It then widens out to nearly 3.0 metres or so at the northern end of the green space. However, a significant part of that wider zone is occupied by the drooped kerb and crossfall to the pedestrian crossing thereby significantly reducing the flat area for pedestrians, wheelchair and pushchairs users.

14. On balance, I conclude that the proposed railings would not restrict the footway so as cause significant harm the safety or convenience of users of the public highway. The footpath would therefore provide for the needs of pedestrians in accordance with Criterion (iv) of LP Policy DM18. This policy seeks, along with other things, to ensure that development provides for the needs of pedestrians and cyclists, including safe and attractive routes.

Other Matters

15. In reaching my decision I have had regard to Public Sector Equality Duty (PESD) contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability. As set out above, I consider that the proposed development would not obstruct the footpath and would not disproportionately discriminate against persons with these protected characteristics, or the other aims of the PESD.

Conditions

16. I have, in the interests of both precision and enforceability, considered the conditions suggested by the Council in light of the advice in the Framework and the Planning Practice Guidance.
17. In the interests of certainty, I have imposed the standard time condition and a condition requiring the development to be undertaken in accordance with the approved plans.
18. I have imposed a further condition, requiring details of the proposed railings. This is for certainty and to ensure that the work is carried out to an appropriate standard in the interests of the character and appearance of the area.

Conclusions

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR