

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

**Item No:** 7  
**Case No:** 15/00758/FUL / W01929/09  
**Proposal Description:** Proposed new three bedroom house (WITHIN THE CURTILAGE OF A LISTED BUILDING) (AMENDED PLANS 14.01.16)  
**Address:** Tudor Cottage 22 Church Lane Kings Worthy Winchester Hampshire  
**Parish, or Ward if within Winchester City:** Kings Worthy  
**Applicants Name:** Mr & Mrs Kelly  
**Case Officer:** Sarah Tose  
**Date Valid:** 6 May 2015  
**Site Factors:** Kings Worthy Conservation Area:  
Within 50m of Listed Building  
**Recommendation:** Application Refused

**AMENDED PLANS DATE:-**

Amended plans dated December 2015 received 07.12.15

**General Comments**

This application is reported to Committee because of the number of representations received in support of the scheme, which is contrary to the Officer's recommendation.

**Site Description**

Tudor Cottage is a grade II listed building, located in the Kings Worthy Conservation Area on the east side of Church Lane. The small timber framed, thatched property is a one and a half storeys, semi-detached dwelling dating from the 17th and early 19th centuries, with a single storey 20th century rear extension. There is a large garden area to the side and rear of the cottage which contains two small timber framed sheds and a garage building.

The northern, eastern and southern boundaries of the property are delineated by 1.4 to 1.8 metre high close boarded fencing. A mature hedgerow runs along the rear boundary of the site, while just outside the north boundary of the site is a row of mature beech trees. Existing development within the Conservation Area is made up of buildings of an eclectic mix of architectural styles. Older properties such as Tudor Cottage and 27 Church Lane (both listed) have been constructed right up against the highway, with more recent development set back further from the road.

**Proposal**

The proposal seeks to construct a two storey detached dwelling on the open space to the north side of Tudor Cottage. The proposed new house will be separated from the listed building by approximately 5.4 metres and is set back from Church Lane by approximately 7 metres. The front boundary fence will be replaced with hedging. Part of the front boundary treatment will need to be removed to accommodate the proposed access.

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There will be a new car port provided at the rear of the site for Tudor Cottage.

The proposed dwelling will have a natural slate roof and the walls will be lime render painted white. The windows will be natural oak frames with a powder coated dark grey aluminium inset casements. The front door will be oak with a glazed surround and the doors at the rear will be oak glazed doors. The car port will have a natural slate roof and natural oak posts and bracing.

**Relevant Planning History**

76/00585/OLD - Erection of a dwelling -. Refused 27th January 1976.

10/01479/FUL - Extension to existing driveway; relocation of retaining wall and fence line with the removal of flower bed and creation of a permeable hard standing - Permitted 22nd October 2010.

14/02255/FUL - Demolition of existing single storey rear extension and outbuildings and erection of single and two storey rear extensions with detached garage - Refused 10th December 2014.

14/02256/LIS - Demolition of existing single storey rear extension and outbuildings and erection of single and two storey rear extensions with detached garage - Refused 10th December 2014.

**Consultations**

Head of Historic Environment

Objection- "the large size and scale of the proposed dwelling is considered harmful to the setting of the listed building and the character and appearance of the conservation area"

Head of Environmental Protection:

No adverse comments to make concerning the application.

Highways

No objection to amended plans, subject to conditions.

Head of Landscape - Trees

Objection- potential for future pressure to reduce the height of the trees from the future occupants.

Southern Water

Comments- "The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Should any sewers be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site".

**Representations:**

Kings Worthy Parish Council

Concerns regarding the vehicular access to the parking area, lack of visitor parking, for

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which there is none in Church Lane and height of the proposed dwelling.

Neighbour Representation:

A total of 12 representations have been received- 5 objections and 7 in support. For the following reasons:

Object on the following grounds:

- Impact upon the Listed Building & Conservation Area – The proposal will adversely impact the adjacent listed cottage and the Conservation Area
- Design – The proposed new development is out of character with the thatched Tudor Cottage and architecture of the surrounding area
- Views – The proposal will obstruct views through to the Beeches
- Overlooking – Development will overlook The Woodlands
- Traffic – The proposals will make Church Lane busier and will result in a higher risk of accidents with additional vehicles entering and leaving the site.
- Trees – The proposals will adversely impact upon the root network of the attractive line of 7 beech trees located in the garden of 15 The Woodlands .

Support for the following reasons:

- Are in keeping with the surrounding area
- By removing the various sheds the proposals will enhance the street scene
- The property will make good use of available land

**Relevant Planning Policy:**

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

CP13 – High quality design

CP14 – Effective use of land

CP20 - Heritage

MTRA2– Development strategy for market towns and larger villages

Winchester District Local Plan Review (2006) WDLPR

DP.3 – Design

DP.4 – Townscape & landscape

HE.4 - Development in Conservation Areas

HE.5 – Development in Conservation Areas

T.2 – Development Access

T.4 – Parking Standards

Winchester District Local Plan Part 2 : Development Management and Site Allocations

The Winchester District Local Plan Part 2 : Development Management and Site Allocations was approved by the Council 21<sup>st</sup> October 2015 for submission following public

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consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period will run from 6 November to midday 21<sup>st</sup> December 2015 after which the plan together with supporting documentation and any representations received, will be submitted to the Planning Inspectorate for examination.

The Development Plan (for the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004) remains the Local Plan Part 1 (and the remaining saved policies of the Winchester District Local Plan Review) and the Denmead Neighbourhood Plan, and determinations will need to be made in accordance with these documents unless material considerations indicate otherwise.

However, Local Plan Part 2 is a material consideration in the determination of planning applications, and should be given appropriate weight in accordance with paragraph 216 of the National Planning Policy Framework.

LPP2 policies relevant to this application:

DM14 – Local Distinctiveness

DM15 – Site Design Criteria

DM 17 – Access and Parking

DM26 – Development in Conservation Areas

National Planning Policy Framework (2012)

**Planning Considerations**

Principle of development

Kings Worthy is identified in Policy MTRA 2 of the LPP1 as a larger settlement, where the “local planning authority supports the evolution of the larger settlements” and where “housing .... should be accommodated through development and redevelopment opportunities within existing settlement boundaries in the first instance”

Further, Policy CP14 of the LPP1 requires that “in order to ensure that scarce development land is used effectively, the Local Planning Authority will support higher densities on sites which have good access to facilities and public transport, particularly within the urban areas. The development potential of all sites should be maximised, and will be balanced against the need to promote high quality design. The primary determinant of the acceptability of a scheme will be how well the design responds to the general character of the area”.

The Core strategy seeks to promote development within larger settlements such as Kings Worthy, and as such the scheme satisfies the broad aims of Policy MTRA 2. The proposal will also result in a relatively high density of development and therefore satisfies the aims of Policy CP14 of the Core Strategy which requires that the ‘development potential of all sites should be maximised’. The principle of development is therefore considered acceptable.

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### Heritage and Design

The Council's Head of Historic Environment supports the principle of constructing a new house in the garden of Tudor Cottage as long as it is small in size and scale. Demolition of the existing garage and outbuildings are also supported.

The setting for the listed building is on elevated ground and due to the large garden area to the side highly visible from all vantage points along Church Lane, the proposed dwelling is considered to be overbearing as even though it would be cut into the terraced garden its height and bulk will still appear higher than the one and a half storey listed cottage. The amended plans show the proposal set back further into the site but as a result a separate vehicular access has needed to be provided which opens up the frontage even more making the proposed house even more visibly prominent on the street scene.

It is considered that the large size and close proximity of the new dwelling to the adjacent listed building will adversely impact on its setting. The scale of the proposal will be domineering when compared to the small scale of the vernacular cottage. Although the principle of a new dwelling in this location is supported, there needs to be a much greater level of subservience shown to the listed building, for example by considerably reducing the length of the south wing.

### Highways/Parking

The Council's Highway Officer raised concern with the original plans that showed the existing driveway providing access for both properties (Tudor Cottage and the new dwelling). Amended plans have been received which overcome the previous safety concerns. The layout now shows a modified existing access which improves visibility for the existing occupiers of Tudor Cottage. Two new car parking spaces are to be provided at the front of the proposed dwelling with direct access onto Church Lane. No on-site turning is provided but following guidance contained within The Highway Code vehicles should reverse into these spaces from the main road. The intervisibility between approaching drivers is considered to be good and it is unlikely that sufficient demonstrable harm will occur to justify a highway reason for refusal on the lack of on site turning. The Trics database suggests that an average of 4 of the multi modal trips per day will be generated by the new property (i.e. 2 trips out and 2 trips back).

The proposal is therefore not considered to cause sufficient highway danger to successfully sustain a highway reason for refusal at any subsequent appeal.

### Impact on amenity of neighbours

The nearest property on the 'Woodlands' will be approximately 25 metres away from the site with mature hedgerow planting and the existing row of mature beech trees in between. Aside from the neighbouring Tudor Cottage there will not be any properties directly affected by the proposed development.

There is a small window on the eastern elevation of the building looking towards Tudor Cottage which will be obscurely glazed. The proposed dwelling is therefore not considered to have an unacceptable adverse impact on adjoining land, uses or property and as such satisfies Policy DP.3 of the WDLPR.

### Landscape/Trees

The Council's Head of Landscape (Trees) has confirmed that the proposed development will not adversely impact upon the trees but has raised objections on the grounds that

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"there is potential for future pressure to reduce the height of these trees due to perceived risk of failure". The trees are however located within the grounds of the neighbouring property next to the northern boundary of the site and will therefore be outside of the control of the occupants of the proposed new dwelling. Furthermore, the trees which are north of the proposed new cottage will not over shadow the site and so it is considered that the objections raised are unreasonably and unlikely to be supported at appeal.

Affordable Housing

Policy CP3 of the LPP1 requires all new residential development to provide 40% of the gross number of dwellings as affordable housing on site, unless this would render the proposal economically unviable. On sites of less than 5 dwellings a financial contribution in lieu of on-site provision is accepted. The contribution required for one new dwelling is currently £54,800.00 (based on an average 3 bed property reflecting the greatest need in the District) and is normally secured through a legal agreement. The applicant has confirmed that they are willing to make the affordable housing contribution but this has not been secured by an appropriately worded legal agreement. A reason for refusal is therefore recommended in this respect.

**Recommendation**

Application Refused for the following reason:

- 1 The large size and scale of the proposed dwelling is considered to be harmful to the setting of the adjacent listed building and the character and appearance of the conservation area. The development is considered contrary to policy CP20 of the Winchester District Local Plan Part 1- Joint Core Strategy 2013 and saved policies HE4 & HE5 of the Winchester District Local Plan Review 2006.
- 2 The application is contrary to Policy CP3 of the Winchester District Local Plan Part 1- Joint Core Strategy 2013 in that it fails to provide a financial contribution towards the provision of affordable housing within the District.

Item No	Ref No	Address	Recommendation
07	15/00758/FUL	Tudor Cottage, 22 Church Lane, Kings Worthy, Winchester, Hampshire	REFUSE
<b>Agenda Page: 115</b>			
<b>Officer Presenting: Sarah Tose</b>			
<b><u>Public Speaking</u></b>			
<b>Objector:</b>			
<b>Parish Council representative: Cllr Ian Gordon</b>			
<b>Ward Councillor:</b>			
<b>Supporter: Lucy Kelly &amp; Huw Thomas</b>			
<b><u>Update</u></b>			
Additional neighbour notification was undertaken on 18 <sup>th</sup> January 2016 following the receipt of amended plans. The publicity does not expire until the 8 <sup>th</sup> February 2016. The recommendation on page 121 of the Committee papers is therefore updated as follows:-			
<b>Recommendation</b>			
<b>That subject to the receipt of no representation letters that raise additional material planning issues, that the Planning Committee delegates the issue of the Committee's decision after the publicity expires on 8<sup>th</sup> February 2016. The recommendation is that the application is refused for the following reasons:</b>			
<b><u>Informatives</u></b>			
The following informatives were not included at the time of writing the committee report and should be added to the recommendation:			
1 The development is in contravention with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify an approval of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be refused.			
2 The Local Planning Authority has taken account of the following development plan policies and proposals:-			
Winchester District Local Plan 2006 (Review) – saved policies:			
DP3 – Design			
DP4 – Townscape & landscape			
HE4 - Development in Conservation Areas			
HE5 – Development in Conservation Areas			
T2 – Development Access			
T4 – Parking Standards			
Winchester District Local Plan Part 1 (LPP1):			
CP3 – Affordable Housing Provision			

CP13 – High quality design  
CP14 – Effective use of land  
CP20 - Heritage  
MTRA2– Development strategy for market towns and larger villages

Winchester District Local Plan Part 2 Development Management and Site Allocations (LPP2):

DM14 – Local Distinctiveness  
DM15 – Site Design Criteria  
DM 17 – Access and Parking  
DM26 – Development in Conservation Areas

3 In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions,
- inviting amended and clarified information to assist the assessment of the proposal.

In this instance the applicant was updated of issues as part of the processing of the application prior to a report recommendation.

#### Representations

The following additional representations have been received following the submission of amended plans:

Kings Worthy Parish Council:

The Parish Council are concerned with regard to the revised parking facilities; as the amendments now show that parking for the new house has been moved to the front of the building. This will result in cars reversing onto Church Lane at its narrowest point close to a bus stop. There is also a lack of visitors parking, with Church Lane being as narrow as it is especially at this part of the lane there is no on street parking available on Church Lane.

The vehicle splays on the plans submitted to Winchester City Council are not clear and appear to show a splay indicating that vehicles which will not allow easy access to the proposed new parking area if entering when coming from the direction of the B3047.

It is also noted that in providing parking facilities at the front of the property, the fencing shown in the previous plans which would have screened the property have been removed. Being in a conservation area there is no screening to hide a modern property that sits adjacent to a historic thatched cottage.

2 neighbour representations supporting the proposal:

- We as attached neighbours have no issue with this planned development
- I support the development as proposed

#### Materials

Further amended plans were received 29 January 2016 proposing a change in the roof material from natural slates to hand made clay tiles.

**Extract of draft minutes of the meeting of the Planning Committee held 4 February 2016**

Item 7: Proposed new three bedroom house (WITHIN THE CURTILAGE OF A LISTED BUILDING) (AMENDED PLANS 14.01.16) - Tudor Cottage, 22 Church Lane, Kings Worthy, Winchester.  
Case number: 15/00758/FUL / W01929/09

The Head of Development Management referred Members to the Update Sheet which stated that additional neighbour notification had been under taken on 18 January 2016 following the receipt of amended plans. The publicity did not expire until the 8 February 2016. The recommendation on page 121 of the report was therefore updated and was set out in full in the Update Sheet.

During public participation, Ian Gordon representing Kings Worthy Parish Council spoke in objection to the application and Lucy Kelly and Huw Thomas spoke in support of the application and answered Members' questions thereon.

At the conclusion of debate, the Committee agreed to refer the application for determination by the Planning (Viewing) Sub Committee to allow Members to assess the proposed dwelling in relation to the neighbouring listed building and associated matters. The meeting of the Planning (Viewing) Sub Committee would take place on Tuesday 16 February 2016.

**RESOLVED:**

1. That the decisions taken on the Development Control Applications in relation to those applications outside the area of the South Downs National Park be agreed as set out in the Schedule (appended to the minutes for information), subject to:

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(iii) That in respect of item 7 (Tudor Cottage, 22 Church Lane, Kings Worthy) the application be referred for determination by the Planning (Viewing) Sub Committee to allow Members to assess the proposed dwelling in relation to the neighbouring listed building and associated matters - the meeting of the Planning (Viewing) Sub Committee to take place on Tuesday 16 February 2016.

