

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 8 November 2004

**Item No:** 02  
**Address:** Bold Forester Forester Road Soberton Southampton Hampshire  
SO32 3QG

**Parish/Ward** Soberton

**Proposal Description:** Erection of 1 no detached three bedroom dwelling for additional accommodation and alterations to adjoining single storey toilet block roof from flat roof to pitched

**Applicants Name** Mr J Ellyatt

**Case No:** 04/02209/FUL

**W No:** W05475/12

**Case Officer:** Mr George Allpress

**Date Valid:** 23 August 2004

**Delegated or Committee:** Committee Decision

**Reason for Committee:** Parish Council submitted representations contrary to officer recommendation

**Site Factors:** Listed Building

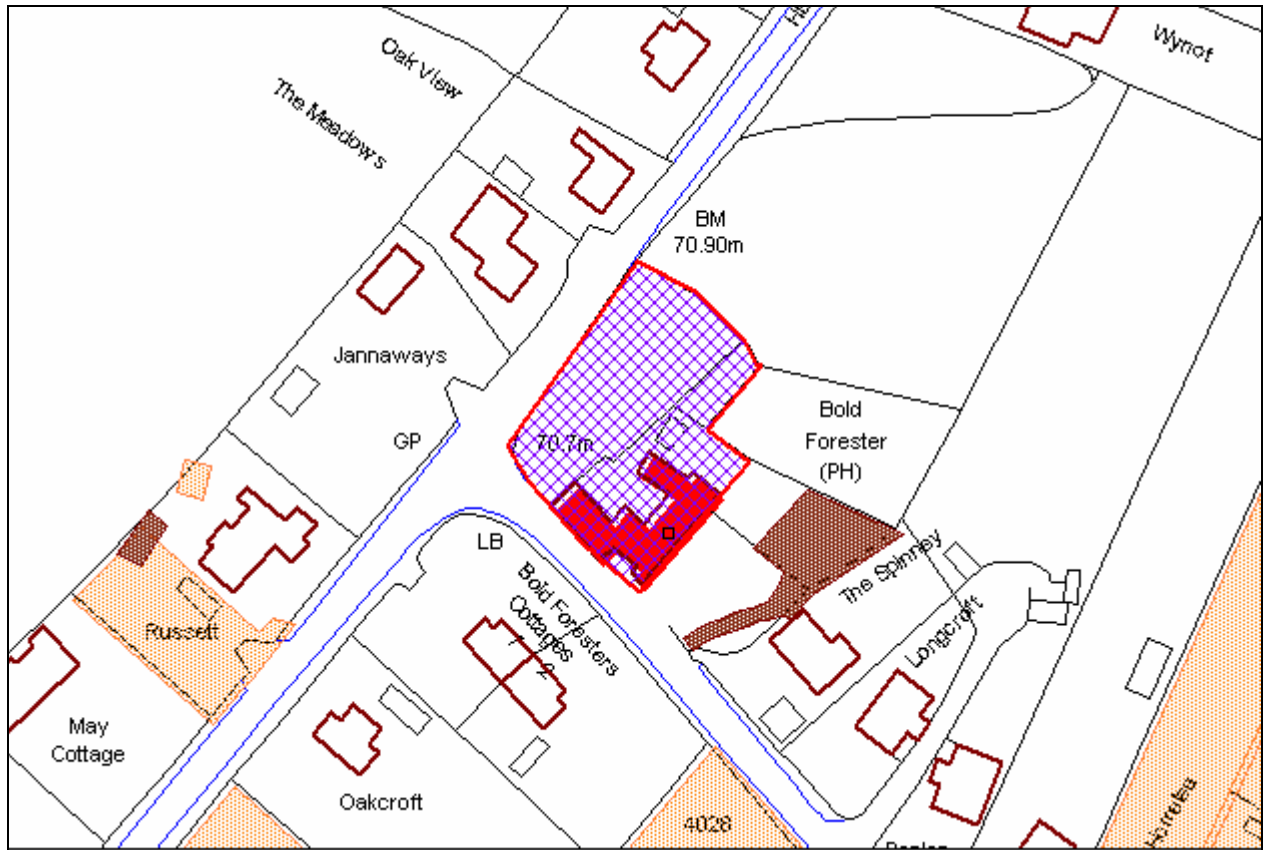
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**SITE LOCATION PLAN**

**Case No:** 04/02209/FUL      **W No:** W05475/12

**Address:** Bold Forester Forester Road Soberton Southampton Hampshire

**Proposal Description:** Erection of 1 no detached three bedroom dwelling for additional accommodation and alterations to adjoining single storey toilet block roof from flat roof to pitched



### Site Description

- The application property occupies a large area of ground which combines in the form of car parking areas, a field and an open landscaped garden.
- The proposed dwelling is to be located in an area to the north of the public house building which is annexed by 2.0 metre high boundary fence and serves and a private garden and storage area.
- Both the public house and this part of its curtilage fall within H2 frontage, the property being at the northern end of the development frontage.
- The Bold Forester Public House is a Grade II listed building of brick and tile construction.

### Relevant Planning History

- W05475/11 – Erection of a four bedroom detached dwelling with 2 no. car parking spaces adjacent to dwelling and accessed from existing pub forecourt. REFUSED 20/06/2004.
- Appeal Decision – for the above application - Appeal Dismissed 16/12/2004.

### Proposal

- The application proposes a new dwelling to be built along side the north west side of the main public house.
- The dwelling would be one and a half storey in height timber clad with half hip barn style roof.
- The applicant states the new building would enable them to free up space within the existing property so as to improve viability as a bed and breakfast operation.

### Consultations

#### Conservation:

- The new building has been the subject of discussion following the refusal of planning permission and dismissal of an appeal for a new house.
- The proposed building takes the form of an outbuilding which is a reasonable approach.
- The simplicity of the design and choice of materials and design will sit comfortably with the listed building.
- If the Council is minded to grant permission then I feel it needs to ensure that improvements are made to boundary treatment and landscaping particularly to the north of the pub.

### Representations:

#### Soberton Parish Council - Objection

- Planning Policy: The proposal shows a new dwelling in C1 Policy area and it is clearly not frontage development (H2). Such a proposal is outside policy as it fails to comply with the conditions in those policies. Therefore it would be an exception of which no justification is provided.
- The location and design directly affect the setting of a listed building causing demonstrable harm.
- The Parish is sympathetic to creating landlord accommodation by suggest the applicant should make best use of the existing building.

Letters of representations have been received from 3 neighbours, 2 objections and 1 letter of support.

- Grounds of objection are:

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- It is a backland development with no access other than through car parks.
- Design and materials are not in keeping with the Grade II listed public house.
- There should be no possibility of the house been sold off separately.
- If permission is granted it should be conditional on the P/H being renovated first.
  
- Ground of Support are:
- The size of the proposed accommodation is such that it would have a minimal impact on the building.
- The timber clad exterior will provide a suitable contrast to the brick built public house.
- The detached nature of the accommodation will ensure the fabric of the listed building does not suffer permanent modification to its structure.
- Detached annexes of very similar style already exist within the vicinity.

**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

- C1, C2, UB3 and T2.

Winchester District Local Plan

- EN.5, EN.7, T.9, E16 and HG23.

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP.3, DP.5, HE.16, H.3 and T.4.

Supplementary Planning Guidance:

- Soberton Village Design Statement
- Winchester District Landscape Assessment

National Planning Policy Guidance/Statements:

- PPG 1 General Policy and Principles
- PPG 3 Housing
- PPG 15 Planning and the Historic Environment
- PPG 21 Tourism

**Planning Considerations**

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area/spatial characteristics/street scene
- Detailed design
- Residential amenities
- Highways
- Public open space provision
- Comments on representations
- Historic heritage/conservation area/listed building

Principle of development

- The previous application for a dwelling was refused planning permission because the development (a) would form an unacceptable backland development that is out of keeping with the character of the locality, (b) detriment to the setting of the listed building, (c) vehicular accesses, visibility and car parking, and failure to make adequate provision for off-site open space provision.

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- In determining the subsequent appeal the Planning Inspector concluded that the small increase in movements resulting from the proposal would not result in any significant reduction in highway safety in this location.
- The required financial contribution for open space funding has been made and remains held by the Council.
- The site is located within an area designated as residential frontage development.
- The site location of the previous scheme was outside of the designated residential frontage and in such a position that the property would have amounted to a backland development, hence the conflict with development Plan policy.
- However, the siting of the current proposal is within the part of the curtilage of the property that lies fully within the designated residential H2 frontage.
- During the course of the appeal hearing the appellant proposed acceptance of an undertaking that the ownership of the dwelling should not be separated from the public house.
- The planning inspector considered the commitment would be necessary, however, he did not accept its provisions as acceptable.
- The current scheme makes no provision for such an undertaking.
- However, the proposal is nevertheless considered acceptable in the absence of such an undertaking because the current scheme would be wholly within the H2 frontage where development is considered acceptable in principle.
- The Council did not pursue a restrictive covenant in the first instance as the development was in any event considered unacceptable and the restrictive covenant would not have resolved this.
- The Council's case was not whether there would be an effect on the setting of the listed building and/or sub-division of its grounds by loss of ownership, loss of control of the land or divorce of any functional relationship the occupiers have with the pub; but that harm would result by the physical and visual impact of creating a separate residential curtilage and the massing and form of a two-storey dwelling erected in such close proximity to the listed building.
- This relationship is now considered to be resolved satisfactorily with the currently proposed scheme.

Impact on character of area and the character of the listed building

- The siting of the proposed additional accommodation is such that the setting of the listed building will not be adversely affected and the existing gap and separation between buildings will be maintained.
- The proposed building takes the form of an outbuilding, which is located in close proximity to the listed building and would form a cluster of buildings.
- The simplicity of design and choice of materials and building height respect and relate to the listed public house.

Residential Amenity

- The internal layout and orientation of the building ensures there would be no material impact to the privacy currently enjoyed by nearby neighbouring properties.
- No overbearing impact or overlooking would result.
- As the nearest residential buildings are 26 metres to the south east, 34 metres to the north west and the cottages to the south west are shielded by the public house.

Comments On Representation

- The site falls within H2 frontage not defined countryside
- The design is not considered to detract from the Listed Building
- A condition is recommended to tie the house to the pub

**Recommendation**

**APPROVE (provided the applicant is prepared to make the appropriate provision for public open space through the open space funding system) – subject to the following condition(s):**

**Conditions/Reasons**

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990.

02 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

02 Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

03 Prior to commencement of the development hereby approved details of the following shall be submitted to and approved in writing by the Local Planning Authority, the development shall then be completed in accordance with those details and thereafter so maintained; sample materials and details of handmade clay plain roof tile; weatherboarding and colour and finish; hand made brick, and details of roof light which shall be of a traditional conservation roof light type.

03 Reason: To maintain the character of the listed building.

04 All new windows shall be constructed of timber casement design with opening lights shutting flush with the external frame, and thereafter so maintained. The colour and finish shall be agreed in writing with the Local Planning Authority.

04 Reason: To maintain the character of the listed building.

05 Details of the siting and design of any external meter boxes/metal ducting/flues to be provided shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The works hereby permitted shall be carried out in accordance with the approved details.

05 Reason: To protect the character and appearance of the listed building.

06 All rainwater goods shall be of cast iron unless otherwise agreed in writing by the Local Planning Authority.

06 Reason: To maintain the character of the listed building.

07 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner.

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If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

07 Reason: To improve the appearance of the site in the interests of visual amenity.

08 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before . Development shall be carried out in accordance with the approved details.

08 Reason: In the interests of the visual amenities of the area.

09 The dwelling hereby approved shall be occupied by the landlord and or staff of the public house and shall not be used as an independent dwelling.

09 So that the Local Planning Authority can retain control over the use of the land in the interest of amenity, parking and highway safety in compliance with District Plan policy.

**Informatives**

01. This permission is granted for the following reasons:-  
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), planning permission should therefore be granted.

02. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: C1, C2, E16, and UB3.

Winchester District Local Plan Proposals: C.1, C.2, EN.5, EN.7, and H.23.

Emerging Development Plan- WDLP Review Deposit and Revised Deposit DP.3, DP.5, HE.16 and T.4.