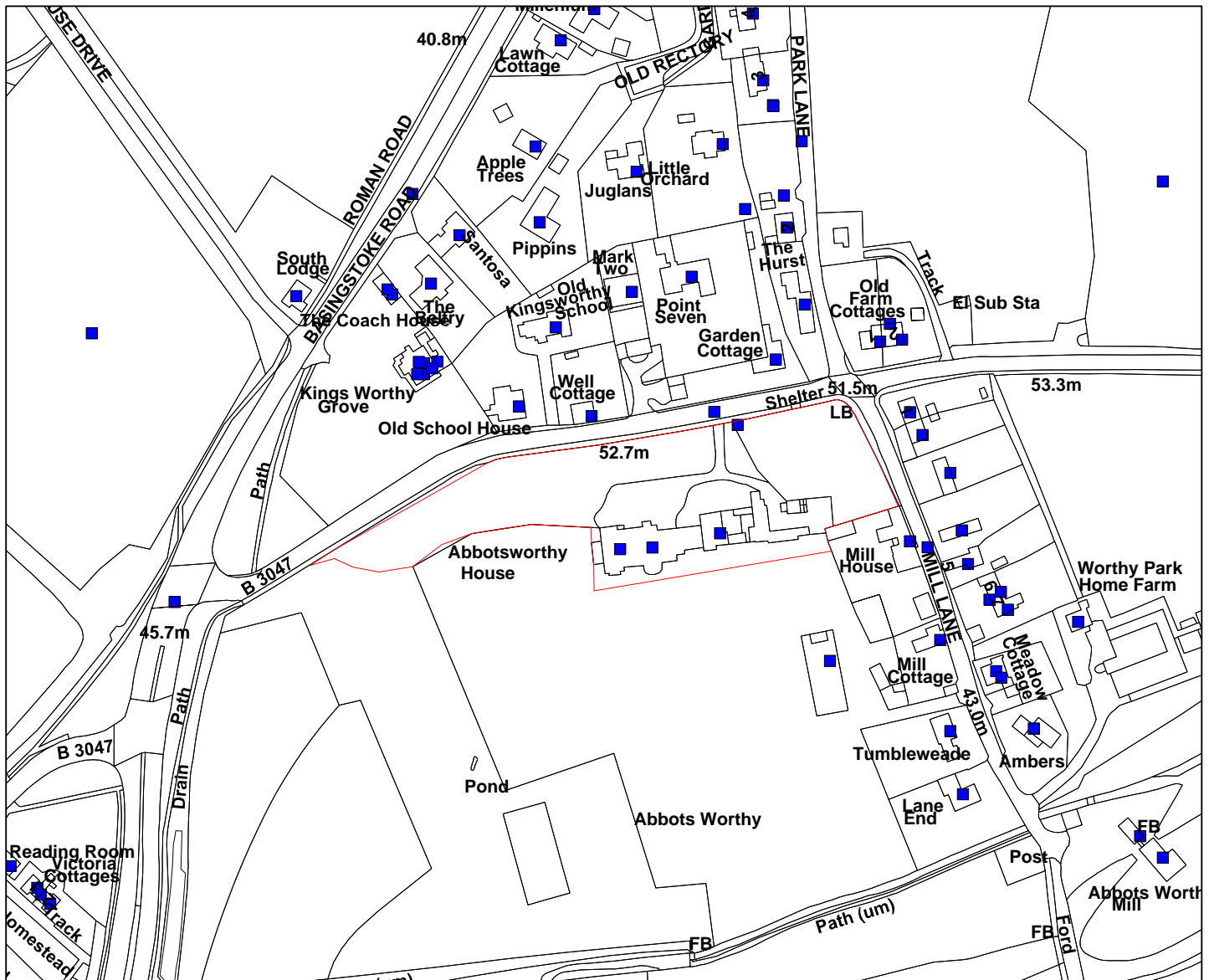


Abbots Worthy House, Abbots Worthy



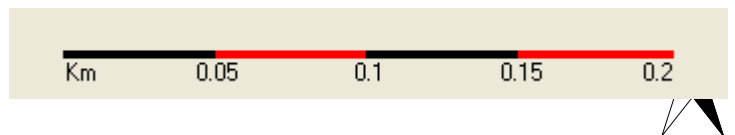
Winchester
City Council

10/00710/FUL



Legend

Scale:



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	03 November 2010
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 6
Case No: 10/00710/FUL / W04525/13
Proposal Description: (REVISED DESCRIPTION) Erection of a new 5 bed dwelling with double garage and associated garden area; proposed new vehicular access to serve the proposed new dwelling from Mill Lane through the listed wall, with oak gates and associated restoration and repairs to the listed walls; erection of solar panels with associated free standing structure adjacent the the listed boundary wall

Demolition of buildings attached to the main house that accommodated the child day care use; cessation of the child day care use; demolition of the coach house and ancillary buildings; formation of new access from B3047 to serve Abbots Worthy House with new driveway and associated removal of trees; closing up of the two existing entrances with solid wooden panels with pedestrian gate.

Address: Abbots Worthy House Abbots Worthy Winchester Hampshire SO21 1DR
Parish, or Ward if within Winchester City: Kings Worthy
Applicants Name: Mr M Gardner
Case Officer: Mr Nick Fisher
Date Valid: 7 May 2010
Site Factors: Abbots Worthy Conservation Area
South Downs National Park
Site of Special Scientific Importance
Within 50m of a Listed Building
Listed Wall

Recommendation: Application Refused

General Comments

This application is reported to Committee because of the number of letters of support received.

This application is reported to Committee at the request of Kingsworthy Parish Council, whose request is appended in full to this report.

This application is also reported to Committee at the request of Councillor Rutter whose request is appended in full to this report.

Site Description

The site is located within the village of Abbots Worthy. The village is without a defined urban settlement boundary and in planning terms can be considered to be in the countryside.

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The original house was constructed in the 19th century. In the 20th century most of the original house was demolished and the current large dwelling was built / refaced in a mock regency style. An original Victorian gothic portion remains, there are part three storey extensions attached to the main house, there are further outbuildings to the east.

The house is located within a Conservation Area and is not listed. The prominent flint and brick walls located upon the front (northern) boundary facing the B3047, and side (east) boundary toward Mill Lane is a listed structure that contributes to the character and appearance of the area. Abbots Worthy House is located in approximately 5 hectares of landscaped grounds.

Proposal

It is proposed to erect one large, two storey dwelling within the site. The proposed dwelling is located within an area previously used as a walled garden. The dwelling is arranged in an L shape and externally reflects a "Regency" style. The building will have a slate roof with rendered walls. It is the applicant's intention that the building is well insulated and exceeds current Building Regulations.

The dwelling will be served by a parking and turning area and driveway. The dwelling will be served by a well proportioned garden. It is proposed that the remaining areas of the walled garden will be restored and new trees planted.

The site is enclosed by a tall prominent listed wall constructed from flint and brick. It is proposed that a structure to hold solar panels is erected in close proximity to the wall but not attached to it.

It is proposed that the new dwelling takes access from Mill Lane to the east of the site, this involves the creation of an entrance / access through the listed wall, a tall solid oak gate will be erected to serve the entrance. All other sections of the wall will remain intact.

It is proposed that some of the freestanding outbuildings are removed; it is also proposed that the building referred to as the coach house is removed and a portion of the main House. It is proposed that the rear wall of the building attached to the main house is retained.

It is proposed that the previous childrens' day care centre / nursery use (a community use) is removed from the site.

It is proposed that the two existing points of vehicular access that serve the main house, through the listed wall are permanently closed up by the use of oak gates. It is proposed that the two access points are replaced by new driveway and access to the B3047, this is located to the east of the main house. The access will be served by a cast iron gate and the existing boundary hedging will be reinforced by a mixed indigenous hedge. The access and driveway will require the removal of several trees with a small wooded area.

Relevant Planning History

78/01165/OLD - Conversion of stable block to form new 2 storey dwelling. Permitted 4th July 1978.

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79/01028/OLD - Erection of 2 dwellings. Refused 1st June 1979.

80/00724/OLD - Erection of two detached dwellings. Refused 23rd December 1980.

95/00494/OLD - Change of use from residential/nursery school to school. Withdrawn 20th February 1995.

95/00495/OLD - (Amended Description) Change of use from residential to mixed use as residential and day care nursery. Permitted 23rd August 1995.

00/00896/LBC - Partial demolition, conversion and extension to form 20 no residential apartments, erection of 8 no cottages and construction of internal access roads and parking areas. Refused 24th May 2004.

00/00897/FUL - Partial demolition, conversion and extension to form 20 no residential apartments and construction of internal access roads and parking areas. REF 24th May 2004. Appeal Decision 04/00107/REF - Partially demolish existing house/demolish outbuildings, convert/extend main house and erect replacement wing to form 20 no: apartments, redevelop kitchen garden to form 8 no: low cost housing units, car parking and landscaping. Dismissed 24th August 2005.

00/00898/FUL - Partial demolition, conversion and extension to form 20 no residential apartments and construction of internal access roads and parking areas. Refused 24th May 2004.

00/00899/FUL - Erection of 8 no cottages and construction of internal access roads and parking areas. Refused 11th January 2001.

00/00900/FUL - Erection of 8 no cottages and construction of internal access roads and parking areas. Refused 12th January 2001.

01/00517/FUL - Partially demolish existing house/demolish outbuildings, convert/extend main house and erect replacement wing to form 20 no: apartments, redevelop kitchen garden to form 8 no: low cost housing units, car parking and landscaping. Refused 24th May 2004. Appeal Decision - 04/00106/REF - Partial demolition, conversion and extension to form 20 no residential apartments and construction of internal access roads and parking areas. Dismissed 24th August 2005

01/00518/LBC - Partial demolition of outbuildings, conversion and extension to form 20 no residential apartments, erection of 8 no cottages and associated car parking and landscaping. Refused 24th May 2004.

Consultations

Historic Environment: Raises no objection to the principle of erection of a dwelling and relationship with the Conservation Area; however the officer objects to elements of the proposal and the enabling development argument put forward by the applicant at an early stage of the determination. Comments copied below

“The proposed new house will stand in the grounds of what used to be the walled garden and service yard including stabling for the main house. The main house is not listed but

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is what would be described as an undesignated heritage asset and is a likely candidate for local listing, should one be compiled in the future.

The proposal cannot be considered as “Enabling Development” as the information provided comes nowhere near that required to consider it under the English Heritage Enabling Development policy. However, there are some merits to be considered with regard to securing the future of the principal house and the maintenance of the listed wall.

PPS5 Policy HE1 – the introduction of freestanding solar panels into the garden space of the house, seems to offer a worthy contribution towards climate change mitigation without harming the heritage assets. The method of fixing needs to be clarified however as it is not clear if the framework is fixed to the listed wall, or is free standing.

PPS5 Policy HE6 – Information requirements – The proposal drawings are at a small scale but are sufficient to give a good flavour of the proposals. There is no justification given for the style of building chosen i.e. why regency as opposed to gothic revival or much more simple styling? The Regency style proposed doesn't appear to be prevalent in the conservation area and the Heritage statement, and Design and Access Statement is lacking in this respect. This is not an issue I feel is critical to the determination of this proposal however.

PPS5 Policy HE7.1 – Conforms

PPS5 Policy HE7.2 – The character of the conservation area (Heritage asset) has been taken into account as the proposed house is located within the site such that it makes little impact on the overall character of the area.

PPS5 Policy HE7.5 – The location of the building within the site, its height and quality of materials all contribute to supporting the conservation area.

PPS5 Policy HE7.7 – Loss of significance = demolition of out buildings. This is dealt with in my comments for the demolition application. Demolition should only be allowed if there is reasonable expectation and assurance that the development will proceed.

PPS5 Policy HE9.4 – There would be some public benefit in allowing this application to proceed since it is likely to result in the principal house being retained in single family ownership, would assist its refurbishment/restoration and would be likely to result in better maintenance of the listed wall and management of the associated land. This would all be to the benefit of the conservation area. However, this has to be weighed against issues relating to the countryside.

PPS5 Policy HE11 – although the applicant, in his supporting evidence, suggests that this could be considered as enabling development, I would confirm that this is not an application for such and there is insufficient detail for it to be considered as such “.

Issues

1. **Affect on character of conservation area** – the new house would be barely visible from the conservation area. It is likely that only glimpses of the roof tops would be achieved over the top of the boundary wall. I would not therefore consider this to be damaging in visual terms to the character of the conservation area.

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2. **Wider benefits** – there is justification for considering the wider benefits to the historic environment for allowing this house. See comments under policy HE9.4 above, but they need to be weighed against possible noise and disturbance to neighbours and the impact of the proposed new access, if this is to proceed. I believe that the benefits to securing the longevity of the main house and its grounds, outweigh the harm caused to the conservation area.

3) **Enabling Development** – The proposed development is not considered to meet the requirements of enabling development to be considered as such. It would not be unreasonable to expect that the price paid for the property should have reflected its conditions and necessary large scale future repairs. Detailed information is required with the types of repairs and finishes to the main house and costs / figures involved. Detailed information regarding the future use and whole management of the site is required. All other options regarding the maintenance and future of the main house should be explored before an enabling development argument can be fully considered and justified. It is also considered that the proposed alterations to the listed wall are not necessary and will harm the heritage values of the place and setting of the area.

For a case to be considered as Enabling Development, one of the pre-requisites is that there is what is known as a conservation deficit. This is when the existing value of the property plus the development cost exceeds the value of the place after development. A development appraisal in such cases produces a negative residual value. In such cases, enabling development (providing it meets with all other criteria) may be justified, but only sufficient to cover the conservation deficit, i.e. to bring the residual value up to zero.

It is doubted that at this stage that there will be a conservation deficit, but if there is, then the case for enabling development would need to establish that the amount of development is the minimal amount required to cover that deficit. If considerable profit is to be made on the new development, then the local planning authority would be justified in refusing the proposal.

3. **Lack of information** – a) justification for new access in location shown. b) details of materials c) large scale details of fenestration c) details of dividing wall e) Insufficient information has been supplied to justify the creation of a new access onto Mill Lane (it has also been established that this access is not necessary) and insufficient information has been provided regarding the stability of the listed wall and the detailed design of the access.

4. **Demolition** - No objection to the demolition of the outbuildings providing that it only took place when the contract for building its replacement had been secured. In the event that planning permissions is refused then there is objection because there is no justification to remove the buildings.

5. **Access** - It appears that the two existing access points that serve the dwelling do not need to be sealed closed for highway safety reasons, they should therefore be kept. If it is essential they are closed, then the use of timber gates as proposed is acceptable.

The new house on the walled garden could easily be served by the existing gateway, as could the existing house. It has proven adequate for the last century or more and I do not see that with the reduced use by one or two families that continuation of the use of the

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gateway could not continue. If it is essential they are closed, then the use of timber gates as proposed is acceptable.

With regard to the proposed creation of a new access through the listed wall this is only supported if :-

- i) the new house is approved
- ii) The Highways Department confirms that use of the existing entrance is not acceptable (this has not been confirmed).

The opening is one bay width wide and should be created within two existing pillars. The strength and stability of this wall should be known before making the decision to allow the entrance. Insufficient information has been supplied regarding specific design details.

Engineers: Drainage: No objection

Engineers: Highways: No objection to the proposal. There is not a requirement for a contribution towards Hampshire County Councils transport improvement fund because the development involves the removal of the children's day care centre, use that would have generated traffic. The continued use of the two existing accesses to the main house dwelling is not opposed, whilst they are narrow they successfully served the children's day care centre use.

Environmental Protection: No objection subject to a condition regarding unexpected contamination

Garden History Society: The society are concerned that walled gardens are often considered as potential development sites, the Society object to this application because they consider that it will harm the walled garden.

Hampshire County Council Ecology: No objection subject to conditions

Landscape: No objection to the proposal. The proposed planting will help to soften the scheme when viewed from neighbouring properties, it is considered that the design of the dwelling is traditional in appearance and style and the building will have a minimal impact upon the Conservation Area.

The proposed access to the main building will involve the felling of some mature trees however the route has been selected to minimise tree loss and trees could be planted elsewhere within the site to mitigate for their loss.

The site is situated within the Abbots Worthy House Historic Park and Garden where the surviving features of the garden most likely date back to 1870 and 1810. These features contribute towards the character of the Conservation Area and the Garden History Society should be consulted.

Landscape Trees: No objection. The loss of trees will take place within the semi mature / mature woodland to the west of the dwelling where it is proposed to create a new access and driveway to serve the dwelling. The location of the driveway predominantly affects poorer grade trees, to maintain the more significant trees. The works to adjacent trees involves minor crown lifting.

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Environment Agency: No objection.

Natural England: The adjacent River Itchen SSSI is unlikely to be significantly affected by the development. Bio-diversity enhancement features should be considered if consent is granted.

South Downs National Park: The park authority is not convinced that there is sufficient justification to allow an additional dwelling. There is no objection in terms of the impact arising from the dwelling upon the landscape; however there is concern that the new opening onto Mill Lane will harm the listed wall. The society support the conclusions reached by Winchester City Councils Tree Officer regarding the removal of trees to create a new access for the main house and Conservation Officer regarding the sealing of the two existing access points with solid wooden gates.

Southern Water: No objection subject to conditions;

Representations:

The Upper Itchen Valley Society : The Society support this application for the following reasons:

1. The visual impact of the proposed dwelling on the Conservation Area would be minimal. Care has been taken in the design of the building to ensure that the roof height is kept low.
2. The listed wall is an important feature of the Conservation Area and has been "at risk". In the Society's view it is very much more likely that the wall will be maintained to a satisfactory standard if this development is permitted.
3. The closure of the two entrances on the B3047 and the proposed new entrances in Mill Lane and nearer to the junction with the A 33 would be a significant improvement in road safety terms.

If you are minded to consent, we would like to see a condition imposed requiring:

- a) the new entrance to Abbots Worthy House to be completed before work starts on the new house
- b) all construction traffic to use this entrance
- c) the new house to be completed before the access from Mill Lane is created.

Kings Worthy Parish Council

The was no objection to the new build, however concerns were expressed regarding the entrance on Mill Lane and the alteration of entrances on the B3047, together with the new driveway and the trees to be removed.

Many of the residents of Abbots Worthy attended the meeting and the majority actively supported the proposals. Councillors were mindful of this local view.

Councillors are clearly aware that the final decision lies with the case officer and the Development Control Committee.

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18 letters received objecting to the application for the following reasons:

- The new access onto Mill Lane will harm traffic safety;
- The junction from Mill Lane onto the B3047 is dangerous with limited visibility and the increased use of the access should not be allowed.
- The new dwelling will be prominent from dwellings to the east on Mill Lane;
- The new dwelling will harm neighbour amenity due to window to window overlooking;
- The new dwelling will set an unwanted precedent for further residential development in Abbots Worthy;
- The existing accesses that serve the dwelling are able to serve the existing and proposed houses;
- The proposal is contrary to countryside development proposals;
- The development will harm / damage the site's listed boundary walls facing Mill Lane. These walls are a unique feature that informs the character of the area and the lane is used by walkers etc using nearby footpaths;
- The development will harm the character and appearance of the area, particularly Mill Lane;
- The house was recently purchased and its price reflected its condition. It is questioned if the building of a new house is required to fund repairs to the main building, and this would seem to be of little benefit to the local community;
- The criteria and financial arrangements to allow an enabling development have not been met;
- The protection of the setting of the building as a large single dwelling within a walled garden should be protected;
- The design and appearance of the new dwelling is not appropriate in relation to nearby dwellings and it will appear to be intrusive;
- Garden Infill development should not be allowed in this location;
- The design of the proposed gates is not appropriate for the area;
- The sealing of the two existing entrances will not enhance or preserve the character of the area;
- The proposal involves the loss of substantial trees, the loss will harm the appearance and character of the area. The removal of trees will increase traffic noise within the area;
- The new access to serve the main dwelling will represent a danger to both motorists and pedestrians;
- The new built form, removal of existing buildings and loss of trees will give rise to increased noise levels in the area;
- The loss of trees will give rise to greater levels of pollution within the area;
- An additional dwelling will result in increased traffic movements within the area;
- The proposal may harm local ecology;

9 letters of support received.

- The main dwelling is not a viable proposition as a family home and some form of development is required to ensure that the house is retained;
- The noise from the nearby main roads harms the future viability of the site;
- The property should remain in private residential use and a residential development is preferable to other institutional / commercial uses. Other owners / potential purchasers have considered institutional and commercial uses at the site

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and these have not taken place;

- The continued use of the site as a family home is welcomed;
- The proposed house will not harm the character or appearance of the area;
- The proposed house is well designed and of an attractive appearance, the house is sympathetic to the area;
- The proposed house will not harm the character of the setting of the main house;
- The proposed development will ensure that parts of the wall garden area are retained;
- The removal of the children's day care centre will reduce traffic movements previously generated from the site and will improve highway safety;
- The removal of the children day care centre use will reduce noise levels in the area;
- The proposed development will not harm ecology / bio diversity within the area;
- The two existing accesses that serve the dwelling are very narrow and do not allow lorries, refuse vehicles and large emergency vehicles to access the site;
- The grounds (including the walled garden) serving the dwelling are in a poor condition and an institutional use would not enable their repair;
- The house can be considered to be enabling development that will secure the long term future of the house. The proposed development will prevent more intensive form of developments;
- Abbots Worthy House was for sale for a long time and was prone to vandalism, it is good that the new owner wishes to improve the property and this should stop the vandalism / stealing;
- The property is in a very poor condition that is harmful to the character of the area, the proposed development will prevent further deterioration;
- The part of the main house to be demolished is in a very poor condition;

Councillor Rutter :- “ I would like to object to the various planning applications re. Abbots Worthy House on the following grounds:

- The current entrances are not easy, **but are not condemned**, so there is no need to replace them. **All building work to date has passed through** these gates. The proposed entrance through the listed wall in Mill Lane would increase the traffic at a particularly dangerous junction. The sight lines out of the current entrances are far better than the sight lines trying to exit Mill Lane onto the B3047 and would be a safer entry and exit to the property.
- The wrought gates offer **glimpses through to green views, a unique asset in the village**, and stop the wall in total reflecting through traffic sound. The residents in the properties opposite Abbots Worthy House - and there are several - will have their amenity severely damaged by both the increase in sound and pollution, and the closing up of these green views.
- The proposed wooden gates present a sterile, intimidating image and bounce sound back along the road- a popular walking route, for local people walking children in pushchairs, dog walkers and others.
- Traffic exiting from the proposed entrance so near to the junction of the A33 is difficult to predict and will be hazardous, particularly as vehicles often 'u' turn there.

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- The destruction of trees to create a new road is unnecessary. Council has a duty to preserve biodiversity of area in *all* applications, and the trees at this location are a particular feature of the area, which has retained its rural character, which will be irreparably damaged by their removal.
- Propose that the condition should be to **build building before the demolition of sections of the wall**, but that renders the new entrances unnecessary
- Creation of a **new entrance in Mill Lane is unnecessary**- there already one there, lower down Mill Lane

Hampshire County Councillor Portor . Cllr Portor objects to the proposal and has given the following reasons for doing so:-

Entrances

- The entrances are not condemned, so there is no need to replace them. All building work recently carried out to date has passed through these gates, and a commercial enterprise operated from the site in the past.
- The wrought gates offer glimpses through to green views, a unique asset in the village, and stop the wall in total reflecting through traffic sound.
- The proposed wooden gates and blocked up entrances would present a sterile image and bounce sound back along the B3047 road which is a popular walking route

The new road on the B3047 close to the A33 junction

- Traffic exiting from the proposed entrance so near to the junction of the A33 is difficult to predict and will be hazardous, particularly as vehicles often u turn there. I would like the PD committee to see the siting of the entrance on a full OS map including the A33 junction so they can see the proximity of the junction to the new entrance.
- The destruction of trees to create a new road is unnecessary. Winchester City Council has a duty to preserve biodiversity of the area in all applications
- The extra road could travel out to A33-there is arguably less traffic per day on the A33 at that section than on B3047 (from recent traffic surveys).
- Propose that the condition should be to carry out other permissions before the demolition of sections of the wall, but that renders the new entrances unnecessary

Other matters

- Extinguishment of Community use means that the site might never be financially viable, but leaving class use as 'for community use' with a new road already created/granted permission leaves planners in a predicament, particularly in a Conservation area within the National Park.
- Creation of a new entrance in Mill Lane is unnecessary- there already one there, lower down Mill Lane, which does not require demolition of the listed wall

Relevant Planning Policy:

Winchester District Local Plan Review: DP1, DP3, DP4, DP9, CE5, CE6, CE8, CE10, CE23 H3, H4, HE1, HE4, HE5, HE6, HE7, HE11, HE15, HE16, SF6, SF7, RT4, T1, T2, T3, T4.

National Planning Policy Guidance/Statements:

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- PPS 1 Delivering Sustainable Development
- PPS 5 Planning Policy Statement 5: Planning for the Historic environment
- PPS 7 Sustainable Development in Rural Areas
- PPS 9 Biodiversity and Geological Conservation

Supplementary Planning Guidance

Abbots Worthy Conservation Area Technical Appraisal
Kings Worthy and Abbots Worthy Village Design Statement
South Downs National Park Planning Guidelines.

Other Planning guidance

Hampshire Register of Historic Parks and Gardens

Planning Considerations

Principle of development

It is considered that the proposal fails to comply with adopted planning policy. The Council has refused previous applications at the site for more intensive residential development at the site and an Inspector subsequently dismissed the applications at appeal

Policy H4 – Limited residential infill policy.

The site is located within the countryside where there is national and local plan policy presumption against new dwellings. It is considered that the proposed development does not accord with the requirements of policy H4 – limited infill residential development. The policy as set out in the WDLPR 2006 has three criteria that must be met. The first criterion requires that sites are well related to Kings Worthy and it is possible to walk to nearby services, it is therefore considered that the proposal meets this requirement.

The second criterion states that the scale and form of the proposal would not harm the rural character and appearance of the area. It is considered that the application fails this criterion. This is because the works to create an access through the listed wall are not necessary and would harm the appearance of the wall to the detriment of the appearance and character of the area. The third criterion requires that the proposal meets the Councils objectives for a sustainable pattern of development. It is considered that the erection of one dwelling at the site meets the policies location based requirements. Policy H4 is supported by a supplementary planning document – “Implementation of Local Plan Infilling Policy H4”. The document contains 7 criteria all of which must be met for the development to be considered to be acceptable. It is considered that the proposal fails to meet criterion two and seven, and is therefore not acceptable.

The first criteria relates to the location of the building in relation to local services. It is considered that the proposal meets the requirement of the policy. This is because the site is within walking distance of Kings Worthy and it is possible to access a range of services. It should also be noted that other applications for residential infill development in Abbots Worthy also have met the requirements of criteria one.

The second criterion requires that the site form a limited gap between permanent established buildings. It is considered that the site does not form a limited gap. This is

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because historically the piece of land subject to this application has been used as a walled garden in connection with the main house, The site is enclosed by a prominent listed wall that occupies the road frontage and forms the front and side boundary and it is considered that the piece of land does not form a limited gap between buildings. The dwellings upon Mill Lane face in a westerly direction towards the listed boundary wall whilst Abbots Worthy House faces a northerly direction. The policy also mentions that the implementation of policy H4 does not override policy SF7 that protects facilities and services from re-development with good reason and evidence to prove that this is case.

It is considered that safe vehicular access can be achieved to the site therefore criterion three can be complied with. However it should be noted that the proposed new access to the dwelling through the listed wall is considered to harm the listed wall and is therefore not supported. With regard to criterion four the site lies within a settlement identified by the Council where the infill policy will be implemented.

The proposal is not considered to conflict with criterion five because the site is not located with a local or strategic gap. With regard to criterion six it is considered that proposed development will not result in the loss of natural features of particular importance to the settlement nor will it significantly alter the existing natural features. Important views or open areas will not be significantly harmed by the proposal.

Criterion seven requires that development proposals respect and respond positively to the character of the locality. Whilst there is no objection to the appearance of the dwelling and impact upon and relationship with the Conservation Area, it is considered that the proposed access onto Mill Lane through the listed wall is not necessary and harmful to the appearance of the listed wall and character of the Conservation Area.

Enabling Development Argument

As part of the submission the applicant has put forward a case to argue that the erection of a new dwelling at the site is “enabling development”. In essence the applicant means that the revenue raised from the new dwelling will go towards paying for the repairs to Abbots Worthy House. The Conservation Officer has reviewed this argument and considers that the proposal can not be considered to be enabling development. The proposal does not meet the requirements outlined by English Heritage.

A strong case has not been made to show that there is clear public benefit to allowing the development of a new dwelling. It is not the case that without the proposed dwellings that Abbots Worthy House will definitely be lost or fall into further disrepair. It has not been demonstrated that the financial cross subsidy secured from the new house is the only way that the main house can be secured.

For a case to be considered as Enabling Development, one of the pre-requisites is that there is what is known as a conservation deficit. It is doubted that at this stage there will be a conservation deficit, but if there is, then the case for enabling development would need to establish that the amount of development is the minimal amount required to cover that deficit.

It is also considered that the price paid for Abbots Worthy House should have reflected the condition of the property. It is also considered that the proposed removal of the nursery/community facility removes a potential income supply.

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Replacement dwelling

As part of the submission a case has been made that states the coach house is an independent dwelling and that policy CE23 allows for the replacement of this building with a new dwelling. On the basis of the recorded planning history held by the Council, it has been found that the Coach House does not benefit from a planning permission to be used as a separate dwelling. Recent information supplied with earlier applications shows that the Coach house has been used for commercial purposes in connection with the previous children's day care use at the site.

Loss of a site used for a community use.

Policy SF7 from the WDLPR states that the Council will not support the loss of sites or premises currently or last used for the provision of facilities or services both in the countryside and in urban areas. The loss of a community facility or service can be permitted in exceptional circumstances where the Council consider that it is no longer practical or desirable for the existing use or another community use to operate from the site. The policy requires that the applicant demonstrates the site or premises concerned are no longer viable or suitable for community / service use. The Council requires the submission of accounts and details of attempts to sell or let the business / property for a community use / service. This process involves investigating the potential for other community / service uses to use the site.

The applicant has not demonstrated that attempts to re-use the community / service use have taken place and also that a children's day care centre use / nursery is not viable from the site. It is therefore considered that the proposal is contrary to policy SF7. The loss of the use was considered in detail by the Inspector during the previous appeal in 2005. The Inspector could see no justification for residential development of the site because no technical analysis or evidence was provided to show that the site had been actively marketed for a community use or service. At that time the Inspector could see no reason why the children day care centre / nursery use could not continue.

The buildings that previously provided the day care centre use are in a very poor state of repair, and it appears that this serious deterioration would have taken place since the appeal decision. However it may be possible to repair and re-build the buildings (it has not been demonstrated that it is not possible nor unviable to use other buildings within the property for a community use or service use).

Use of the walled garden area for development

The proposal will require the partial loss and redevelopment of the walled garden area, the garden is listed on the Hampshire Register of Historic Parks and Gardens. Policy HE3 from the WDLPR states that proposals that adversely affect the character or appearance of a park or garden will not be permitted. Only proposals that avoid the loss of key features and retain the essential character of the site will be allowed.

The garden area is in an un-kept state and in a poor condition and not open to the general public. It is considered that the erection of a built form on the southern section of the site

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and retention of the northern section of the walled garden to be used by the occupants of the new building is acceptable.

Insufficient information

The Conservation Officer has commented that there are certain elements of the proposal which contain insufficient information. There is concern that inadequate information has been supplied regarding the detailed design of the breach of the Listed Wall and structural information regarding the condition and strength of the wall and proposed rebuilding. This information is important because the strength and stability of the wall should be known before a decision is made regarding approving the application.

Contributions

With regard to the requirement to make a contribution towards public open space the applicant has confirmed that he is willing to make a contribution.

A contribution towards Hampshire County Council's Transport Infrastructure scheme is not required because the children's day care / nursery that it is proposed to remove generates a larger number of traffic movements than a single dwelling.

Design/layout

Whilst there is a policy objection to the principle of erecting a dwelling at the site there is no objection to the proposed design and layout of the building. The height, scale and use of materials are also considered to be acceptable. Whilst there is little justification for the Regency style of the building it is considered to be an attractive building that supports the Conservation Area. The Conservation Officer does not object to the general appearance or scale of the building. The proposed building in association with the removal of the buildings attached to the main house will afford plenty of space around the built form and will not harm the setting of Abbots Worthy House.

There is clearly space around the building to allow vehicles to easily park and turn. The proposed garden is also commensurate to the size of the proposed building.

The proposed layout of the new driveway through the woodland area to the west of Abbots Worthy House is also considered to be acceptable. The Tree Officer considers that the loss of trees is acceptable and it is considered that the proposal will not fundamentally alter the appearance of the bank of trees when viewed from the B3047.

Impact on character of area and neighbouring property

The proposed building is not considered to have a detrimental impact upon the appearance or character of the area. The design and appearance of the building is considered to be of a high quality and appropriate with the Conservation Area.

The existing brick and flint listed wall that encloses the site and will ensure that the building is not excessively prominent when viewed from the public realm, it is likely that only the upper section of the building and roof will be seen from the public realm

Whilst the creation of an access / entrance through the listed wall may be acceptable

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after further structural information has been provided it is the case that the Conservation Officer only supports the proposal on the basis that there is a clear justification for the access. It is considered that the two existing accesses serving Abbots Worthy House could be used to serve both the existing and new house and there is insufficient justification to allow the breach of the Listed Wall. The Conservation Officer has commented that if the proposed house is not approved and the access is not critical to the scheme, then the breaking through of the listed wall should be strongly resisted. This is because the wall makes a positive contribution to the character of the Conservation Area and there is no justification for the alteration to a significant heritage asset

The oak gates that it is proposed to use to seal the two existing accesses serving Abbots Worthy House are considered to relate well to the appearance of the Listed walls and appearance and character of the conservation area. The design and appearance of both the iron gate to serve the new access onto the B3047 and new oak gate to serve the proposed access onto Mill Lane are both acceptable.

With regard to the impact upon neighbouring property it is considered that due to the proposed location of the building within the site that it will not give rise to direct overlooking of gardens or unacceptable levels of window to window overlooking.

The demolition of various outbuildings and extensions at the site to create space for the building and separation space between the main house and proposed dwelling is considered to be acceptable because they are of no particular architectural merit. Whilst the Conservation Officer has mentioned that the demolition of the buildings proposed may be acceptable as part of an overall development proposal, it is not appropriate to demolish the buildings without securing the commencement of the replacement building work. This is because there would be no justification for the loss of buildings that are historic assets and there would be no public benefit.

Landscape/Trees

Due to the tall listed walls that surround the site it is considered that the proposed dwelling will not appear to be excessively prominent within the street-scene or conservation area and the Landscape Officer has not objected on the grounds of the impact upon the landscape.

The proposed driveway to serve the new access to the west of the main dwelling will require the loss of approximately 24 trees and bushes the majority of which are poor grade and seven of which are dead. Some minor pruning and crown lifting of other trees within the vicinity will be required. It is considered that there is scope to plant new trees within the site to mitigate for the proposed loss of trees. It is considered that the trees that it is proposed to remove will not fundamentally change the appearance of the bank of trees around the proposed access and driveway when viewed from the B3047 and nearby properties.

Highways/Parking

The Highway Officer has examined the scheme and has raised no objection. The proposed access onto the Mill Lane is considered to be acceptable and not to represent a danger to vehicles or pedestrians. It is considered that the junction between the B3047 and Mill Lane is capable of serving additional traffic movements.

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The proposed new access onto the B3047 closer to the junction with the A33 is also considered to be acceptable and to not represent a danger to vehicles or pedestrians.

The applicant has put forward a case that mentions that the two existing access points serving Abbots Worthy House are dangerous and not practical and should therefore be sealed shut with oak gates / panels. Access for the proposed dwelling should therefore be taken from Mill Lane. The Highway Officer has confirmed that whilst both the access points are narrow he has no objection to their continued use. It should also be borne in mind that until recently they served a children's day care centre / nursery. The Appeal Inspector who determined the appeals at the site considered that the access points had adequate visibility to allow vehicles to safely leave the site.

It is important to establish that the two existing access points are adequate for continued use because the Conservation Officer has stated that it is only acceptable to allow the new access onto Mill Lane if the erection of the proposed dwelling is in the public interest and if the existing accesses are not considered to be safe enough to serve the new dwelling.

There are no objections to the proposed parking and turning layout to serve the proposed dwelling.

Ecology

Hampshire County Councils Ecologist has examined the proposals and considers that they are acceptable. Should permission be granted the ecologist has proposed various conditions.

Other matters

There are no objections to the proposal on the grounds of drainage. There are no specific concerns regarding contamination at the site.

Recommendation

Application **Refused** for the following reasons :

1 The proposed development is contrary to policies H3, H4 and CE23 of the Winchester District Local Plan Review 2006 for the following reason:-

The site is located within a countryside location and the site is not considered to meet the requirements of the infilling policy. As such there is no justification to allow further residential development.

2 The proposed development is contrary to policy SF7 of the Winchester District Local Plan Review 2006 for the following reason:-

The proposal will result in the loss of a community uses / service from the site without justification.

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3 The proposal is contrary to policies HE4, HE6, HE7, HE9, HE14, HE15, HE16, of the Winchester District Local Plan Review 2006 and policies contained in Planning Policy Statement 5 for the following reasons:-

The proposed creation of an access / entrance through the listed wall adjacent to Mill Lane will harm the wall which is a heritage asset that contributes towards the character and appearance of the Conservation Area. There is no good reason or wider public interest to justify the wall being breached.

The outbuildings and extensions that it is proposed to demolish are heritage assets. There is no justification in terms of public benefit to allow the demolition of these buildings

4 The proposed development is contrary to policies DP1, HE6 of the Winchester District Local Plan Review 2006 for the following reasons:-

Insufficient structural information has been supplied to demonstrate that the demolition of a section of wall is able to take place without damaging other sections of the wall. Insufficient information has been supplied Insufficient information has been provided regarding the required re-building work and finished appearance of the wall.

Informatives

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

Winchester District Local Plan Review 2006: DP1, DP3, DP4, DP9, CE5, CE6, CE8, CE10, CE23, H3, H4, ,HE5, HE6, HE7,HE9, HE14, HE15, HE16, SF6, SF7, RT4, T1, T2, T3, T4.