

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 21/03015/LIS  
**Proposal Description:** Replacement windows to a listed dwelling  
**Address:** 3 Weeke Manor House, Loyd-Lindsay Square, Winchester, SO22 5NB  
**Parish, or Ward if within Winchester City:** St Barnabas  
**Applicants Name:** Mrs Michaela Tod  
**Case Officer:** Nicola Clayton  
**Date Valid:** 22 November 2021  
**Recommendation:** Application Permitted  
**Pre Application Advice** Yes

**Link to Planning Documents**

<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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**Reasons for Recommendation**

The retention of the windows are considered to have a neutral impact on the setting and historic interest of the site; thus preserving the setting of surrounding listed buildings and having less than substantial harm on the special interest of the historic buildings taking into account and in accordance with general duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal is therefore in accordance with the Local Plan Part 1 Policies DS1, CP13 and CP20; and the Local Plan Part 2 Policies DM1, DM27 and DM29, and the High Quality Places Supplementary Planning Document (2015)

**General Comments**

The application is reported to Committee because the applicant is an elected member of Winchester City Council.

**Amendments to Plans**

None.

**Site Description**

The house was Grade II listed in 1974 and dates from the C18. It has been added to and altered since then, and the wing subject to this application appears to date from the later end of the C19 and was on historic maps by 1869. The former billiard room jutting out to the south, and built of stretcher bond brickwork with carved stone detailing, first appeared on historic maps in 1910. The windows in this part of the house appear to date from the late C19 or early C20. Throughout the house there is a range of windows of different ages, design and detailing.

The house was converted to multiple residential use in 2003. The significance of the listed building lies both in its original form, but also in how it has developed historically as a large stately home, and this has added to its special interest and significance.

**Relevant Planning History**

18/01832/LIS Replace existing roof lantern – Permitted 20.09.2018

18/00603/LIS Removal of existing single storey extension. Replacement single storey extension. Replacement roof lantern. Internal renovations. – Permitted 24.05.2018

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**Consultations:**

Service Lead - Built Environment: Historic Environment: - No objection for the retention of the works.

**Representations:**

**The Winchester Trust** - no comment

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework

- Paragraph 47
- Section 66 - Planning (Listed Buildings and Conservation Areas)
- Section 72 - Planning (Listed Buildings and Conservation Areas)

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

- CP13 - High Quality Design
- CP20 - Heritage and Landscape Character

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

- DM1 - Location of New Development
- DM15 - Local Distinctiveness
- DM16 - Site Design Criteria
- DM17 - Site Development Principles
- DM27 - Development in Conservation Areas
- DM29 - Heritage Assets

Supplementary Planning Document

- National Design Guide 2019
- High Quality Places 2015

Other relevant documents

- Climate Emergency Declaration Carbon Neutrality Action Plan 2020 – 2030
- Statement of Community Involvement 2018 and 2020

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**Planning Considerations**

**Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is located within the settlement boundary of Winchester where the principle of development is acceptable, provided it is in accordance with the policies of the development plans and does not cause harm to the listed building or its setting.

**Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

**Historic Environment**

The development involves a Grade II listed building which has been subdivided into a number of separate residential units. The following legislation and policies are taken into account in the assessment and determination of this planning and listed building application.

The property is not within a Conservation Area.

*Relevant Legislation*

The preservation of the special architectural/historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policy DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

*Guidance*

The consideration and assessment of due regard is required in relation to the relevant legislation and guidance as outlined within the Historic Environment consultation response

As such due regard has been given to Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990) which confirms that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Listed Building/Structure. Case law has established that where an authority finds that a development proposal would harm the setting of a listed building, it must give that harm “considerable importance and weight”.

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The historic environment section of the Planning Practice Guidance further outlines the role of the Local Planning Authority in considering the effects of new development that are in the vicinity of or affect the setting of listing buildings and heritage assets. Paragraph 199 of the NPPF advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Policy CP20 of WDLPP1 and Policy DM29 of WDLPP2 ensure that development preserves and enhances heritage assets and their settings.

*Impact on Listed Building and Setting*

A site visit has confirmed that the works subject to this application has already been carried out, and the new double glazed timber windows are in situ.

The windows to be replaced as part of this proposal all date from when the building was re-developed under 03/02805/FUL according to the Heritage Statement. Photos of the windows and French doors which have been removed have been provided as part of the application. The windows in situ are used as reference as to what is proposed.

As the windows date from 2003, there is no loss of historic fabric, and therefore the principle of replacement is acceptable. This differs from the neighbouring casement windows which still appear to date from the late C19 / early C20, and do contribute positively to the listed building.

However, the 2003 windows did match the late C19/early C20 windows in detailing, and this detailing is important to retain.

The casement frames are slightly thicker and the reeded detail around the casements and sash outer frames have been lost also. The reeded detailing is present on all the historic windows dating from a century in age or older. However, as these windows date from 2003 according to the Heritage Statement, a minor level of loss of detailing from these particular windows on a small section of building, would not harm significance of the building enough to warrant a refusal.

In respect of the principle of introducing double glazing into the historic parts of a listed building, Historic England guidance in 'Traditional windows, their care, repair and upgrading' notes that this can result in harm to the character and special interest of a listed building.

Slim double glazing units can be installed within listed buildings where they are replacing replacement windows of a non-historic design which have previously harmed the significance of the listed building, and the new replacement windows are of a more sympathetic design leading to net impact on significance being neutral or positive.

It is recognised that the double glazing installed is as sensitive as it can be from appearances, and the level of harm when considering these replaced 2003 windows is

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very low, especially when considering the amount of windows affected in the building as a whole.

Double glazing the French doors carries no harm, as this is a modern opening with modern designed doors which did not contribute to the significance of the listed building, and therefore the principle and design of double glazing the French doors is acceptable.

As the windows would appear to provide a very minor benefit in terms of energy efficiency, and the installation of the double glazing in principle produces minor harm to the significance of the listed building overall, there is a minor level, almost negligible level of less than substantial harm remaining. However, given this proposal only affects a few windows installed in 2003, and given the design of the new windows, adverse harm is not identified.

It is considered that the proposal will result in a degree of less than substantial harm to the significance of the setting and historic interest of the listed building, Section 16 para 199 of the NPPF (2021), S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CP20 of WDLPP1 and DM29 of WDLPP2 and the historic environment section of the Planning Practice Guidance.

## **Equality**

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

## **Planning Balance and Conclusion**

Based upon the above assessment it is considered that the proposed alterations would have a neutral impact on the setting and historic interest of the site; thus preserving the setting of surrounding listed buildings and having less than substantial harm on the special interest of the historic buildings taking into account and in accordance with general duty in Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal is therefore in accordance with the Local Plan Part 1 Policies DS1, CP13 and CP20; and the Local Plan Part 2 Policies DM1, DM27 and DM29, and the High Quality Places Supplementary Planning Document (2015)

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**Recommendation**

APPROVE subject to the following conditions:

**Condition**

01 The development hereby approved shall be constructed in accordance with the following plans : 1715

Reason: In the interests of proper planning and for the avoidance of doubt and to ensure the development is carried out in accordance with the relevant policies of The Development Plan.

**Informative:**

1. In accordance with the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC: - offer a pre-application advice service and, - update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions. In this instance a site meeting was carried out with the applicant.
  2. The Local Planning Authority has taken account of the following development plan policies and proposals:- Local Plan Part 1 - Joint Core Strategy: DS1, MTRA3 Local Plan Part 2 - Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM27, DM29
  3. This permission is granted for the following reasons: The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.
  4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.
  5. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.
  6. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or
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private roads. Any damage to these areas should be remediated as soon as is practically possible. For further advice, please refer to the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-consideratepractice>

7. Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: [buildingcontrol@winchester.gov.uk](mailto:buildingcontrol@winchester.gov.uk))