

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/00155/HOU
Proposal Description: The proposal is to remove the existing trellis-fence atop the wall along west side of the garden. The replacement fence is the same height, size and materials of the existing (1.8m including wall), continuing along the south side wall. (Amended Description)
Address: 1 Earlsdown, Northbrook Avenue, Winchester, SO23 0JW
Parish, or Ward if within Winchester City: St Michael
Applicants Name: Ms Polly Lane
Case Officer: Cameron Finch
Date Valid: 14 March 2022
Recommendation: Permit
Pre Application Advice: None

Link to Planning Documents

[Link to page – enter in reference number 22/00155/HOU](#)

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



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Reasons for Recommendation

The development is recommended for **permission** as it is considered that the proposal preserves the setting and character of the conservation area and does not harm neighbouring amenity in accordance with policies DM15, DM16, DM17, DM27 and DM29 of LPP2. Material planning reasons do not indicate an alternative approach should be taken.

General Comments

The application is reported to Committee because of the number of objections received contrary to the Officer's recommendation.

A proposal to replace the existing trellis was previously proposed within 20/01581/HOU as part of a wider scheme of alteration to the property and was withdrawn from the application prior to determination. The proposed replacement is broadly similar to that proposed previously, however the gaps between each of the slats on the current application are confirmed to be larger and the horizontal slats are slimmer.

Amendments to Plans Negotiated

None required.

Site Description

Earlsdown is a large 3 storey brick built Victorian dwellinghouse which sits in a prominent position on the corner of Northbrook Avenue and Stratton Road. The property has been previously divided into five dwellinghouses (81/01093/OLD); No. 1 is the largest of the five dwellings and forms the western wing of the house. The dwelling overlooks the recreational ground to the west of the property with views to the City of Winchester beyond. The area is characterised by tree lined avenues with boundaries formed of low level brick/flint walls and hedges and a limited number of timber fences, dwellinghouses are generally set back away from the highway with varying degrees of landscaping to the front.

Earlsdown is a large Victorian villa which is characteristic of this area of Winchester. The dwelling has been identified as a non-designated heritage asset. The site is boarded by a brick and flint wall along its northern, western and southern boundaries. A wooden cross trellis has been installed above the brick and flint wall along the western boundary, however this has fallen into disrepair and requires replacement. A row of mature protected trees are sited along the side of Stratton Road adjacent to the Western boundary of the dwelling. Boundaries adjacent to a highway above 1 metre require planning permission.

Proposal

The proposal seeks to replace the existing trellis along the western boundary above the existing brick and flint wall. The proposal utilises thin horizontal slats spaced at a 10 mm gap between each slat. The finished height of the proposed replacement trellis is

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approximately 1.8 metres matching the existing trellis. The proposal is finished with natural timber. A trellis is also proposed above the brick and flint wall along the southern boundary bordering The Park House.

Relevant Planning History

20/00668/HOU (REFUSED) Single storey extension, internal alterations and partial demolition to the South of the property

20/01581/HOU (PERMITTED) (Amended Plans) Single storey extension, internal alterations and partial demolition to the West of the property. (Amended Description)

Consultations

None required.

Representations:

Councillors – Councillor Charles Radcliffe – St Michael Ward - Objects

– Any replacement for the existing trellis should comply with the principles of the Neighbourhood Design Statement (NDS). The NDS for St Giles Hill encourages use of brick and flint walls, which are typical of the area. Where new fencing is necessary, the NDS requires that special care be taken where the boundary in question faces public space, in which case an open, picket-style design (rather than "close-boarded") is preferred, ideally combined with natural hedging and planting so as to soften the impact on the streetscape and public amenity.

As a ward councillor, I have received expressions of concern from several local residents, who believe the proposed horizontal fencing would detract from the character of the street and neighbourhood. On the face of it, the design proposed would not be in compliance with the the NDS. It should be noted that the property in this case faces directly onto one of Winchester's most treasured public spaces: St Giles Hill park. As such, it is in a prominent, sensitive location and the visual impact of any new boundary treatment -- as viewed from the park itself -- needs to be taken into proper account, as the NDS requires.

Accordingly, I would hope the applicants would consider a light trellis or open-style picket fence as the best replacement for the existing fencing, perhaps combined with hedging or other planting. Such a solution would satisfy any understandable desire for privacy while also enhancing the streetscape and views from the park. It would be consistent with the St Giles Hill NDS and previous planning decisions on fencing, and likely be welcomed by local residents.

City of Winchester Trust: Objects

- The Trust objects to the loss of amenity and the impact of the proposed Venetian fence would have on the views from the public open space to the West, as protected in the adopted St Giles Hill Neighbourhood Design Statement.

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4 Objecting Representations received from different addresses citing the following material planning reasons:

- Boundary against The Park House would be too high.
- Contemporary style trellis is inappropriate for the style of the dwellinghouse.
- A replacement trellis of a similar style was previously considered harmful.
- The proposed horizontal batten trellis does not preserve or enhance the character of the conservation area.

1 Supporting Representations received from different addresses citing the following reasons:

- This seems a reasonable development and we support it.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 of the National Planning Policy Framework 2021

National Planning Practice Guidance

Sections 66 and 72 of Planning (Listed Building and Conservation Areas) Act 1990

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

Policy DS1 – Development Strategy and Principles

Policy CP13 – High Quality Design

Policy CP20 – Heritage and Landscape Character

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

Policy DM1 – Location of new development

Policy DM15 – Local Distinctiveness

Policy DM16 – Site Design Criteria

Policy DM17 – Site Development Principles

Policy DM26 - Archaeology

Policy DM27 – Development in Conservation Areas

Policy DM29 – Heritage Assets

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality SPD September 2021

St Giles Hill Neighbourhood Design Statement 2020

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Winchester Conservation Area Appraisal St Giles Hill Character Area (2003)
Winchester Conservation Area Review
Winchester Conservation Area Strategy

Other relevant documents

CLIMATE EMERGENCY DECLARATION CARBON NEUTRALITY ACTION PLAN 2020 – 2030
Statement of Community Involvement 2018 and 2020
Historic England Guidance
Constructive Conservation in Practice 2008
Constructive Conservation Sustainable Growth for Historic Places 2013
Conservation Principals Policies and Guidance 2008
Historic Environment Good Practice Advice in Planning: Published 30 June 2020
Winchester Future 50 Conservation Area Project 2018-2020

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 City where the principle of residential development is acceptable, providing it complies with the development plan and unless material considerations dictate otherwise, in this case harm the character and setting of the conservation area.

As assessed throughout the report, the development is considered acceptable and the principle of development is established.

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.

Impact on character and appearance of area

Boundaries within the St Giles Hill character area of the conservation area are generally brick and flint walls or hedging, however it is noted that there are examples of street facing close boarded timber fences within the local vernacular on Stratton Road and Northbrook Avenue. The proposed trellis measures approximately 1.8 metres from the street level; this is the same height as the existing trellis to be replaced. It is considered that the size and scale of the proposed trellis is appropriate. The proposed trellis is minor in its size and scale and it is not considered to appear unduly prominent within the street scene. The historic brick and flint wall remains the dominant boundary treatment.

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The Neighbourhood Design Statement (2020) outlines that where boundary treatment are formed of timber fencing an open picket is preferred and that native planting should be utilised to soften its appearance. Whilst the proposed trellis is not picket in style, the horizontal wooden slats are not close boarded and there is a degree of visual permeability into the site as a result of the gaps between each slat. It is important permeability is maintained to ensure that views of the historic Earlsdown house are maintained from the adjacent public highway. It is considered that the proposal adequately preserves this character feature. The use of gaps between the wooden slats also ensures that the development does not appear overbearing on the public highway.

The proposal utilises a natural timber; the utilisation of a neutral material ensures that the proposal does not appear incongruous within its surroundings. Timber will also weather over time which will recess the trellis into its surroundings and reduce its visual prominence within the street scene. Planting adjacent to the street facing boundary was secured through condition within application 20/01581/HOU and a landscaping plan produced. Over time this new planting will mature and grow around the proposed trellis which will soften its appearance within the street scene and present a more natural boundary. It is not considered that the proposed trellis detracts from the appearance of the existing brick and flint wall. The proposal is considered to be an improvement on the previous proposal to replace the trellis which utilised a more traditional close boarded style than currently proposed.

Overall it is considered that the proposal adequately considers the context of the surrounding area and the Neighbourhood Design Statement (2020). The proposal is not out of character with the street scene and it is not considered that the proposed trellis would appear overly prominent within its surroundings. Based upon the above assessment, the proposal complies with policies DM15 – Local Distinctiveness, DM16 – Site Design Criteria, DM17 – Site Development Principles and DM27 – Development in Conservation Areas of the Winchester District Local Plan Part 2 (2017).

Development affecting the South Downs National Park

The application site is located 0.55km from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Due to the distance and the intervening features, it is not considered that an adverse impact is found to the National Park and its statutory purposes.

Therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

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Historic Environment

The development is located within the St Giles Hill character area of the Winchester Conservation Area. Earlsdown has been identified as a Non-Designated Heritage Asset through the Winchester Future 50 scheme. The following legislation and policies are taken into account in the assessment and determination of this planning and listed building application.

Relevant Legislation

The preservation of the special architectural/historic interest of the listed building and its setting (Section 66 Planning (Listed Building and Conservation Area) 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.

The preservation or enhancement of the character or appearance of the conservation area (Section 72 Planning (Listed Building and Conservation Area) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

The preservation of a non-designated heritage asset (Policies DM29 & DM32 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 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”.

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.

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Earlsdown was identified as a non-designated heritage asset through the Winchester Future 50 scheme due to its prominent location overlooking the park on St Giles Hill and its historic use as a school. It sits within an important position within the conservation area. The dwelling and the surrounding boundary treatment are considered a significant character feature within the conservation area appraisal and Neighbourhood Design Statement. The boundary treatment of Earlsdown form part of the view of the site from the neighbouring park with shot and long distance views possible. The boundary treatment is also viewed from Northbrook Avenue and Stratton Road at closer proximity. The views and vistas are identified as a significant feature of St Giles Hill and conservation area within the neighbourhood design statement.

There are no listed buildings within the immediate vicinity of the proposal site and it is not considered harm is caused to the character and setting of a listed buildings as a result.

The proposed solid to void ratio of the proposed development is considered appropriate as the visual permeability of the proposal ensures that important close range views into the site are still possible whilst increasing privacy. This ensures that the proposal does not obscure important intimate views of the house from the street adjacent to the site. The proposal would also be visible within long range views from the park, however it is considered that it is recessed into its surroundings due to its modest size and scale. The height of the fence sits below the pillars spaced at regular intervals along the brick and flint walls which ensures that the rhythm of built form is maintained. The visual prominence of the proposed trellis within the conservation area will decrease over time as the timber weathers and vegetation matures behind it. The proposed development would not cause harm to the important views and vistas of Earlsdown house from the adjacent park within the conservation area.

It is not considered that the replacement of the existing trellis detracts from the ability to appreciate the important views of Earlsdown House within the conservation area. Any impact is extremely localised, however it is considered that the overall character and context of the conservation area has been considered and the proposal does not cause unacceptable harm to the setting and character of the street scene. The proposal replaces an existing trellis which is dilapidated and currently detracts from the appearance of the proposal site from the street scene. The proposed material palette is considered acceptable as it is a like for like replacement of the existing materials and is therefore established within this section of the conservation area. It is considered that the proposal preserves the significant character and appearance of this section of the conservation area.

Contrasting contemporary additions are present within the local vernacular and are considered to form part of the context of the conservation area. The High Quality Places SPD (2015) outlines contemporary additions are acceptable where they are of high quality and can demonstrate a relationship to the context. The proposal is considered to utilise an appropriate material palette which relates to the established context of this site. As outline previously, it is not considered that the proposal would appear prominent.

In conclusion it is considered that the proposed development responds appropriately to the character and context of the surrounding conservation area and is of a suitable scale and massing. The material palette proposed is considered to accord with the established context of the vernacular. The proposal is considered compliant with policy DM27 –

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Development in Conservation Areas. The proposal does not harm the significance of the non-designated heritage asset.

It is considered that the proposal will preserve the character and appearance of the conservation area in accordance (Section 72 Planning (Listed Building and Conservation Area) Act 1990; and preserve the character and historic interest of the Conservation Area in accordance with Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

Archaeology

Archaeological works were undertaken within the immediate vicinity of the proposal as a condition of application 20/01581/HOU. No new ground is broken as part of this application and therefore archaeology conditions are not required.

Neighbouring amenity

The Park House is the neighbouring dwelling to the south of the proposal site. The ground level of this site is slightly lower than that of Earlsdown. A matching trellis measuring approximately 61cm in height is proposed to be installed above the current boundary wall. The addition of the trellis is considered modest. The design and height of the proposal prevents a harmful overbearing impact by being relatively lightweight. The proposal does not impact upon key amenity space and the dwelling is set back within the site from the boundary. It is not considered that the change in levels is great enough to cause an unacceptable overbearing impact. The proposal is not of a size or scale this is considered to cause an overshadowing impact on this dwelling.

Further neighbouring dwellings are not impacted by the proposed development.

Based upon the above assessment it is considered that the proposed development will not result in significant additional adverse impact upon neighbouring amenity. Therefore the proposal complies with policy DM17 of the Winchester District Local Plan Part 2.

Ecology and Biodiversity

The proposal will have no impact due to the small scale of the development.

Due to the nature of the development and the distance between the application site and the European Protected Site of the Solent SAC and SPA and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

Trees

The proposed trellis is attached to the wall as existing and therefore will not interfere with the root systems of protected trees within the immediate vicinity of the proposal site. The proposal is compliant with policy DM24 of LPP2.

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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 trellis would have a neutral impact which preserves the setting or character of the conservation area and the non-designated heritage asset. The development is not harmful to the character and appearance of the surrounding area or neighbouring amenity. The proposal is compliant with policies DS1, CP13 and CP20 of Local Plan Part 1 and DM16, DM16, DM17, DM26, SM27 and DM29 of Local Plan Part 2.

Recommendation

Permit subject to the following condition(s):

Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2) The development hereby approved shall be constructed in accordance with the following plans:
 - Location Plan received 15 March 2022
 - Block Plan received 15 March 2022
 - Proposed Elevations received 25 January 2022

Reason: In the interests of proper planning and for the avoidance of doubt.

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in the materials section of the associated application forms.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

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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, CP13, CP20,

Local Plan Part 2 – Development Management and Site Allocations: DM15, DM16, DM17, DM27, DM29

High Quality Places (2015)

St Giles Hill Neighbourhood Design Statement (2020)

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 private roads. Any damage to these areas should be remediated as soon as is practically possible.

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For further advice, please refer to the Construction Code of Practise
<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

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)