

| REV:  | DATE:    | AMENDMENTS: | DRAWN: | CHECKED: |
|-------|----------|-------------|--------|----------|
| #     | 24.03.14 |             | RD     | SM       |
| ----- |          |             |        |          |



CLIENT:  
**DBS Ltd**

PROJECT:  
**Texas Drive,  
Oliver's Battery**

DRAWING:  
**Existing Block Plan**

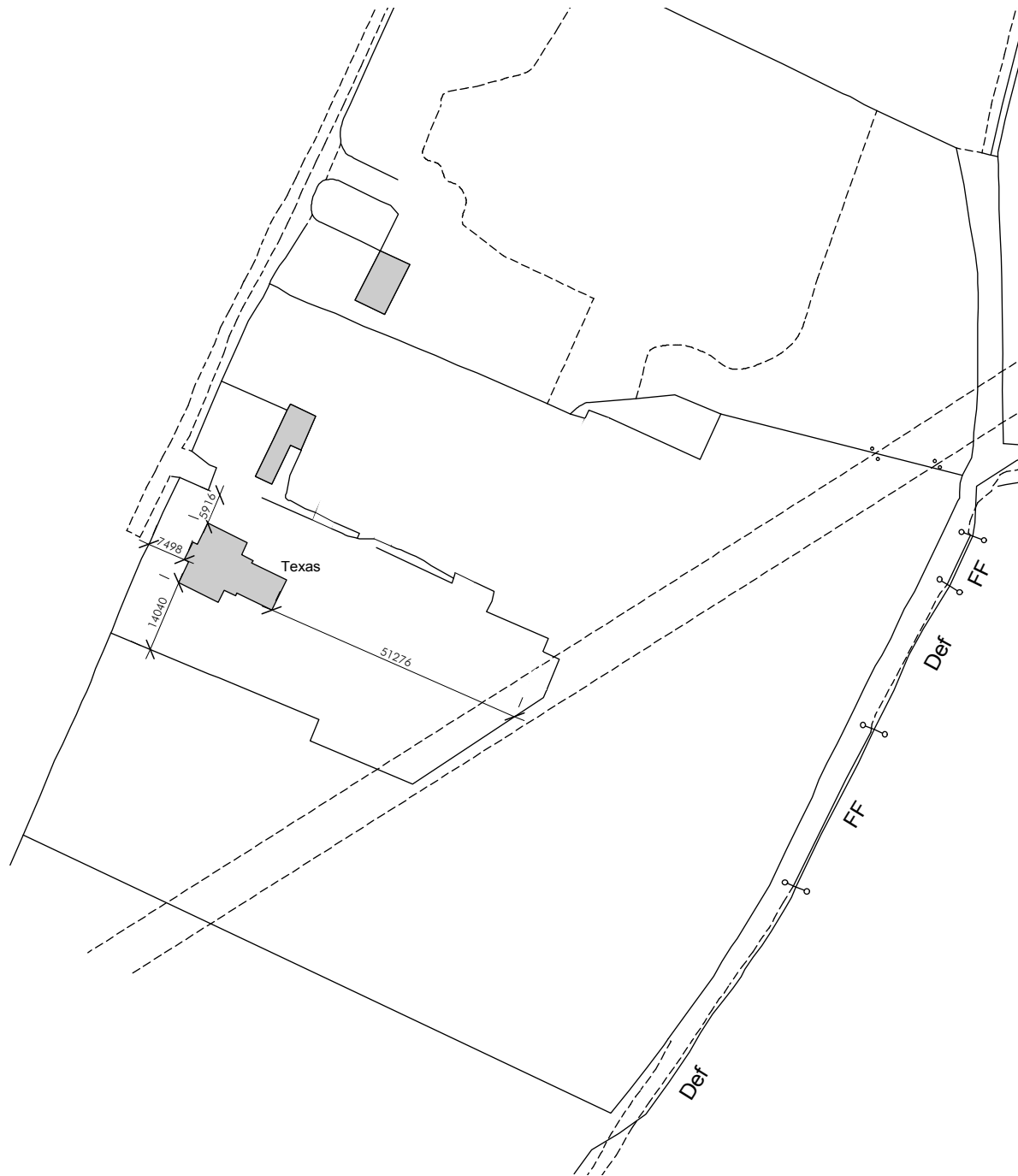
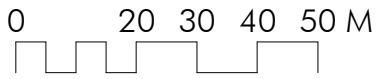
SCALE: **1:1250 @ A4** DWG NO: **1260/P02**

DATE: **Mar 14** REV: **#**



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○ 12 West Mills Yard, Kennel Road, Newbury, RG14 5LP  
Tel: 01635 40184



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CLIENT:  
**DBS Ltd**

PROJECT:  
**Texas Drive,  
Oliver's Battery**

DRAWING:  
**Proposed Block Plan**

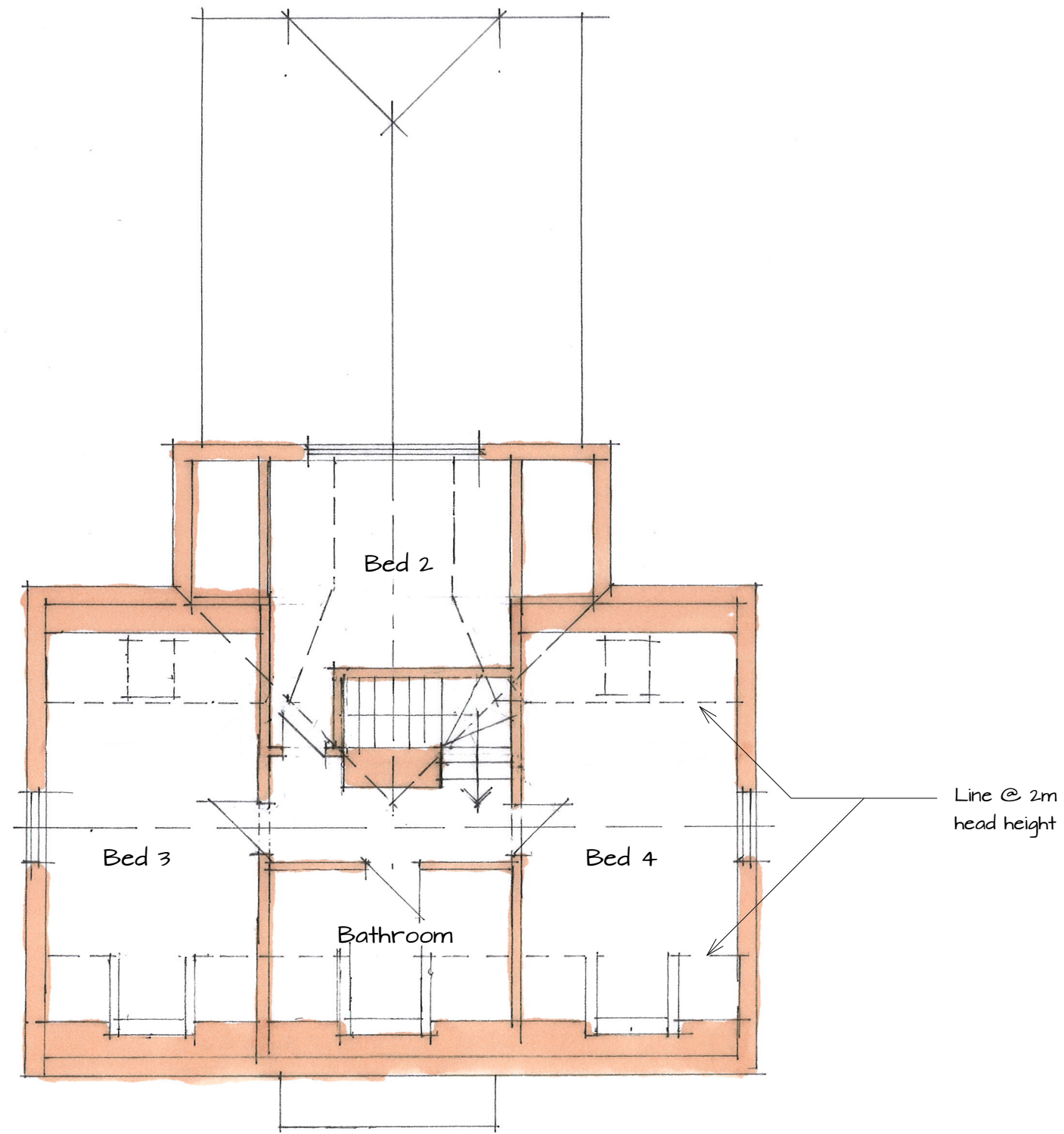
SCALE: **1:1250 @ A4** DWG NO: **1260/P03**

DATE: **Mar 14** REV: **#**



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| #    | 21.03.14 |             | RD     | SM       |



FIRST FLOOR PLAN

CLIENT:  
**DBS Ltd**

PROJECT:  
**Texas Drive  
Oliver's Battery**

DRAWING:  
**Proposed Floor Plan**

SCALE: **1:100 @ A3** DWG NO: **1260/P06**

DATE: **Mar 14** REV: **#**



| REV: | DATE:    | AMENDMENTS: | DRAWN: | CHECKED: |
|------|----------|-------------|--------|----------|
| #    | 21.03.14 |             | RD     | RO       |



FRONT ELEVATION (NORTH-WEST)

CLIENT:  
**DBS Ltd**

PROJECT:  
**Texas Drive  
Oliver's Battery**

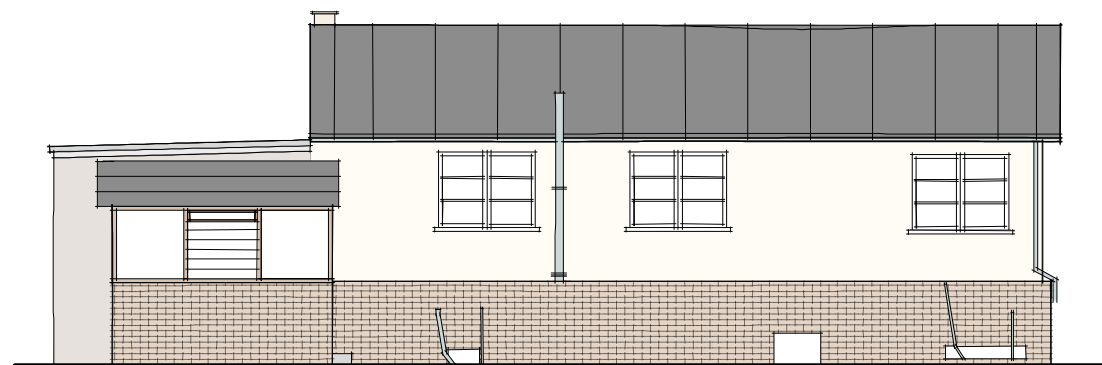
DRAWING:  
**Proposed Elevation**

SCALE: **1:100 @ A3** DWG NO: **1260/P07**

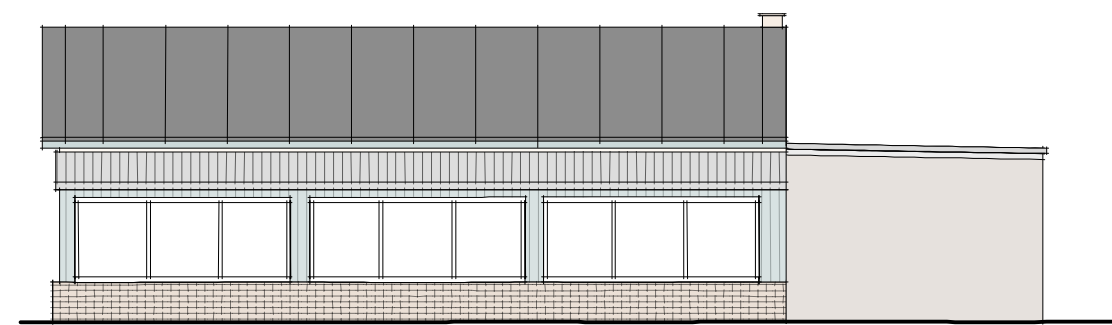
DATE: **Mar 14** REV: **#**



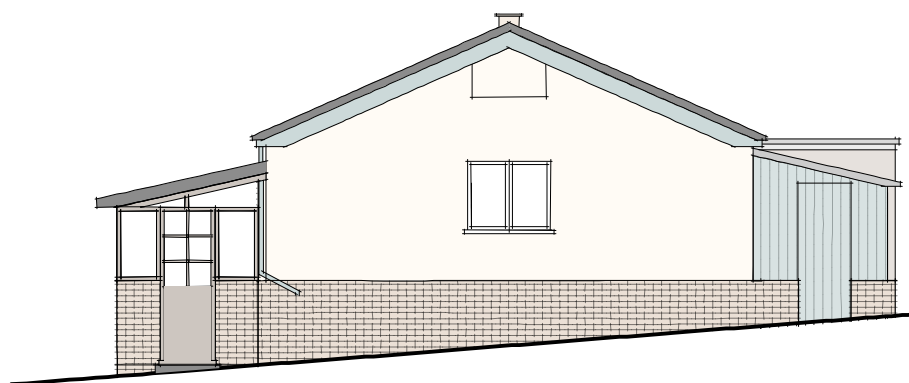
| REV: | DATE:  | AMENDMENTS: | DRAWN: | CHECKED: |
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| #    | Jan 14 |             | LW     | RO       |
|      |        |             |        |          |



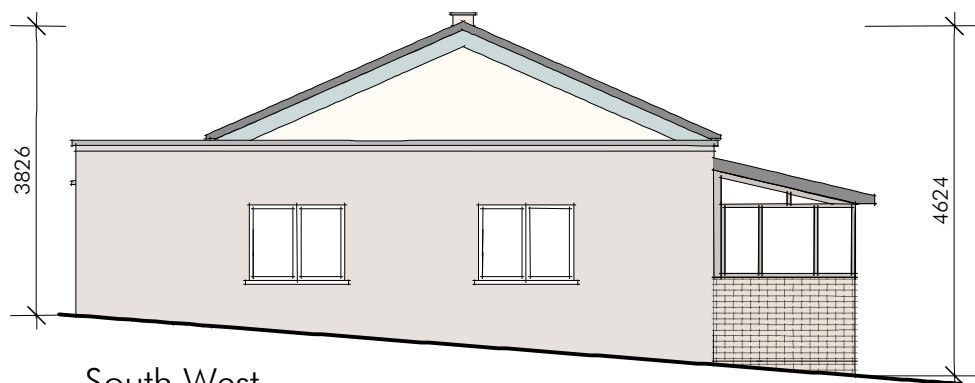
South East



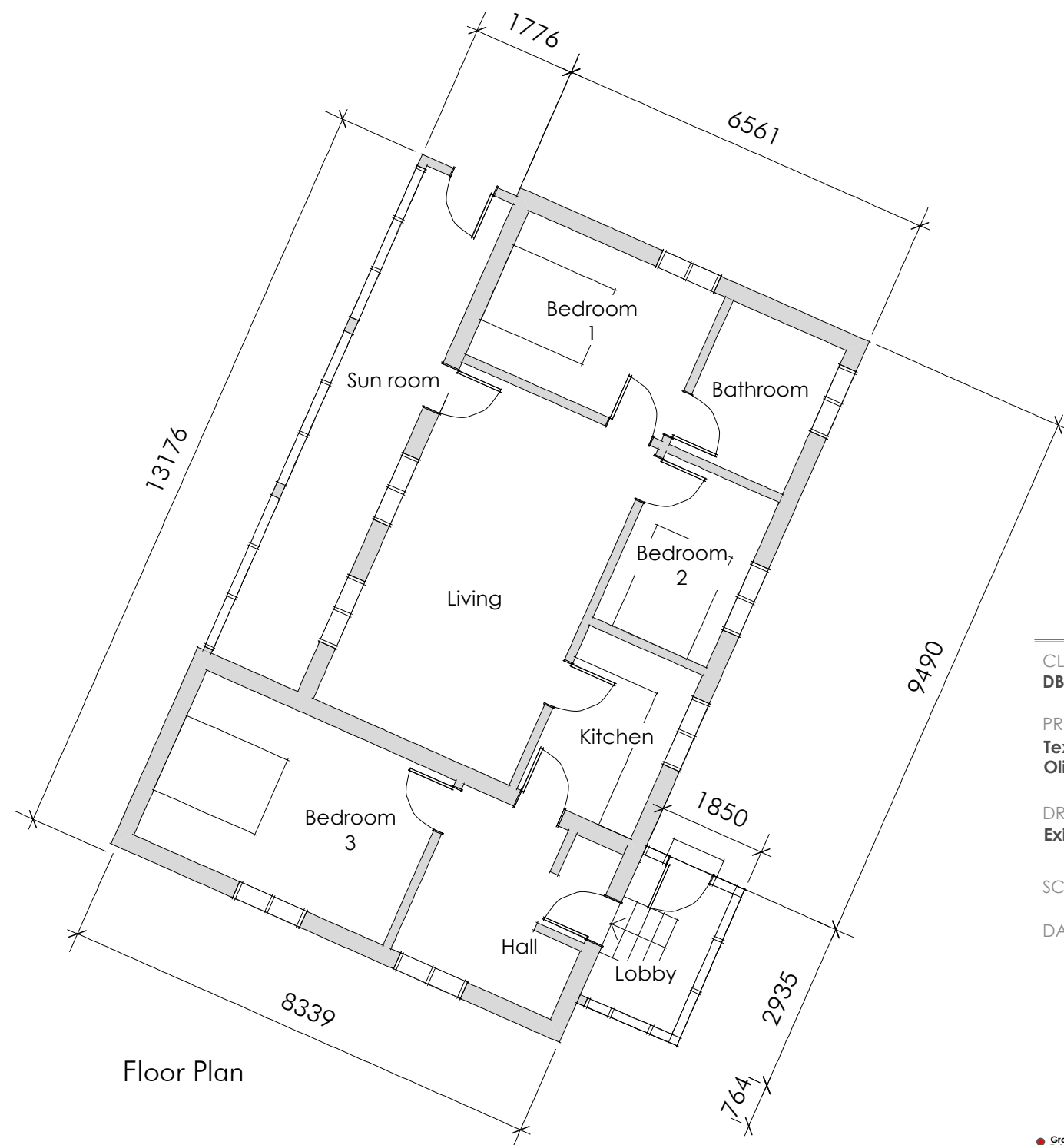
North West



North East



South West



Floor Plan



CLIENT:  
DBS Ltd

PROJECT:  
Texas Drive,  
Oliver's Battery

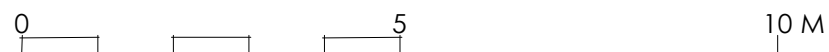
DRAWING:  
Existing Floor Plans & Elevations

SCALE: 1:100 @ A3 DWG NO: 1260/P12

DATE: Mar 14 REV: #

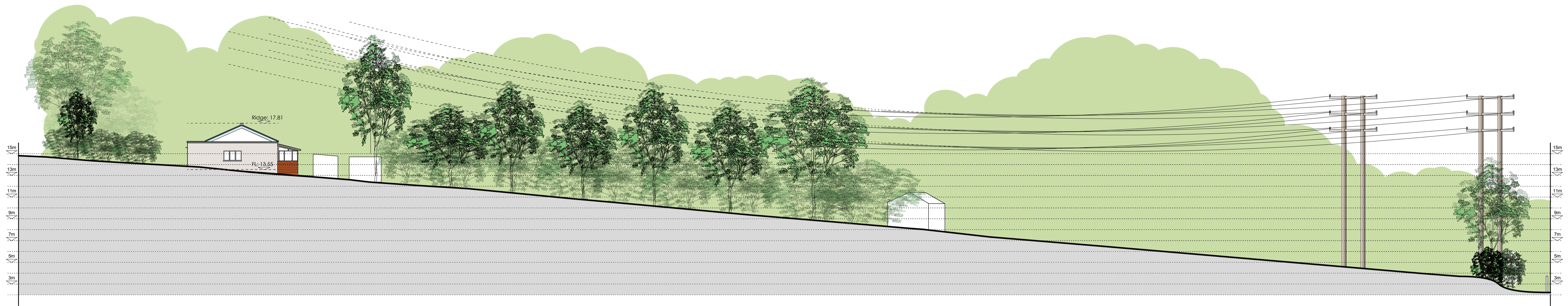


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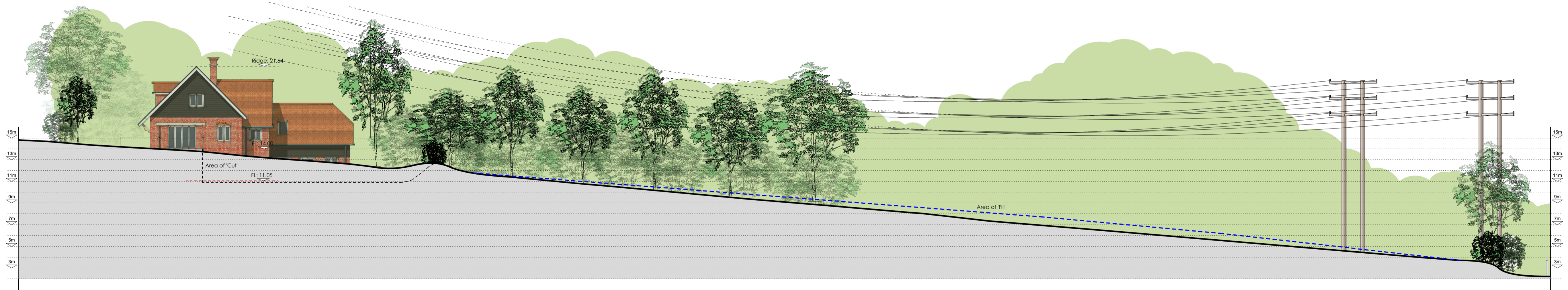


0 5 10 15 20 M

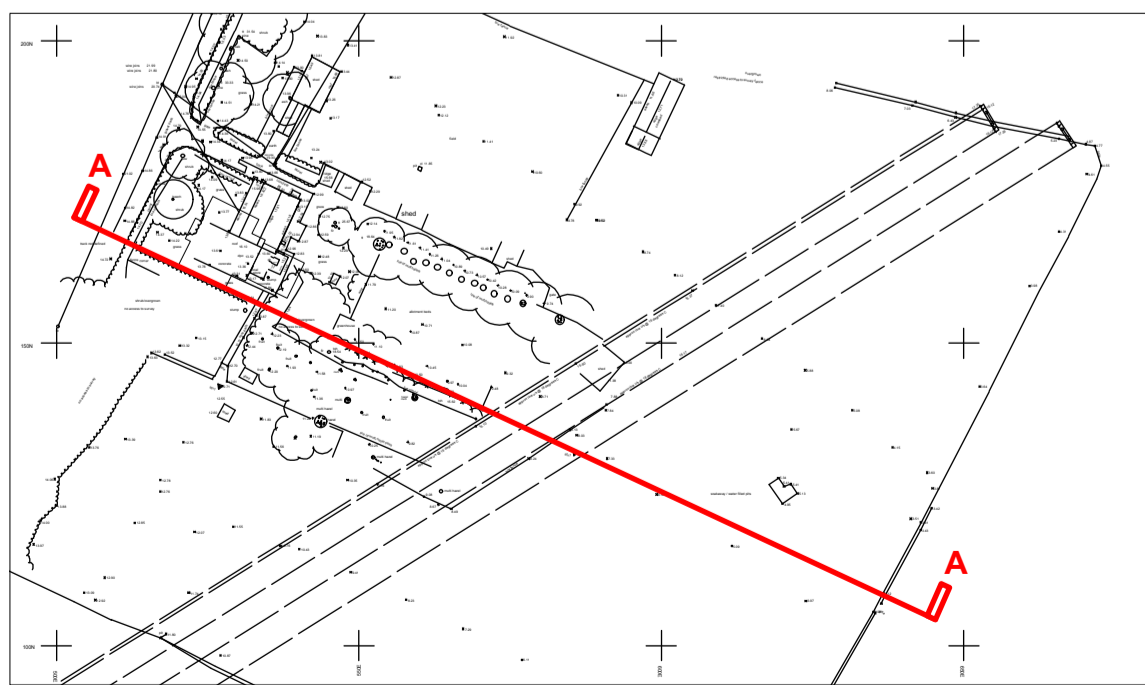
| REV: | DATE:    | AMENDMENTS:         | DRAWN: | CHECKED: |
|------|----------|---------------------|--------|----------|
| #    | 24.03.14 |                     | RD     | SM       |
| A    | 03.06.14 |                     | RW     | RD       |
| B    | 11.06.14 | Area of Cut revised | RW     | RD       |



EXISTING SECTION A-A



PROPOSED SECTION A-A



KEY PLAN - 1:1250

CLIENT:  
**DBS Ltd**

PROJECT:  
**Texas Drive  
Oliver's Battery**

DRAWING:  
**Site Sections**

SCALE: **1:200 @ A1** DWG NO: **1260/P11**

DATE: **Mar 14** REV: **B**



| REV: | DATE:    | AMENDMENTS:                            | DRAWN: | CHECKED: |
|------|----------|--|--------|----------|
| #    | 21.03.14 |  | RD     | RO       |
| A    | 12.06.14 | Basement Construction & Levels Amended | IW     | RO       |



SIDE ELEVATION (SOUTH-WEST)

CLIENT:  
**DBS Ltd**

PROJECT:  
**Texas Drive  
Oliver's Battery**

DRAWING:  
**Proposed Elevation**

SCALE: **1:100 @ A3** DWG NO: **1260/P10**

DATE: **Mar 14** REV: **A**



| REV: | DATE:    | AMENDMENTS:                            | DRAWN: | CHECKED: |
|------|----------|--|--------|----------|
| #    | 21.03.14 |  | RD     | RO       |
| A    | 12.06.14 | Basement Construction & Levels Amended | IW     | RO       |



SIDE ELEVATION (NORTH-EAST)

CLIENT:  
**DBS Ltd**

PROJECT:  
**Texas Drive  
Oliver's Battery**

DRAWING:  
**Proposed Elevation**

SCALE: **1:100 @ A3** DWG NO: **1260/P09**

DATE: **Mar 14** REV: **A**





| REV: | DATE:    | AMENDMENTS:                            | DRAWN: | CHECKED: |
|------|----------|--|--------|----------|
| #    | 21.03.14 |  | RD     | RO       |
| AS   | 12.06.14 | Basement Construction & Levels Amended | IW     | RO       |



REAR ELEVATION (SOUTH-EAST)

CLIENT:  
**DBS Ltd**

PROJECT:  
**Texas Drive  
Oliver's Battery**

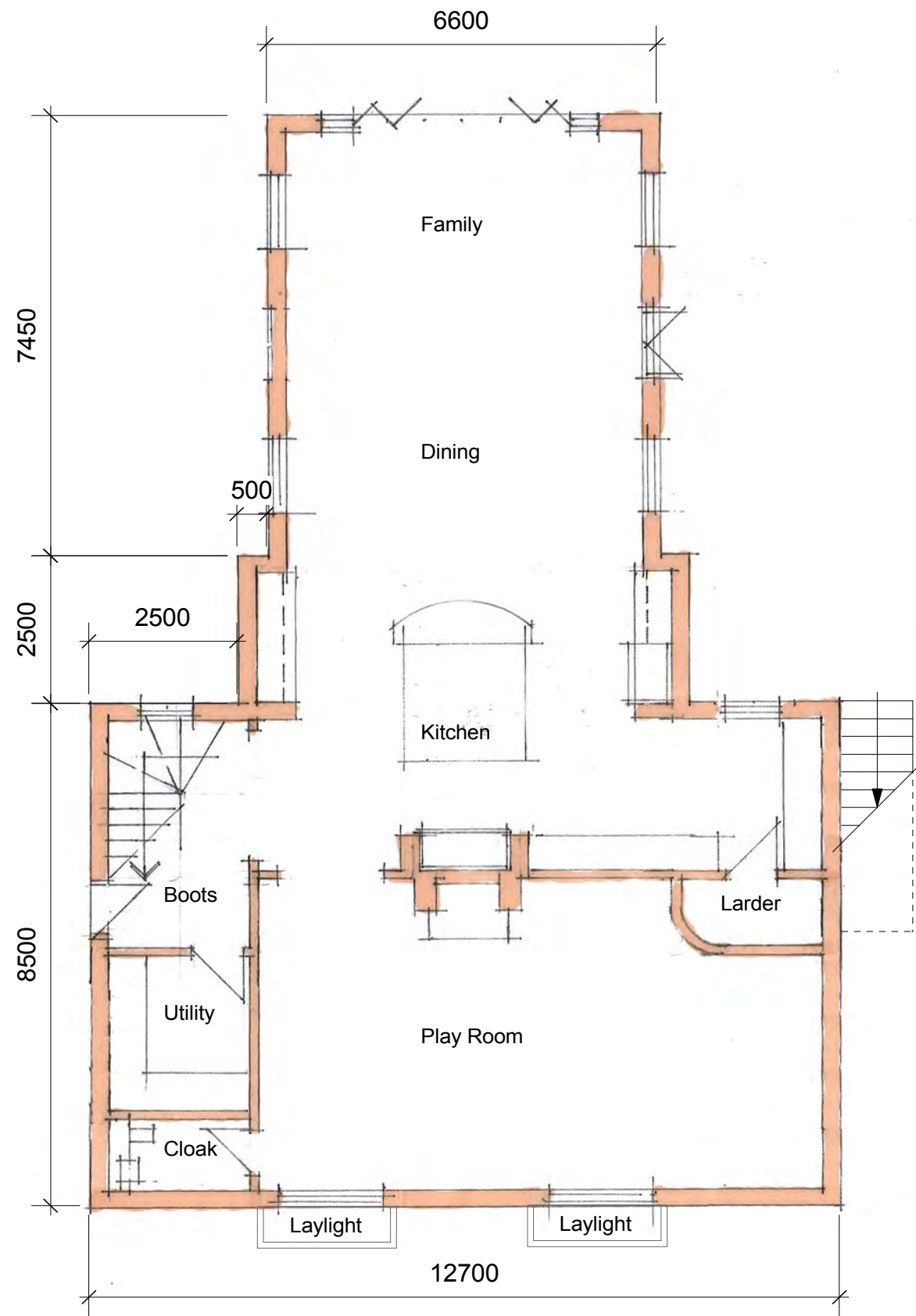
DRAWING:  
**Proposed Elevation**

SCALE: **1:100 @ A3** DWG NO: **1260/P08**

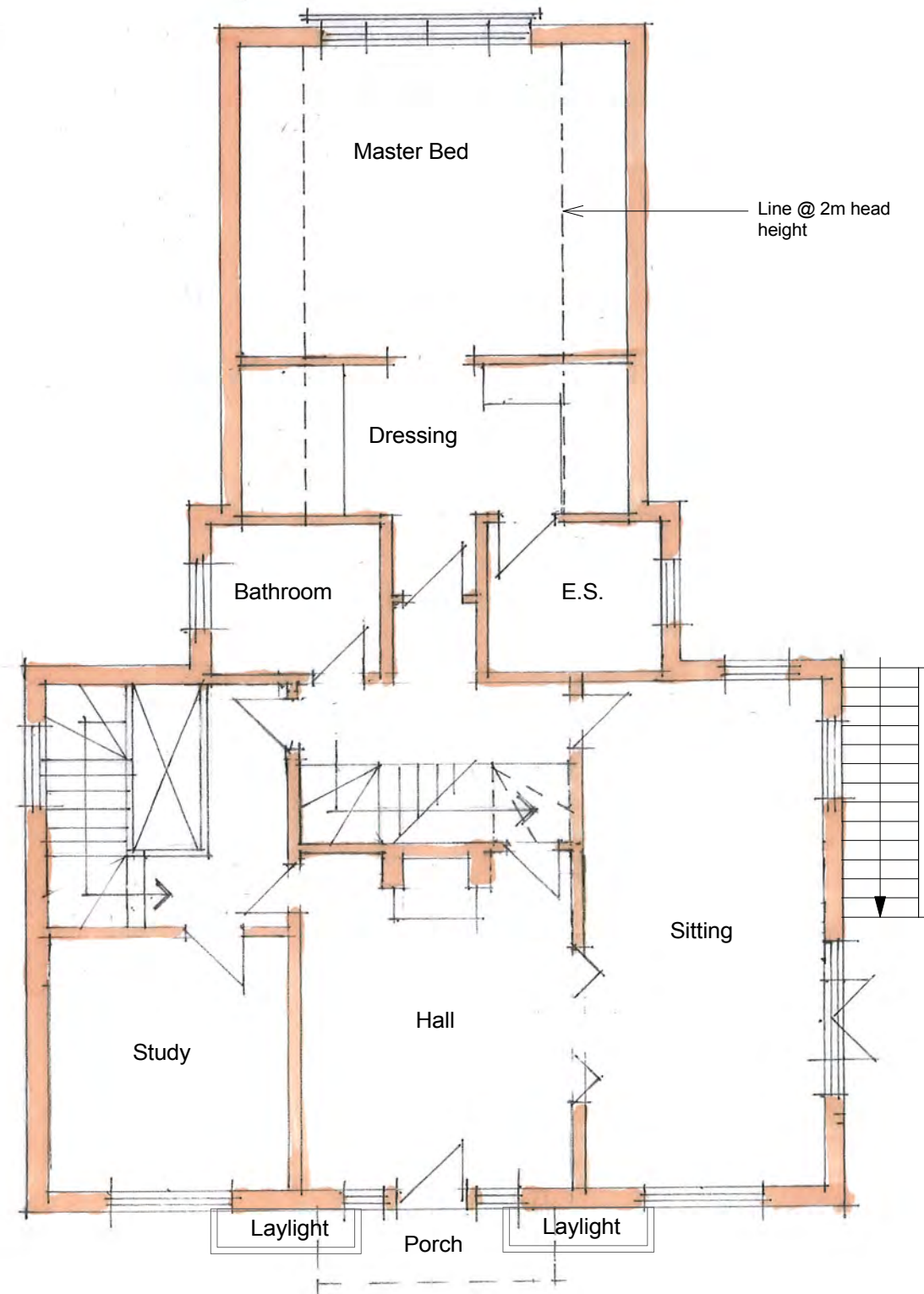
DATE: **Mar 14** REV: **A**



| REV: | DATE:    | AMENDMENTS:                            | DRAWN: | CHECKED: |
|------|----------|--|--------|----------|
| #    | 21.03.14 |  | RD     | SM       |
| A    | 12.06.14 | Basement Construction & Levels Amended | RW     | RO       |



LOWER GROUND FLOOR PLAN



GROUND FLOOR PLAN

CLIENT:  
**DBS Ltd**

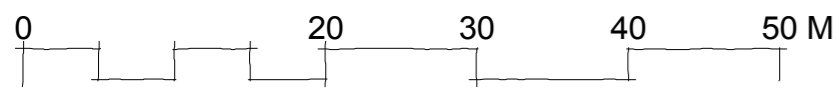
PROJECT:  
**Texas Drive  
Oliver's Battery**

DRAWING:  
**Proposed Floor Plans**

SCALE: **1:100 @ A3** DWG NO: **1260/P05**

DATE: **Mar 14** REV: **A**





| REV: | DATE:    | AMENDMENTS:                                  | DRAWN: | CHECKED: |
|------|----------|--|--------|----------|
| #    | 24.03.14 |  | RD     | SM       |
| A    | 06.06.14 | Proposed levels and area of 'fill' indicated | RW     | RO       |
| B    | 12.06.14 | Basement const. to front & levels revised    | RW     | RO       |

existing store to be used for bins and cycles

proposed gravel parking

existing building removed

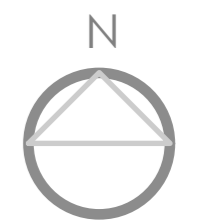
existing scrub cleared and hedges tidied

sculpted landscaping

existing outbuildings demolished

proposed orchard

-  existing trees & hedgerows
-  proposed trees & hedgerows
-  area for enhanced boundary planting to agreed by Local Authority
-  post & rail fence



CLIENT:  
**DBS Ltd**

PROJECT:  
**Texas Drive,  
Oliver's Battery**

DRAWING:  
**Proposed Site Plan**

SCALE: **1:500 @ A2** DWG NO: **1260/P04**

DATE: **Mar 14** REV: **B**



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# Appeal Decision

Site visit made on 30 October 2014

**by Jane Miles BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 December 2014**

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**Appeal Ref: APP/L1765/A/14/2223749**

**1 Texas, Texas Drive, Oliver's Battery, Winchester, Hampshire SO22 4HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mark Oakley of DBS Maintenance Limited against the decision of Winchester City Council.
  - The application ref: 14/00868/FUL, dated 10 April 2014, was refused by notice dated 16 July 2014
  - The development proposed is demolition of existing dwelling, erection of replacement dwelling, landscaping and associated works.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The area within the application site boundary (as edged red on the submitted 'site location plan') is part of a larger land parcel in the appellant's ownership. The irregularly-shaped site edged red does not correspond exactly with the more regularly-shaped plot for the proposed dwelling that is indicated on the 'proposed site plan' by post and rail fencing. However the net effect of the variations is not significant and, as recorded at the site visit, I shall determine the appeal on the basis of the scheme illustrated on the 'proposed site plan' (drawing no. 1260/P04 rev B).
3. Some revisions were made while the application was being considered by the Council, primarily in relation to the proposed earthworks, and the amended plans are recorded in the officers' report. This appeal decision relates to the scheme as amended by the plans received by the Council on 13 June 2014.
4. An application for costs, made by the appellant against the Council, is the subject of a separate decision.

## Reasons

5. There is an existing but unoccupied dwelling on the appeal site and, to the north-east of the land parcel owned by appellant, there is another dwelling on a large plot. Both sit amongst trees and other vegetation and are accessed via Texas Drive, which is an unmade track across an open field. These two dwellings and their various outbuildings constitute a small and loose grouping of built forms, surrounded by open downland (and described in the Oliver's Battery Village Design Statement<sup>1</sup> (VDS) as the Texas Drive character area).

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<sup>1</sup> A supplementary planning guidance document, adopted by the Council and therefore a material consideration

Thus the appeal site is in the countryside, even though the Winchester settlement boundary is only a short distance away<sup>2</sup>. It is also within an area designated as the Compton Street 'Local Gap' which is one of several gaps defined in the 2006 Local Plan<sup>3</sup> and the 2013 Core Strategy<sup>4</sup> as a means of retaining the separate identities of settlements.

6. The policies cited in the Council's refusal notice are LP Policy CE.23, relating specifically to the replacement or extension of dwellings in the countryside, and LP Policy CE.2 and CS Policy CP18 relating to 'Local Gaps'. The refusal raises three main issues.

**Main issue 1:** *the effect of the proposal on the character and appearance of its surroundings*

7. The first element of LP Policy CE.23(i) states that a proposal to replace or extend a dwelling in the countryside will be permitted provided it does not significantly change the character of the existing dwelling. In relation to a replacement dwelling such as the appeal proposal, this seems to suggest an existing dwelling's character will always be of some merit and should therefore be replicated in some way. However, given the great variety of buildings that can exist, both attractive and unattractive, and in many different contexts, I agree with the Inspector in a recent appeal decision<sup>5</sup> that this element of the policy is difficult to understand.
8. However, as set out in the explanatory text, replacement dwellings can have a major impact on the character of the rural environment. Thus the second element of Policy CE.23(i) seeks to ensure replacement dwellings do not result in increased visual intrusion, by increased size and/or unsympathetic design.
9. Seeking to protect the character of the largely undeveloped countryside is a long-established objective of national and local planning policy. One of the core planning principles in the *National Planning Policy Framework* establishes that planning should take account of the different roles and character of different areas, recognising (amongst other things) the intrinsic character and beauty of the countryside. A key element of that character is the generally limited amount and extent of built development. Thus a replacement dwelling significantly larger than the one it replaces, or of a design inappropriate to its rural context, could potentially have adverse visual and urbanising impacts that would seriously detract from the countryside's character. I therefore find LP Policy CE.23(i) broadly consistent with the *Framework*.
10. In this particular case, open land separates the two Texas Drive properties from the housing (at a higher level to the north-west) along the southerly edge of Oliver's Battery, such that they form an isolated pocket of development. Although the timber-clad dwelling on the adjacent plot is a relatively recent replacement dwelling, the existing dwellings and assorted outbuildings are low key in size and materials, and the surrounding trees and other vegetation are the more dominant feature in some views. Even so, the existing dwelling on the appeal site is visible to varying degrees, albeit it is not prominent, from several viewpoints, including from higher levels on Yew Tree Hill; the public footpath along the south-east boundary of the appellant's land; the public footpath along the edge of Oliver's Battery. Views from that edge are identified

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<sup>2</sup> That is, the south-east boundary of the residential area known as Oliver's Battery

<sup>3</sup> In full, the Winchester District Local Plan Review (LP) (2006)

<sup>4</sup> In full, the Winchester District Local Plan Part 1 – Joint Core Strategy (CS) (2013)

<sup>5</sup> Appeal ref: APP/L1765/A/11/2151650, decision dated 16 August 2011, relating to a replacement dwelling

- in the VDS as ones which should not be restricted by changes in land use, such as dense tree planting, in effect to maintain the landscape's open character.
11. In terms of landscape assessment, the site is within the Hursley Scarplands Landscape Character Area, as defined in the Winchester District Landscape Character Assessment (2003). It is acknowledged in the appellant's Landscape and Visual Impact Assessment (LVIA)<sup>6</sup> that the site and its environs, in the countryside and a settlement gap, is a valued landscape that is particularly sensitive to change. On the appeal site itself the downward slope of the land is such that the height of both existing and proposed dwellings is/would be less at the front (north-west), facing Texas Drive, than at the rear (south-east).
  12. The proposed dwelling would be substantially larger than the existing one, with a total floor area around 463m<sup>2</sup> and a footprint of some 176 m<sup>2</sup> (compared with the existing bungalow at around 115m<sup>2</sup>). Its height above ground level would be 7.8m on the north-west side and 10.92m on the south-east side<sup>7</sup> (compared with 3.82m and 4.62m respectively for the existing bungalow<sup>8</sup>).
  13. The building would be T-shaped in form, with the larger element at the front and the rear element decreasing in height. As it would be cut into the slope, and the topmost of its three floors would be in the roof space, the front elevation would be relatively low key in appearance. Even so, the building would still be some 4m taller at the front than the existing one, closer to Texas Drive, and thus more prominent in views from the northerly side. At the rear it would be very much taller than the existing bungalow and, despite the proposed earthworks, its upper parts would be prominent in views from the public footpath to the south-east.
  14. The design includes elements of differing sizes and features, intended to create the impression of a traditional cottage and to minimise its mass. The design per se is attractive but nonetheless this would be a building of very substantial size in comparison with the existing dwelling. The earthworks intended to assist in minimising its size and visual impact would also be substantial, not least the 2.8m tall retaining walls at each side of the house, with flights of steps between the two levels. Sinking the house below ground level in this way would create an incongruous feature in the downland landscape.
  15. Due to its height, mass and spread, the dwelling and associated development would result in a significantly larger and more visually intrusive development than the existing low key bungalow. That would be the case irrespective of the stated intention to remove various outbuildings which, being small and scattered around the land parcel, have little if any adverse impact on their rural surroundings. Nor does the scope to extend the existing dwelling under permitted development rights alter my finding in this respect, given that those rights would not permit upward extensions above the existing ridge height.
  16. I have borne in mind the mitigating effects of existing and proposed additional landscaping. However, given the desirability of using native species appropriate to local landscape character, the likely seasonal variations in leaf cover and the extent to which the effectiveness of such landscaping would depend on future retention and maintenance, it is by no means certain that such screening would be sufficient to permanently negate adverse visual impact of the significantly increased amount and spread of built development.

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<sup>6</sup> Which was prepared in connection with a previous proposal for a larger dwelling

<sup>7</sup> According to dimensions noted on the 'existing floor plans and elevations drawing'

<sup>8</sup> Again, these are dimensions given by the appellant (and not disputed by the Council)

17. I note the visualisations of the appeal proposal from three different viewpoints and the conclusion in the LVIA that the proposal's impact on the wider landscape would not be significant. In relation to the longer range views, I do not disagree, not least if darker-coloured building materials such as those in the visualisations were to be used. These would be less visually intrusive than the light-coloured walls of dwellings on the edge of Oliver's Battery.
18. Nonetheless the development would be visible to varying degrees, depending on the time of year and density of foliage, in closer range views, most notably from the nearby public footpath to the south-east, from other informal but well-used footpath routes to the north-west and quite possibly from existing housing on the edge of Oliver's Battery. In those views it would appear as a significantly larger and more bulky building than the existing one and, together with the earthworks and associated development, it would occupy a larger area of the site. Such an intensification of development on the site would have a significant and harmful urbanising effect on the open, countryside setting. I therefore conclude that the proposal would unacceptably harm the character and appearance of its surroundings, contrary to the objectives of development plan and national policy.

***Main issue 2: the effect of the proposal on the Compton Street 'Local Gap'***

19. CS Policy CP18 largely repeats LP Policy CE.2 in seeking to retain the generally open and undeveloped nature of defined settlement gaps. As set out in the explanatory text, retaining such gaps is primarily a spatial planning tool. It is applied in accordance with various criteria to designate areas of undeveloped land that help define and retain the separate identity of settlements. Thus the policies are broadly consistent with the *Framework* which, as already noted, includes taking account of the different roles and character of different areas in its core planning principles.
20. The policy seeks to restrict development to that which does not physically or visually diminish the defined gaps. In this case it relates to the generally open and undeveloped gap between Oliver's Battery and the village of Compton Street to the south and east (on which the nearby overhead power lines have relatively little impact). I have already set out my findings regarding the physical size and extent of the proposed development and its visual impact. Given those findings, it follows that I also find the proposal would have an adverse impact in diminishing the gap, thereby conflicting with Policies CP18 and CE.2. In terms of the gap's primary function that adverse impact would not be very great but, even so, it is a negative rather than a positive factor. It is an additional factor weighing against the proposal (and one which did not apply in any of the other appeal decisions put before me).

***Main issue 3: the effect of the proposal in relation to the stock of small or more affordable dwellings in the countryside***

21. In relation to a replacement dwelling, LP Policy CE.23(ii) requires that a proposal should not reduce the stock of small (1 or 2 bedroom) or more affordable dwellings in the countryside. As the existing dwelling on the appeal site can reasonably be said to have three bedrooms, replacing it with a larger dwelling would not conflict with the first part of that requirement. Where the floor area of the existing dwelling is less than 120m<sup>2</sup>, the explanatory text indicates that a replacement dwelling should not normally exceed the existing floor area by more than 25%, whatever the number of bedrooms.

22. Although the floor area of the replacement dwelling would be around four times that of the existing dwelling, the existing floor area is only 5m<sup>2</sup> short of the 120m<sup>2</sup> threshold. Moreover, the explanatory text says the Council's particular concern is retaining "smaller more affordable dwellings of 1 or 2 bedrooms". That being the case, and irrespective of scope to extend the existing dwelling under permitted development rights, I give little weight to the conflict with this element of the supporting text.
23. The wording of the policy itself suggests 'small (1 or 2) bedroom' and 'more affordable' dwellings are alternatives, but there is no guidance on the latter phrase and it is not explicitly addressed in the officers' report on the appeal application. Indeed officers in this case, and the Inspector in a recent appeal decision<sup>9</sup>, use the phrase from the explanatory text (quoted above) rather than the policy wording, and neither considers affordability in terms of price. On the other hand, Inspectors in some previous appeal decisions did address that aspect of affordability, and it is addressed in the appellant's statement.
24. Both the Council and appellant refer to the June 2014 appeal decision. The Council highlights the Inspector's statement that he understood the Council's desire to maintain a stock of small and affordable dwellings in the countryside. It is however highly relevant that he also said neither the *Framework* nor the more recent *Planning Practice Guidance* refers to restricting the size of domestic extensions so as to maintain a stock of small and more affordable dwellings in the countryside. On that basis he found this element of LP Policy CE.23 inconsistent with the *Framework* and gave it little weight. That reasoning applies equally to replacement dwellings. Thus I too give little weight to LP Policy CE.23(ii) as a factor weighing against this proposal, and I find it unnecessary to consider the matter of affordability in terms of price.

### **Other matters and overall conclusion**

25. I have had regard to all other matters raised, so far as they are relevant to the proposal before me<sup>10</sup>, including the appellant's accounts of pre-application submissions. I have had regard to the suggestion that additional landscaping would be beneficial in terms of the area's character and wildlife habitats but, as those benefits would not stem directly from the built development and could be achieved without it, they do not weigh heavily in favour of the proposal.
26. There would be some benefit in replacing a dwelling in poor condition with one built to modern, energy efficient standards. In this respect, and through the construction process, the proposal would contribute in a very modest way to the social and economic dimensions of sustainable development. However, due to the significant harm it would cause in terms of character and appearance, and some additional harm in terms of diminishing a local gap, the proposal would conflict with the third, environmental, dimension. Overall therefore I find the proposal would not amount to the sustainable development that national and development plan policy seeks to achieve. I further conclude the appeal should fail.

*Jane Miles*

INSPECTOR

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<sup>9</sup> Appeal ref: APP/L1765/D/14/2218355, decision dated 24 June 2014, relating to extensions

<sup>10</sup> The Parish Council's concerns about a caravan on the site have no bearing on this appeal proposal: that is a separate matter for the City Council to address as it sees fit