



Historic Environment Planning Consultation Comments

RE: 22/00238/WKS

Proposal Site: 2 Calpe Yard St Thomas Street Winchester Hampshire

Proposal: Planning appeal against enforcement notice requiring the removal of the unauthorised pergola 'Catio' erected on the roof of this property without planning permission

Listing: Unlisted building, within the Winchester City CA, in close proximity to a number of listed buildings.

Key issues:

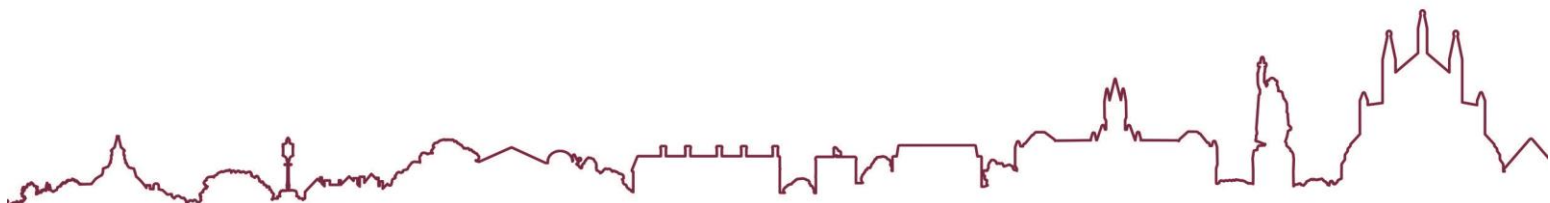
Impact on the significance of the listed building; Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 16 of the NPPF 2021; Policy DM29 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy.

Impact on the character and appearance of the Winchester City Conservation Area; Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF 2021, Policy DM27 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy.

Comments and advice:

1. General Comments

- 1.1. This section of the Council's statement of case relates to the Appellants first ground of appeal, that planning permission ought to be granted.
- 1.2. The Council's objections to the appeal scheme relate to its design and consequent adverse impacts on the significance of nearby heritage assets.
- 1.3. Assessing the impacts of a proposal on the significance of heritage assets can only properly be carried out using an established methodology. The appellant has not demonstrated that they have followed any established methodology in their assessment of no or very limited harm to the significance of heritage assets resulting from the appeal scheme, within their Appeal Statement of Case or Heritage Statement.





2. Heritage Impact Assessment Methodology

2.1. Based on the evidence presently available, The Council does not consider that Calpe Yard itself has sufficient heritage interest to be considered a Non-designated Heritage Asset.

2.2. The impact of the appeal scheme on the historic environment is therefore an indirect one, purely related impacts on heritage significance resulting from the location of the appeal site within the setting of heritage assets.

2.3. In assessing the impact of any proposal on the significance of heritage assets and their settings, the established best practice is set out in the Historic England publication [Good Practice Advice Note 3 – the Setting of Heritage Assets](#). This sets out a five-step process to be followed:

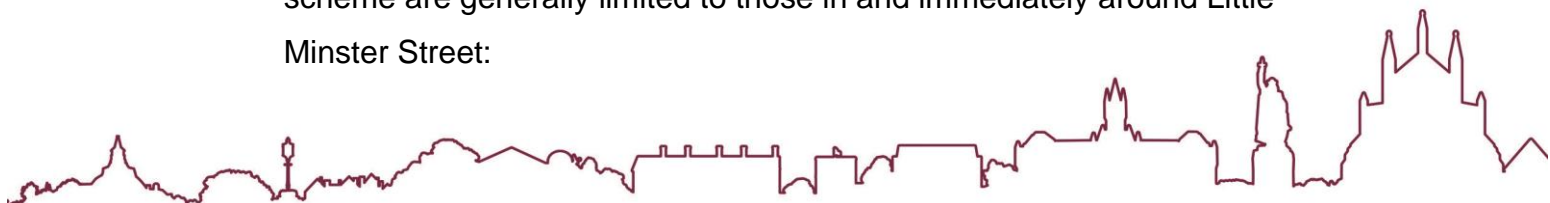
1. Identify heritage assets and settings affected
2. Outline their significance and contribution of their settings
3. Assess impact of proposals on the setting and significance
4. Consider ways to maximise benefit and minimise harm
5. Document the decision and monitor outcomes

2.4. Given the large number of heritage assets within central Winchester, it is reasonable to apply a degree of selection to identify those heritage assets which includes the appeal site within their settings. This approach follows the definition of setting given in the NPPF, and in this case principally relies on an ability to experience a heritage asset and the site in the same view as the determining factor in whether a heritage asset could be affected by the development subject to this appeal.

2.5. Whilst heritage assets can be experienced in other non-visual ways (such as through sound, smell, temperature and ambience), in this context, visual impacts will be the key mechanism for impacts on heritage significance.

3. Identifying the heritage assets and their settings which are affected by the appeal scheme

3.1. The heritage assets which the Council considers to be affected by the appeal scheme are generally limited to those in and immediately around Little Minster Street:





- 3.1.1. This part of the Winchester City Conservation Area
 - 3.1.2. No. 105 High Street (Nat West Bank) – Grade II* listed
 - 3.1.3. No. 8 Little Minster Street – Grade II listed
 - 3.1.4. No. 44 High Street – Grade II listed
 - 3.1.5. Nos. 15 and 16 The Square – Grade II listed
 - 3.1.6. Nos. 12 – 14 The Square – Grade II listed
 - 3.1.7. No. 11 The Square – Grade II listed
 - 3.1.8. No. 10 The Square (which includes no. 17 Little Minster Street)
– Grade II listed
 - 3.1.9. No. 9 Great Minster Street – Grade II listed
 - 3.1.10. No. 8 Great Minster Street (The Old Vine PH) – Grade II listed
 - 3.1.11. No. 7 Great Minster Street – Grade II listed
 - 3.1.12. No. 6 Great Minster Street – Grade II listed
 - 3.1.13. No. 5 Great Minster Street – Grade II listed
 - 3.1.14. No. 4 Great Minster Street – Grade II listed
 - 3.1.15. No. 3 Great Minster Street (Minster House) – Grade II listed
- 3.2. It is noted that the given addresses for many of the above listed buildings are either on The Square or Great Minster Street, however these buildings do extend to Little Minster Street, due to their somewhat convoluted plan forms. This can readily be appreciated at the Old Vine, which has a rear access opposite the appeal site.
- 3.3. The above heritage assets have all been ‘scoped in’ to this assessment as it is possible to see the appeal scheme from within (in the case of the conservation area) or immediately adjacent to them (in the case of listed buildings).
- 3.4. The closest listed building to the site is no. 7 St. Thomas Street, immediately adjacent to the access to Calpe Yard. This building has been scoped out of the assessment due to the location of the appeal scheme, on the south facing side of Calpe Yard, which is not visible from St. Thomas Street (and assumed to be hidden from the interior of no. 7).



3.5. Other heritage assets to which the applicant has referred include the Cathedral (Grade I listed) and the Winchester Cathedral Close Scheduled Monument. These have been scoped out of the assessment, as in respect of these assets the Council agrees with the appellant's view: "the building that the Appeal Site forms part of being a largely unremarkable background building" within the setting of the Cathedral and Scheduled Monument. Consequently, it is not considered that the appeal scheme has any impact on the significance of these heritage assets.

4. Outline the significance of the heritage assets and contribution of their settings

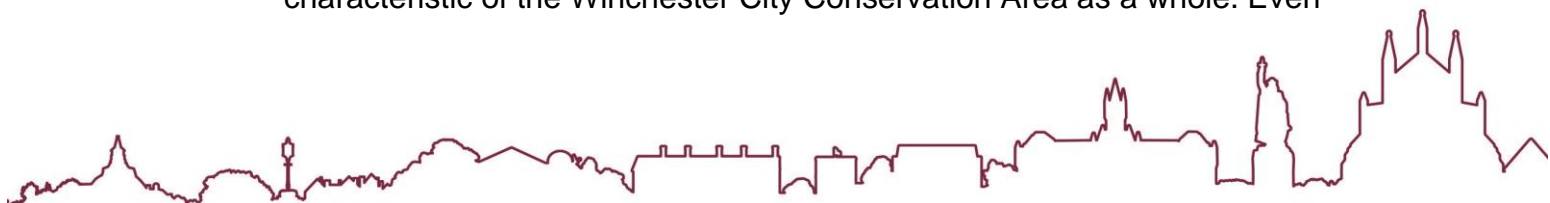
4.1. The significance of the heritage assets identified at 2.1. principally derives from their historic and architectural values, as buildings with ages attributed in their list entries to the C17 at the oldest (No. 9 Great Minster Street) to the mid C19 at the newest (No. 7 Great Minster Street).

4.2. The substantially intact nature of most of these buildings, when combined with their age and architectural value means that they would likely still be listed wherever they were located, however, their location at the core of the Winchester City Conservation Area makes a substantial positive contribution to their significance.

4.3. Many of these buildings have group value, and as largely commercial buildings, their origins are assumed to be co-dependent. Their uses add vitality and vibrancy to the Walled Town character area of the Conservation Area. Little Minster Street has a quieter character, befitting its status as a side street, largely performing service functions supporting the 'higher status' frontages of the buildings onto Great Minster Street and the High Street.

4.4. Little Minster Street has a strong sense of enclosure, with buildings on the western side (including Calpe Yard) being generally taller and more regular in form and appearance than the row of listed buildings on the eastern side of Little Minster Street, which have a wider variety of forms and heights.

4.5. Little Minster Street reflects the fine urban grain which is an important characteristic of the Winchester City Conservation Area as a whole. Even





Calpe Yard, as a comparatively large building makes some concession to this, with its subdivision into 5 narrow bays. Prior to the erection of the development subject to this appeal, it was a largely neutral element of the streetscene, visually less prominent than other buildings on Little Minster Street, due to its simple form and balanced composition. Prior to the unauthorised development it made a neutral contribution to the character and appearance of the conservation area and to the significance of the listed buildings identified above.

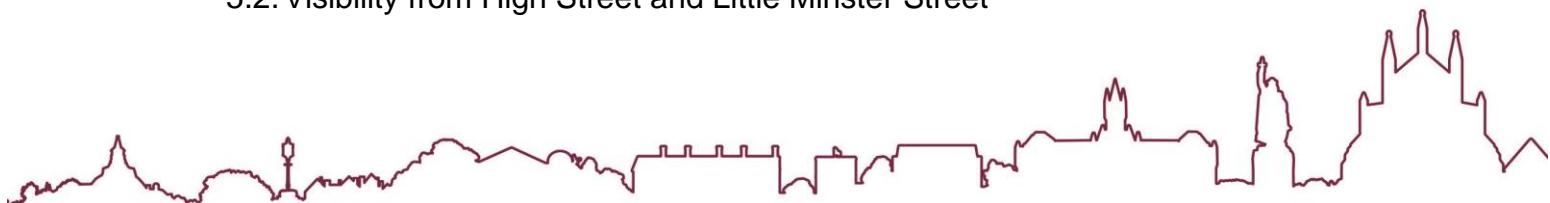
5. Assess impact of proposals on the setting and significance

5.1. Height

5.1.1. Calpe Yard is a tall building, taller than the listed buildings on the opposite side of Little Minster Street. Despite this, prior to the unauthorised development, this relationship was not uncomfortable. The set back from the eastern elevation of the top floor of Calpe House is a well-established feature of tall buildings, as a design mechanism to limit the perception of height of the building, through reducing (or in this case eliminating) views of the uppermost storey of the building from ground level.

5.1.2. The unauthorised development has entirely infilled the set back of the top floor of no. 2 Calpe Yard. This has removed the effect of the set back of the top storey of the building, rendering the full height of Calpe Yard appreciable from ground level. This has added a view of approximately 1.5m to the height of the building, with the ends of the horizontal timber roof beams of the unauthorised development visible from the street. This increase in the perceived height of the building, when considered in the context of the listed buildings in Little Minster Street, has an overbearing relationship with these listed buildings, detracting from their visual prominence in the streetscene, causing harm to an ability to appreciate their significance. This harm is within the 'less than substantial' category of the NPPF, at the lower end of that scale.

5.2. Visibility from High Street and Little Minster Street





5.2.1. The unauthorised development can be seen from the High Street, at the junction with Little Minster Street. The High Street contains many highly graded listed buildings, but in particular no 105, which is listed at Grade II*. Views of the appeal scheme from 105 High Street are very minor, and in this location given the distance between the two sites, these views are so small so as to have a negligible impact on the significance of 105 High Street.

5.2.2. Views of the appeal scheme are more prominent when one stands adjacent to the postbox on the corner of no. 44 High Street (listed at Grade II), given the nature of this view, in which the unauthorised development is framed in the vista south-east along Little Minster Street, the prominence of the appeal scheme is considerably greater than when viewed from opposite side of the High Street at 105 High Street. At this corner location, adjacent to the postbox, it is considered that the impact of the unauthorised development is such that it has a harmful effect on perceptions of 44 High Street and more broadly on the character and appearance of Little Minster Street. This harm is within the 'less than substantial' category of the NPPF, at the lower end of that scale.

5.2.3. For this reason, the scheme does not accord with the requirements of Policy DM27 of the Local Plan, in so far as it does not respond sympathetically to the roofscape of the local area and does not relate well to adjoining buildings.

5.3. Architectural style, materials, and construction

5.3.1. The character of the unauthorised development is markedly different from the character of the existing dwelling, as illustrated by the photographic schedule submitted by the appellant. This demonstrates that the timber construction and style of the appeal scheme has an 'ad-hoc' character, as a structure erected quickly and relatively cheaply, in response to the appellants personal circumstances. This is not considered to be a high quality of development and fails to comply with



Policy WIN3– it is not sympathetic to the character of the Town’s Historic Roofscape in terms of materials and also Policy DM29 – it does not use appropriate materials and details.

5.3.2. Due to the materials and style of construction, in conjunction with its height and visibility from the public realm, the appeal scheme is has an adverse impact on the character of the and appearance of this part of the Winchester City Conservation Area.

5.3.3. The precedent examples submitted by the appellant are not comparable to the appeal scheme; they largely comprise permanent balustrading affixed to other buildings, and temporary Pidgeon netting, considerably visually less solid in appearance than the appeal scheme.

5.4. Benefits of the scheme

5.4.1. There are no known public benefits of the scheme.

5.4.2. The Council is sympathetic to the appellants’ concerns relating to their cat, but these are very clearly private issues, not conferring any public benefit.

5.4.3. The Council considers that the scheme has caused harm to the significance of listed buildings and to the character and appearance of this part of the conservation area.

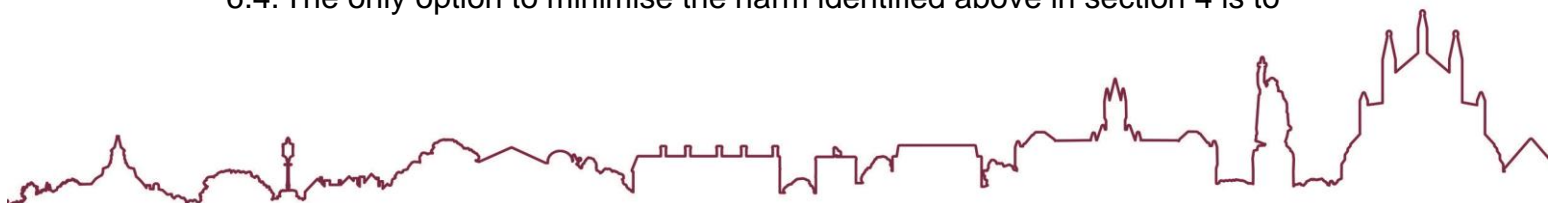
6. Consider ways to maximise benefit and minimise harm

6.1. It may be possible to develop a scheme which is less visible from the street or due to its construction has less visual permanence and sense of mass, which would therefore have a smaller impact on the significance of the heritage assets identified at 2.1, however that question is beyond the subject of this appeal.

6.2. Changing the colour of the framing to the structure would not address the concerns raised.

6.3. Granting planning permission to retain the unauthorised development on a temporary basis would also not be a satisfactory solution – either the scheme is acceptable, or (as the Council contends) it is not.

6.4. The only option to minimise the harm identified above in section 4 is to





remove the unauthorised development and restore the site to its previous condition.

7. Document the decision and monitor outcomes

7.1. For the reasons outlined in the preceding sections of this statement, the Council considers that the appeal scheme causes harm to the significance of the listed buildings identified at 2.1 and to the character and appearance of this part of the Winchester Conservation Area. Such harm is within the 'less than substantial' category of the NPPF.

7.2. Whilst the level of harm is low, and at the lower end of the 'less than substantial' scale, there are no public benefits resulting from the scheme, to balance the harm identified, which would be required under paragraph 202 of the Framework.

7.3. For this reason, the Council could not have granted planning permission to retain the unauthorised development.

7.4. We respectfully request that the inspector dismiss the appeal and uphold the Enforcement Notice.

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Date: 24.08.2023

