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By email to: teame2@planninginspectorate.gov.uk

Dear Ezra

APP/L1765/C/23/3327152 – Appeal by Mr Alastair Scott at 2 Calpe Yard, St Thomas Street, Winchester, SO23 9HE

Thank you for your letter of 8 November 2023, enclosing the Local Planning Authority's Statement for the above appeal.

Having considered the points raised by the LPA, and discussed with the Appellant, we would to make the following additional comments:

Ground A: Historic Environment Consultation Comments

These comments, dated 24 August 2023, and made by the Historic Environment Team Leader, Daniel Ayre, address the first ground of appeal – that planning permission ought to be granted.

Firstly, it is agreed and welcomed that the Council, as Local Planning Authority do not (at 2.1) regard the Appeal Site as a Non-designated Heritage Asset, and that (at 2.2) any impacts arising in terms of heritage significance are therefore solely limited to the location of the Appeal Proposals within the setting of identified heritage assets.

It is also welcomed that the Historic Environment Consultation Comments (at 3.5) agree with our assessment that the Appeal Proposals do not have an impact on the significance of the Cathedral (Grade I Listed) and Scheduled Monument.

However, these comments also seek to ‘scope in’ the following properties:

- No.105 High Street (Nat West Bank) – Grade II* listed
- No 44 High Street – Grade II listed
- Nos 15 and 16 The Square – Grade II listed
- Nos 12-14 The Square – Grade II listed, and
- No 11 The Square – Grade II listed

Notwithstanding our assessment that the Appeal Site does not play any material role in establishing the historic significance of the various heritage assets identified in the submitted Heritage Statement, it is not clear from the submitted comments why these particular properties have been ‘scoped in’, when there is relatively limited intervisibility between these properties and the Appeal Site.

Whilst we do agree with the statement (at 4.5) that the Appeal Site makes a neutral contribution to the Conservation Area and the setting of various listed buildings, it is considered that the particular appearance of the Appeal Site – being part of a more modern building with external render (painted in various colours) – means that the Site helps to contribute to the generally eclectic visual appearance of the street scene within this part of the Conservation Area.

Turning to the submitted assessment of impact (section 5 of the Historic Environment Consultation Comments), it is agreed that the statement (at 5.1.2, and 5.2.2) that the impacts arising from the Appeal Proposal should be viewed as being at the lower end of ‘less than substantial harm’, as defined by the NPPF.

However, it is not accepted that the particular features of the Appeal Proposal, when viewed as part of a generally highly enclosed and intimate environment, will lead to any overbearing effect upon the streetscene (as stated at 5.1.2).

Similarly, it is not clear how the relatively limited ability to view and appreciate the Appeal Proposal as part of the immediate streetscene and wider historic environment would necessarily translate into the proposals being deemed to be unacceptable in heritage terms. The submitted comments recognise (at 5.2.1) that views of the Appeal Proposal from 105 High Street are ‘very minor’ and, given the distance, have a negligible impact on the significance of that property.

As set out in 5.2.2, the Council appear to be mostly concerned about the ability to view the Appeal Proposal from a particular point ‘adjacent to the post-box on the corner of No. 44 High Street’. This view is illustrated on page 6 of the document attached to the Council’s SOC at Appendix B ‘Enforcement Report’, and which is reproduced below at Fig. 1.

Paragraph 5.2.2 of the submitted comments state that:

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.



Fig 1: Extract from Enforcement Report showing view from post-box

It is clear from the above image that the overall view of the Appeal Proposal is generally quite cluttered, with more immediately perceivable elements in the view being vehicles using the road, bins, canopies and general signage. It is therefore not clear how the LPA take the view that the barely perceptible addition to the Appeal Site would feature so strongly in that perceived view, and to such an extent, that it would be viewed as having a 'harmful effect'. It is also evident that due to the limited nature of the above view, that a single step to either the left or right would mean that the Appeal Proposal would be obscured from view.

Furthermore, and notwithstanding the above, it is considered that the general experience of people within this space, and their appreciation of the historic environment while they are doing so, will be more greatly affected by objects and visual elements within or below the eye-line, and that the majority of people will not tend to be looking in an upwards direction whilst standing or moving through this space. This would of course be more exaggerated in situations where there may be

moving vehicles, other pedestrian users and/or narrow and broken pavements, as is the case here.

The ability to perceive architectural elements at high levels will of course be more difficult when sited closer to the Appeal Site, since it will be necessary to crane upwards.

Conversely, when standing further back from the view illustrated above, the viewer would be sited within the High Street itself, where as noted within the submitted comments, there will be a negligible effect. Views are similarly limited by being curtailed in the opposite direction from the southern end of Little Minster Street, as illustrated by Fig. D5 in the Photographic Survey submitted with the Appellant's Statement of Case, and extracted below:



Fig D5: North view along Little Minster Street (1-5 Calpe Yard to left with rendered upper storey)

As such, and given the very limited visual impact on the particular view that has been selected by the LPA to form the main basis of its conclusions, it is not considered that

the retention of the proposals would represent an inappropriate form of development in heritage terms.

Given this, it is not clear why the Council have taken the view that the, admittedly minor, impacts of the proposal could not be further minimised by the changing of the colour of the timber used in the construction of the Appeal Proposal. The Appellants offer to undertake to do this is not an acceptance that the current appearance of the Appeal Proposal is harmful, but offered in order to maintain good relations with the Council.

Furthermore, it is not accepted that the photographs of similar structures elsewhere in the city centre are not pertinent to the current Appeal, since they illustrate the way that similar enclosures have been allowed to endure – presumably without any enforcement action – in other locations. This is presumably because they are generally not perceived by the general public for the reasons given above.

Lastly, the Council state that there is no public benefit derived from the proposal. As stated in the enclosed Biotope Veterinary Consultants letter, the ability to restrain the Appellant's cat within the property, whilst providing it with the ability to exercise out of doors, will help to protect the various song birds located in Winchester City centre.

Ground G: WCC Statement of Case

The Appellant has stated that, should the current Appeal be unsuccessful, they would require up to 6 months in order to either rehome their cat, or find somewhere else to live.

This is not considered to be an unreasonable request. However, the Council have stated that such an extension would not be acceptable to them and have instead suggested that the Appellant's cat could be exercised solely indoors, or that the Appellant could simply move to a property that they own elsewhere in the city.

The enclosed letter from Biotope Veterinary Consultants confirms that it would not be in the best interests of the cat to be restricted to exercising inside the house only. As such it is considered that the long term welfare of the cat would be harmed by forcing the Appellant to remove the structure before they are able to find suitable alternative accommodation.

On the point about the availability of other property, the Appellant has confirmed that they have not owned any other property in Winchester in a personal capacity since 31 March 2023, which may post-date the Council's investigations in this area. As such, the only option open to them should this appeal be unsuccessful would be to sell the Appeal Site and find somewhere else to live.

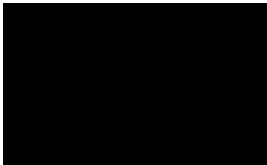
This being the case, a 6 month period for compliance is not considered unacceptable.

Conclusion

As set out within the submitted Statement of Case, it is considered that the Appeal Proposals do not create a level of harm in heritage terms that would necessitate the necessary structure to be removed from the Appeal Site, and the Statement of Case submitted by the Council does not contain any further information that would alter this view.

As such, the Inspector is politely requested to agree with this view and allow the Appeal.

Yours sincerely



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enc.