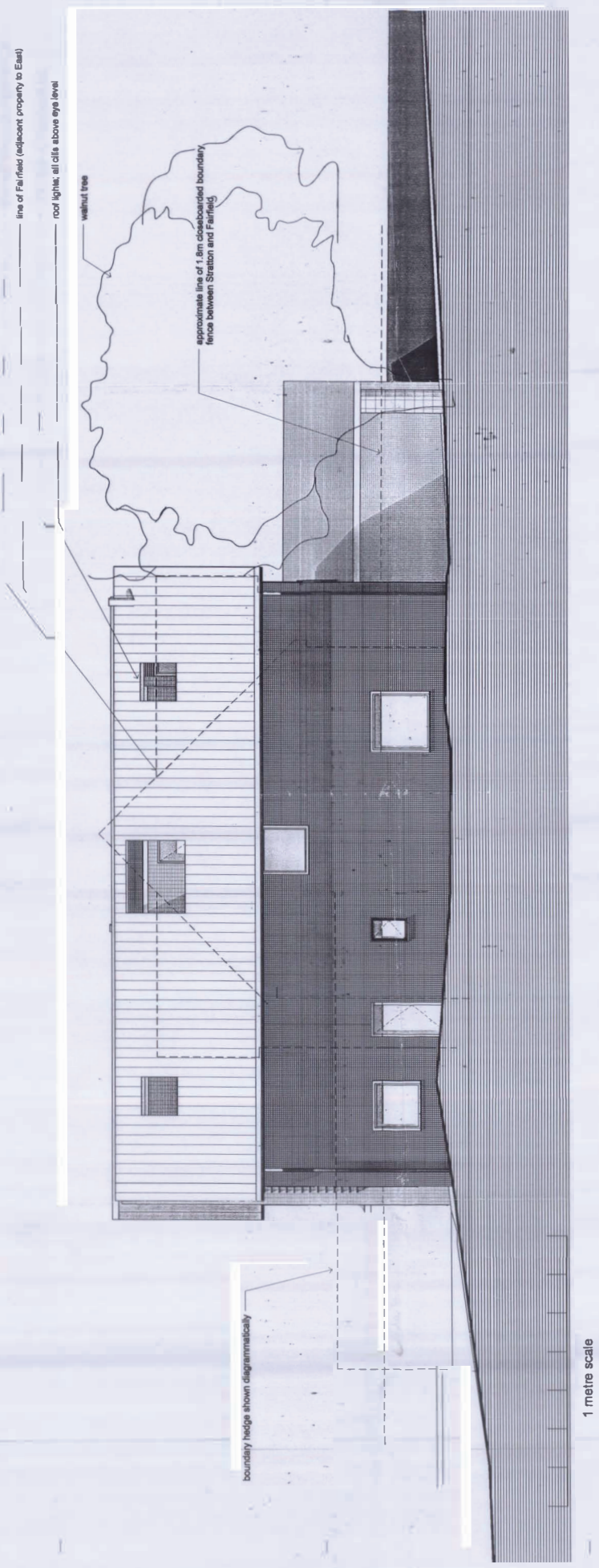
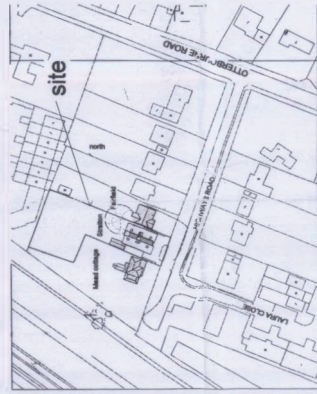


Appendix 2; Officer memo for enforcement action

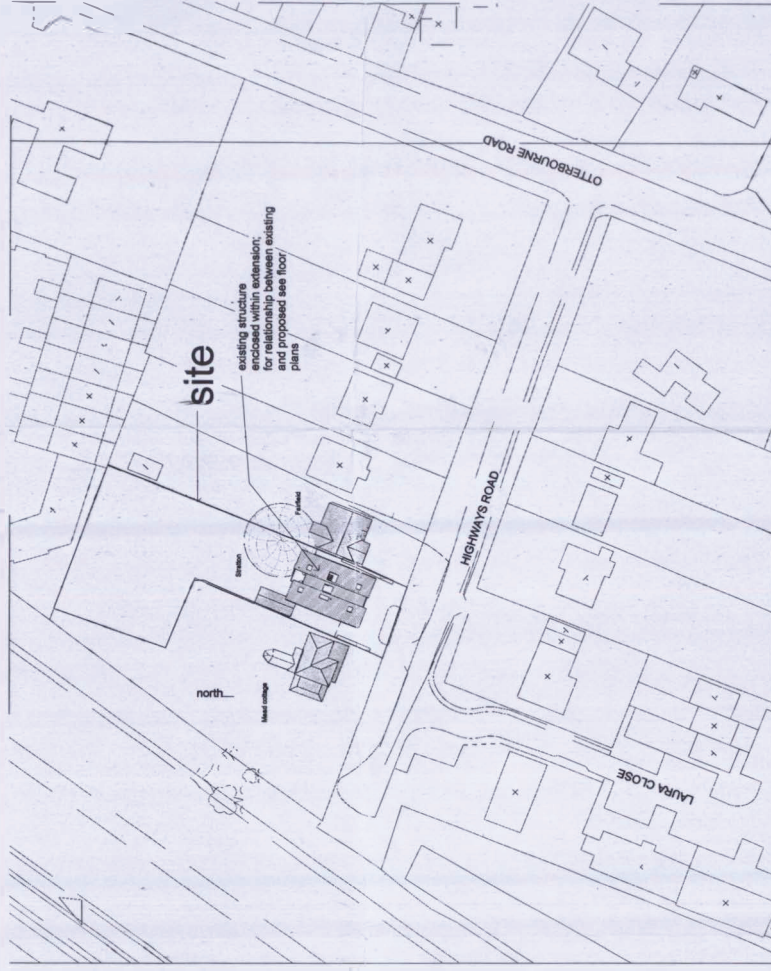
Appendix 2: 08/01823/FUL Relevant Plans (Not to Scale)



Appendix 2: 08/01823/FUL Relevant Plans (Not to Scale)



1 location plan  
1 : 1250



2 Site plan out  
1 : 500  
1 metre scale





**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

**Refusal of Planning Permission**

**Planning Application Reference: 21/00782/HOU**

**Decision Date:- 12.08.2021**

Winchester City Council **REFUSES** planning permission for (AMENDED PLANS) Two storey front, side and rear extensions; alterations and new roof over existing house (amended design and roof to that permitted under 08/01823/FUL) at Stratton Highways Road Compton SO21 2DF for the following reasons:-

1 The proposed extensions and alterations, by virtue of their size, scale and height and resultant massing do not respond positively to the character and appearance of the host dwelling or local area thereby having an incongruous and intrusive visual impact as seen from the public and private realm. They also cause significant harmful impacts to the surrounding residential amenity in terms of overbearing and overlooking. The proposal is therefore contrary to Policy CP13, DS1 and MTRA3 of Winchester District Local Plan Part 1, DM15, DM16 and DM17 of Winchester District Local Plan Part 2 and The High Quality Places SPD (Part 6, paras 6.3-6.7).

***J Pinnock***  
**Julie Pinnock BA Hons MTP MRTPI**  
**Service Lead - Built Environment**

## **Notes To Accompany Planning Decision Notice**

### General Notes for Your Information:

1. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Part 1 (2013): DS1, CP13, MTRA3

Winchester District Local Plan Part 2 (2017): DM15, DM16, DM17

Winchester District High Quality Places Supplementary Planning Document

2. In accordance with paragraph 38 of the NPPF (July 2018) , 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

### Rights of Appeal:

- The applicant or the applicant's representative has the right to appeal to the Secretary of State against the decision of the Local Planning Authority under Section 78 of the Town and Country Planning Act 1990.
- As this is a decision relating to a householder application, any appeal against the reason for refusal must be made by 4 November 2021
- If an enforcement notice is served relating to the same or substantially the same land development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals must be made using a form which you can get from the Secretary of State at:

The Planning Inspectorate (England)  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Or online at:

<https://www.gov.uk/government/organisations/planning-inspectorate>

- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

# Street scene with receded ridge

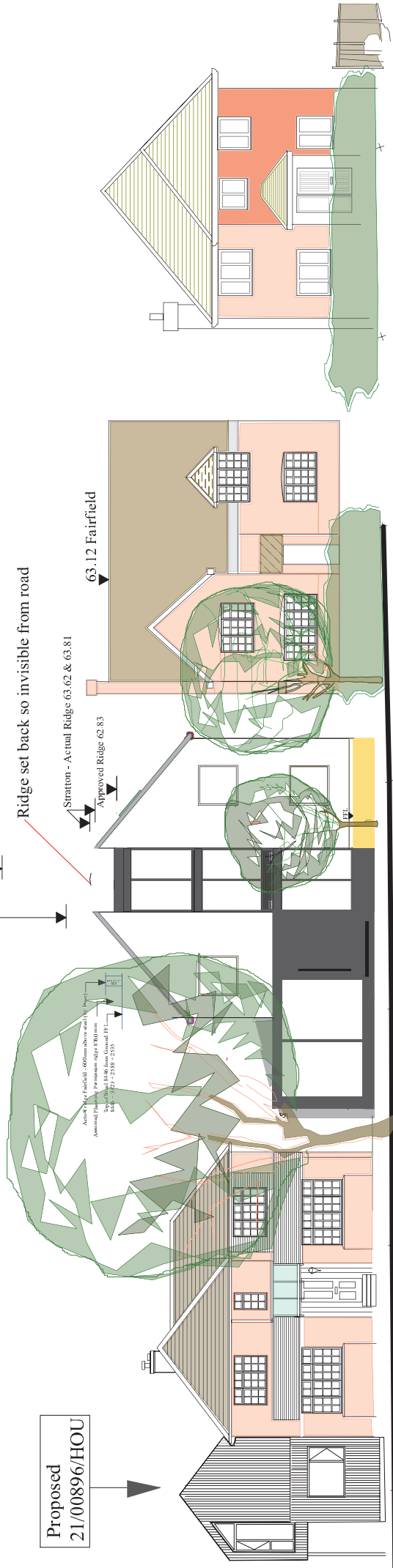
## Street scene Highways road

Relative height of 3 storey ridge - Laura close

Tilden Way - Flats Ridge

Ridge set back so invisible from road

Proposed  
21/00896/HOU



52.70

52.80

52.88

53.10

53.15

53.22

Mead Cottage

Stratton

Fairfield

Wychwood

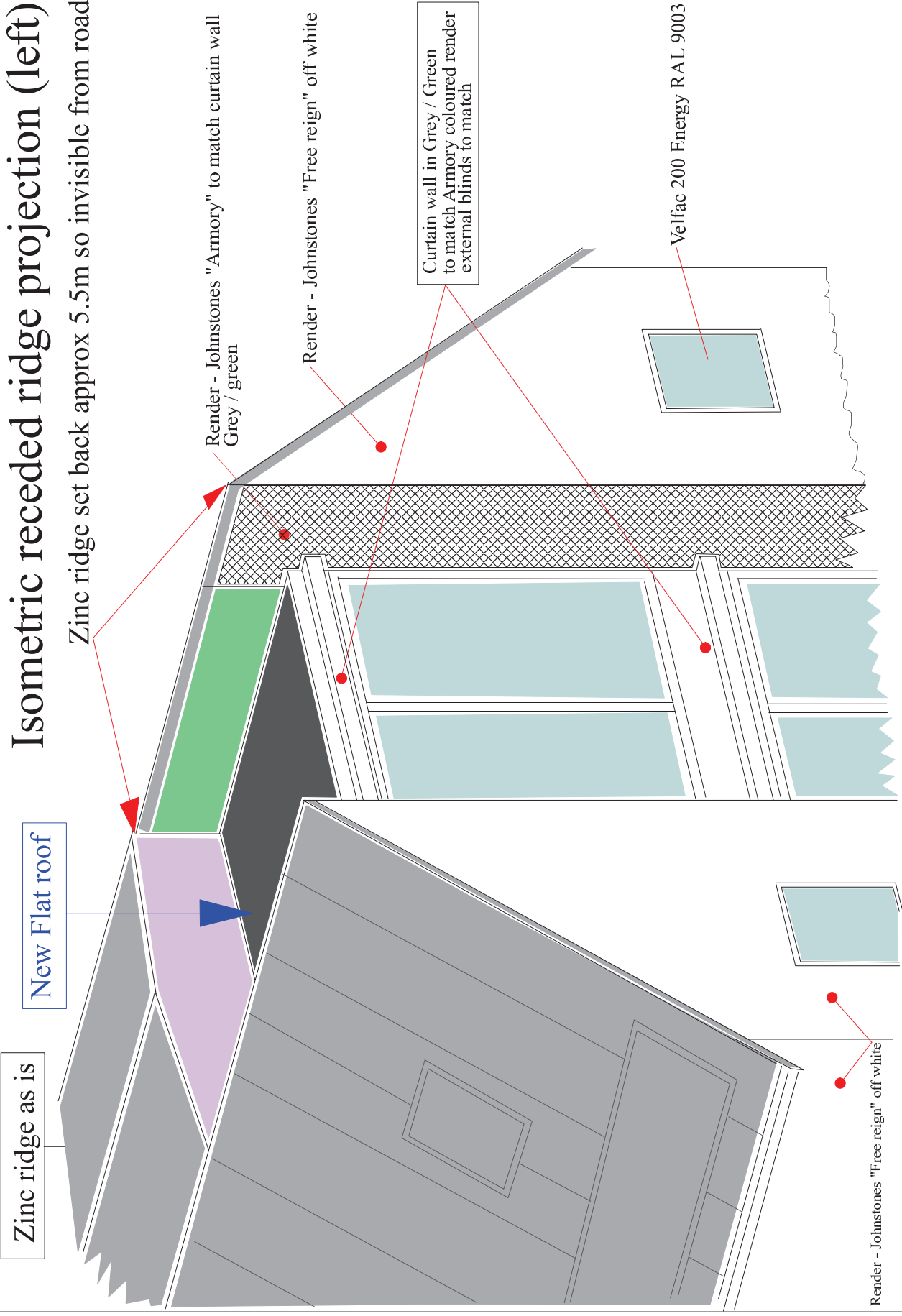


54.77



# Isometric receded ridge projection (left)

Zinc ridge set back approx 5.5m so invisible from road



Zinc ridge as is

New Flat roof

Render - Johnstones "Armory" to match curtain wall Grey / green

Render - Johnstones "Free reign" off white

Curtain wall in Grey / Green to match Armory coloured render external blinds to match

Velfac 200 Energy RAL 9003

Render - Johnstones "Free reign" off white

Project	Stratton, Highways Road Compton, Winchester
Title	Isometric receded ridge projection
Drawing	MF_isometric_receded_ridge_LEFT_01

For and on behalf of Mr & Mrs Michael Field

# Isometric receded ridge projection (right)

Zinc ridge set back approx 5.5m so invisible from road

Zinc ridge as is

New Flat roof

Render - Johnstones "Armory" to match curtain wall  
Grey / green

Render - Johnstones "Free reign" off white

Curtain wall in Grey / Green  
to match Armory coloured render  
external blinds to match

Velfac 200 Energy RAL 9003

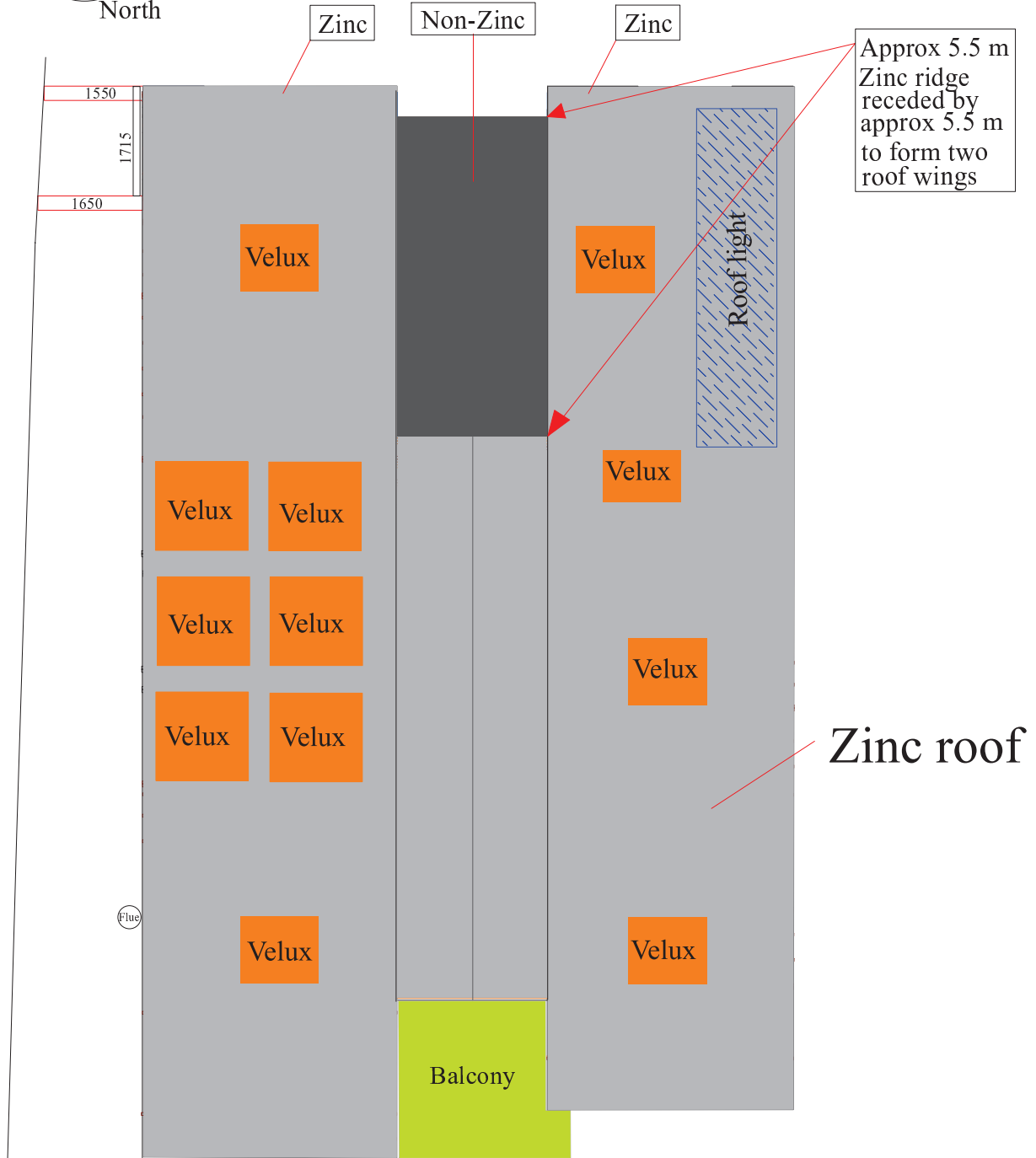
Render - Johnstones "Free reign" off white

Project	Stratton, Highways Road Compton, Winchester
Title	Isometric receded ridge projection
Drawing	MF_isometric_receded_ridge_RIGHT_01

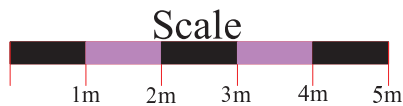




# Front



Roof plan (amended)



Ver 02 - amended roof plan to create mid drop down area for approx 5.5m

For and on behalf of Mr & Mrs Michael Field

Project Stratton, Highways Road  
Compton, Winchester

Title Roof plan

Drawing MF\_Roof\_plan\_02

# Stratton - Section view North to South

## Recede ridge 5.5 m over bedroom

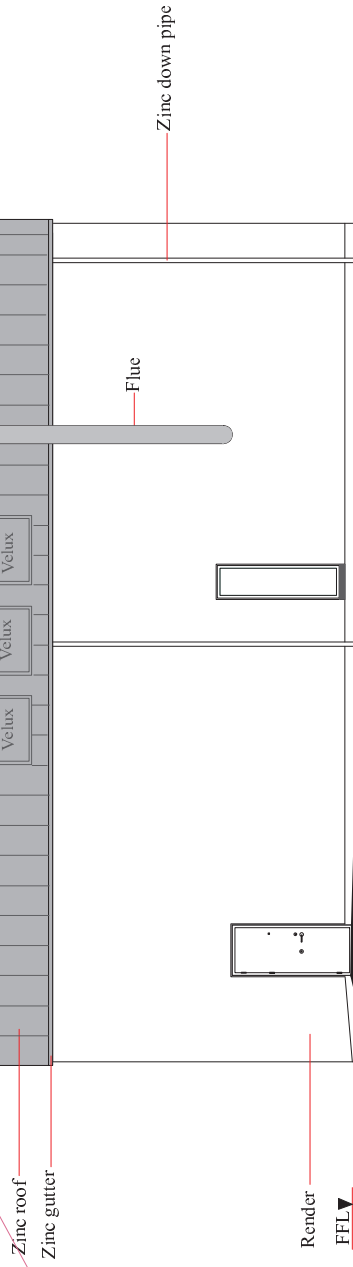
Recede roof 2.6 m for Highways Road

5.5 m

2.6 m

Ridge set back so invisible from road

Flat section to front, to obscure ridge (blue)



View from person

View from person

Path

1.8 m

1.8 m

Highways Road



Project	Stratton, Highways Road Compton, Winchester
Title	Street section North -> South
Drawing	MF_section_N_S_recede_ridge_01

For and on behalf of Mr & Mrs Michael Field

# Street scene with receded ridge

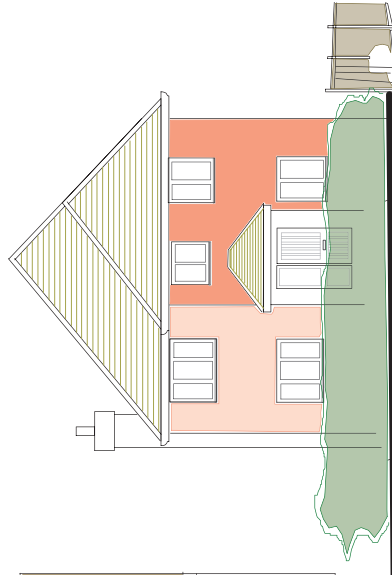
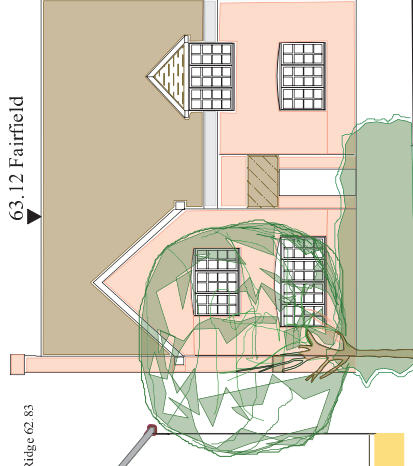
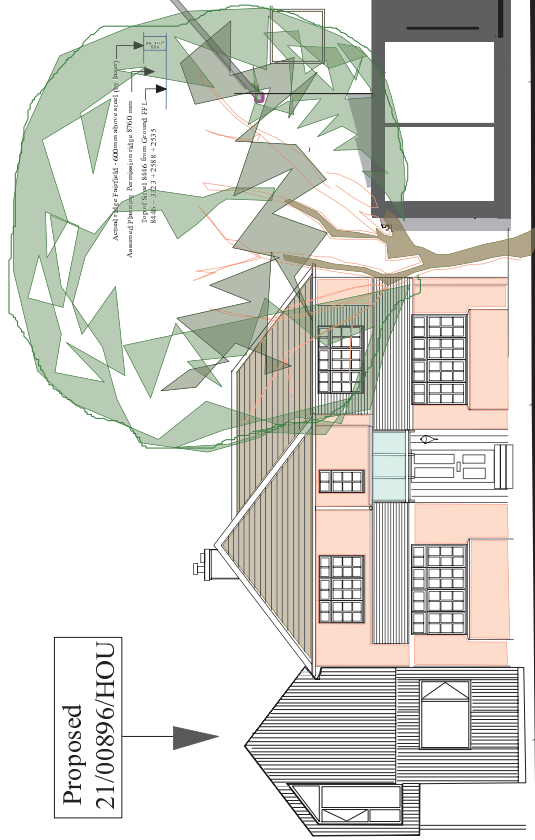
## Street scene Highways road

Relative height of 3 storey ridge - Laura close

Tilden Way - Flats Ridge

Zinc ridge set back approx 5.5m so invisible from road

Proposed  
21/00896/HOU



52.70

52.80

52.88

53.10

53.15

53.22

Mead Cottage

Stratton

Fairfield

Wychwood



For and on behalf of Mr & Mrs Michael Field

54.77

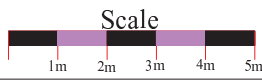
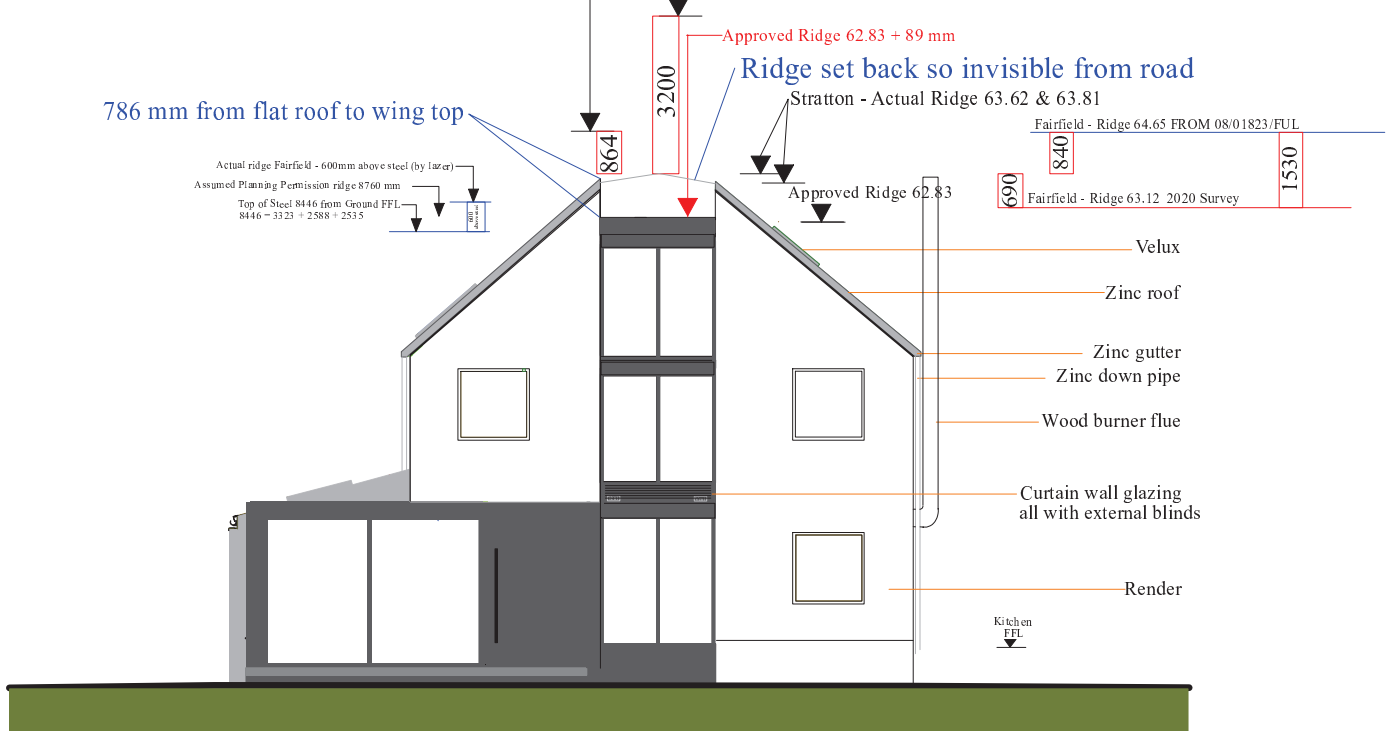
Drawing: MF\_Street\_scene\_with\_receded\_ridge\_01

1:50 53.10

# SOUTH elevation with datums Amended ridge to create two wings

Relative height of 3 storey ridge - Laura close

Tilden Way - Flats Ridge 67.01



Ver 3B - amended Zinc ridge by approx 5.5m to create two wings and new flat roof section now approx 768mm from wing top	Project	Stratton, Highways Road Compton, Winchester
	Title	SOUTH elevation
For and on behalf of Mr & Mrs Michael Field	Drawing	MF_SOUTH_elevation_03B

---

# Appeal Decision

Site visit made on 18 January 2022

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> February 2022

---

**Appeal Ref: APP/L1765/D/21/3286123**  
**Stratton, Highways Road, Compton SO21 2DF**

- 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 Michael Field against the decision of Winchester City Council.
  - The application Ref 21/00782/HOU, dated 19 March 2021, was refused by notice dated 12 August 2021.
  - The development proposed is for two storey front, side and rear extensions; alterations and new roof over existing house (amended design and roof to that permitted under 08/01823/FUL).
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. As denoted by the description of the proposed development, the scheme before me constitutes revisions to a previous proposal which constituted a substantial remodelling and extension of the original dwelling on the site.
3. Notwithstanding this, what has been built on site has deviated from that previous approval and during the processing period of the planning application the subject of this appeal, further amendments were made. These include the recession of the 'dutch barn' ridge by approximately 5.5m from the front elevation, with the creation of 'wings' to each side for that extent.
4. The appellant has also provided some street scene drawings for the appeal which seek to demonstrate this further change to the proposal as originally submitted. As these drawings do not materially affect the substance of the case, I consider it would be reasonable to accept them having regard to the 'Wheatcroft Principles'<sup>1</sup>.
5. I have determined the appeal on this basis.

## Main Issues

6. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the living conditions of the occupants of neighbouring residential properties, with specific reference to outlook and privacy.

---

<sup>1</sup> Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

**Reasons***Character and Appearance*

7. The appeal site is situated within a residential road predominantly comprising two storey detached houses of red/brown brick construction and tiled roofs. There is no one clearly discernible architectural theme, but there is a relatively simple and inoffensive visual rhythm found within Highways Road, that is until one casts their eye upon the subject dwelling.
8. Stratton is highly incongruous within the street scene and appears more akin to an aeronautical building in terms of its design, and through the extreme contrast and use of materials, namely the zinc roofing and grey painted render elevations; these are accentuated by the dwelling's forward projection and overall height, giving rise to a building of a scale that is unsympathetic to its surroundings.
9. In coming to this view I have had regard to the previous planning permission (08/01823/FUL), however I consider that even with the proposed amendments to the present design, the resultant dwelling would most certainly appear as a retrograde step from the approved scheme, with less attention to articulation and other detailing. For example the eastern side gable wing projection has been built in line with the opposite one and materials no longer pay heed to their surroundings. The building is higher than that permitted, accentuating its prominence within the road, thereby even further dwarfing the dwelling known as 'Cottage' to the west and generally having a harmful impact upon the character and appearance of the area.
10. I note the examples cited by the appellant, including ridge lines of properties within Laura Close and Tilda Way; my immediate concern however, is with regard to the relationship to those dwellings immediately adjacent to the site, namely the aforementioned 'Cottage' and 'Fairfield' to the east.
11. I consider that in architectural terms I take scale to be the three dimensional form of the building ie. its width, length and height combined, which ultimately gives rise to its overall size. Whilst the proposed recessed ridge design on the southern elevation would only be 0.79m by my calculation (or 0.78m taking the appellant's measurement) the overall height of the roof, 5.5m from the front elevation back towards the rear, would also be apparent from other angles along the road, and therefore in reality far more of the roof can be seen from the east than as intimated by the appellant. I consider that such an increase is significant, bearing in mind the context of the previously approved scheme and its relationship to its immediate neighbours as demonstrated in the various submitted drawings. Therefore I am not convinced that an impression that the wings extend the entire length of the roof as originally approved is correct, as the highest point of the building, as constructed, is higher than the wing tips as proposed to be created.
12. Whilst the height and width of the dwelling may be of a comparable height with others within the road, its contemporary design and finish materials accentuate its overall scale and massing which together do not respond positively to the far more traditional architecture in Highways Road. I accept that there is no definitive building line, but the forward projection of the dwelling amplifies its visual impacts within the street scene.

13. Whilst it could well be that an alternative colour paint for the render would reduce the incongruity of the dwelling, nonetheless on its own this would not alleviate my concerns. In addition, I consider that soft landscaping would not mitigate the harm that ensues from the proposal. I therefore find that the proposal fails to comply with the National Planning Policy Framework (the 'Framework') which, in paragraph 126 requires the creation of high quality, beautiful and sustainable buildings and would not constitute good design which is a key aspect of sustainable development. Consequently the proposal is also in conflict with Framework paragraph 130, in that the development would fail to be visually attractive and would not be sympathetic to local character.
14. In respect to the Development Plan, I find conflict between the scheme and Policies CP13, DS1 and MTRA3 of the Winchester District Local Plan Part 1 and Policies DM15 and DM16 of the Winchester District Local Plan Part 2 which together expect new developments to meet the highest standards of design, to respect the qualities, features and characteristics that contribute to the distinctiveness of the local area, including matters of scale and layout, whilst using high quality materials that are attractive and durable and appropriate to the context. I also note conflict between the proposal and the Council's High Quality Spaces SPD which, amongst other things, highlights the importance of massing which is often derived from the relationship the proposal has with neighbouring development.

#### *Living Conditions*

15. As highlighted by the appellant the scheme 'as built' has resulted in the removal of a number of wall mounted windows from both side elevations rendering them now as blank, but with the introduction of a greater number of rooflights. Due to their high level nature, I consider it highly unlikely that any views therefrom would give rise to a material level of overlooking to either neighbouring residential property, especially bearing in mind that the attic window serving Fairfield is obscurely glazed. I accept that the front two storey extension would be visible from the living room window of Fairfield and that the increased roof height would be visible from the outdoor amenity area of Cottage. However, on balance, I consider that the increase in ridge height would not give rise to a material increase in its overbearing impacts upon the occupants of both neighbouring dwellings, notwithstanding my concerns with regard to its visual impacts upon the character and appearance of the area. Therefore, on the matter of living conditions alone, I find no conflict between the proposal and criterion vii of Policy DM17 of the Winchester District Local Plan Part 2 which, amongst other things, requires proposals not to have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking or by being overbearing.

#### **Conclusion**

16. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

*C J Tivey*

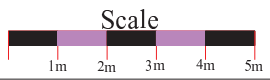
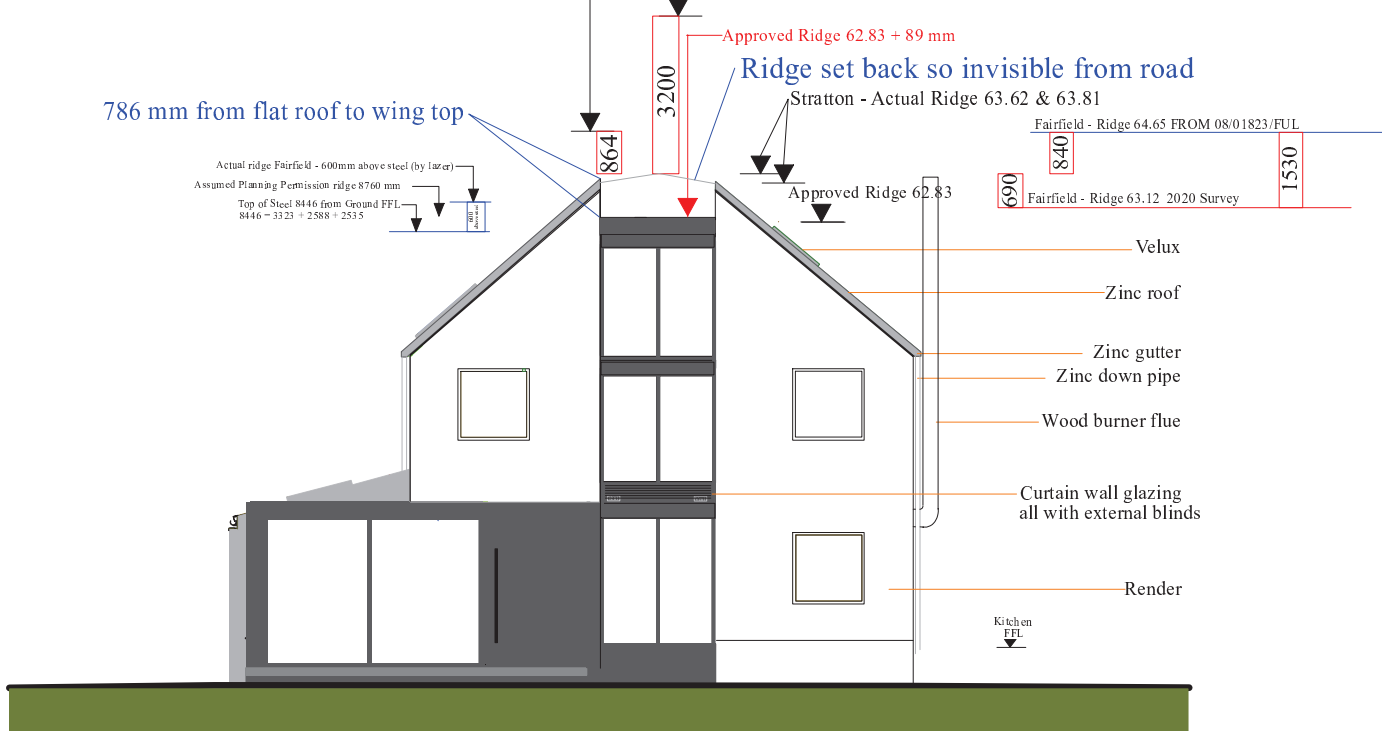
INSPECTOR

# SOUTH elevation with datums

## Amended ridge to create two wings

Relative height of 3 storey ridge - Laura close

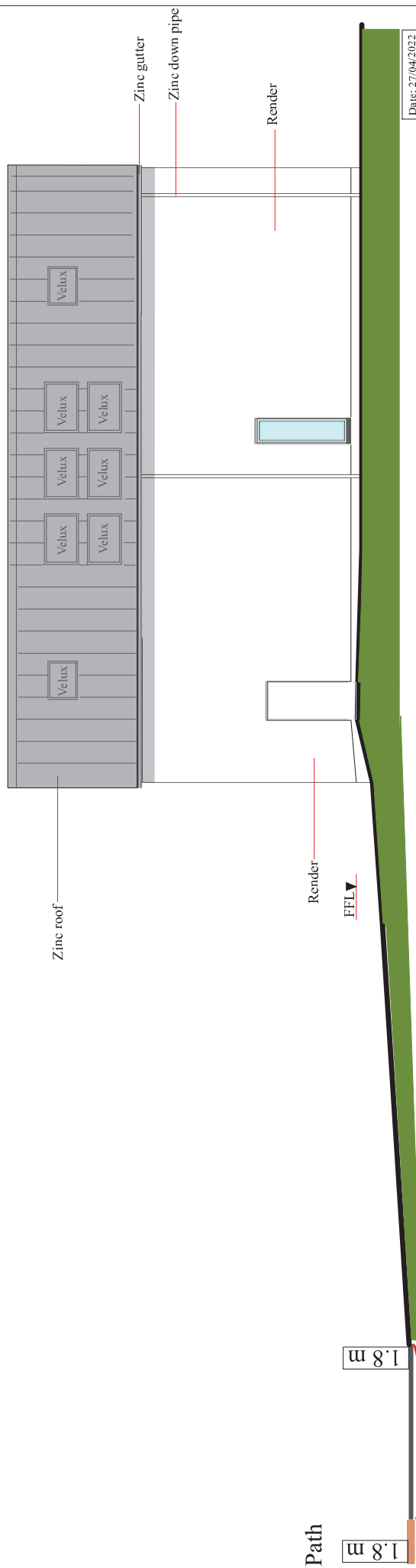
Tilden Way - Flats Ridge 67.01



Ver 3B - amended Zinc ridge by approx 5.5m to create two wings and new flat roof section now approx 768mm from wing top	Project	Stratton, Highways Road Compton, Winchester
	Title	SOUTH elevation
	Drawing	MF_SOUTH_elevation_03B
For and on behalf of Mr & Mrs Michael Field		



# Existing EAST elevation



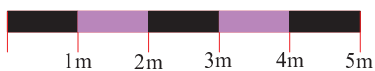
Project	Stratton, Highways Road Compton, Winchester
	Title
	Existing East Elevation P39
Drawing	MF_Existing_EAST_elevation_P39

For and on behalf of Mr & Mrs Michael Field

# Existing NORTH elevation



## Scale



Date: 27/04/2022

For and on behalf of Mr & Mrs Michael Field

Project	Stratton, Highways Road Compton, Winchester
Title	Existing NORTH elevation
Drawing	MF_Existing_NORTH_elevation_P41

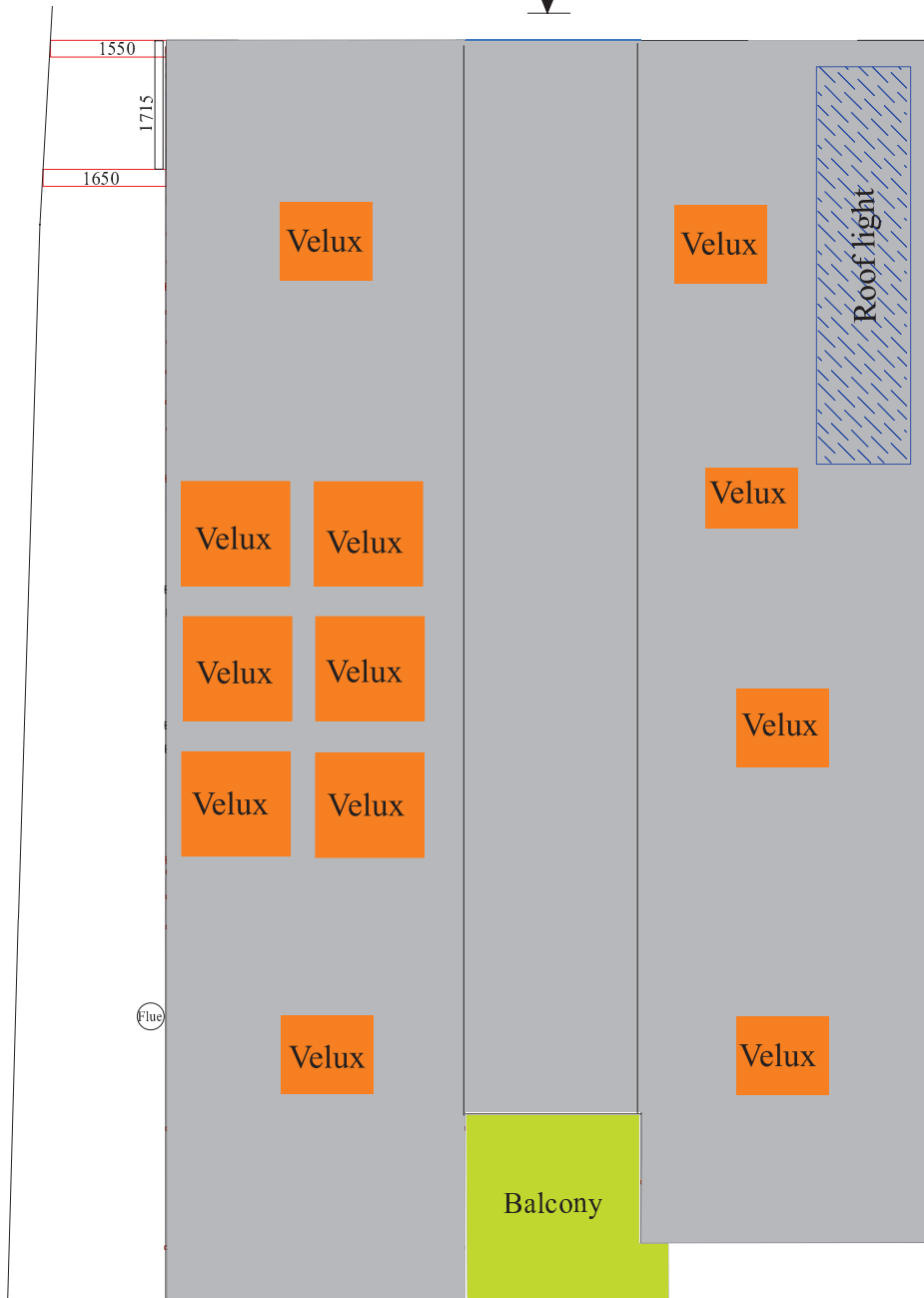


North

# Front

Date: 27/04/2022

Extent of original bay window



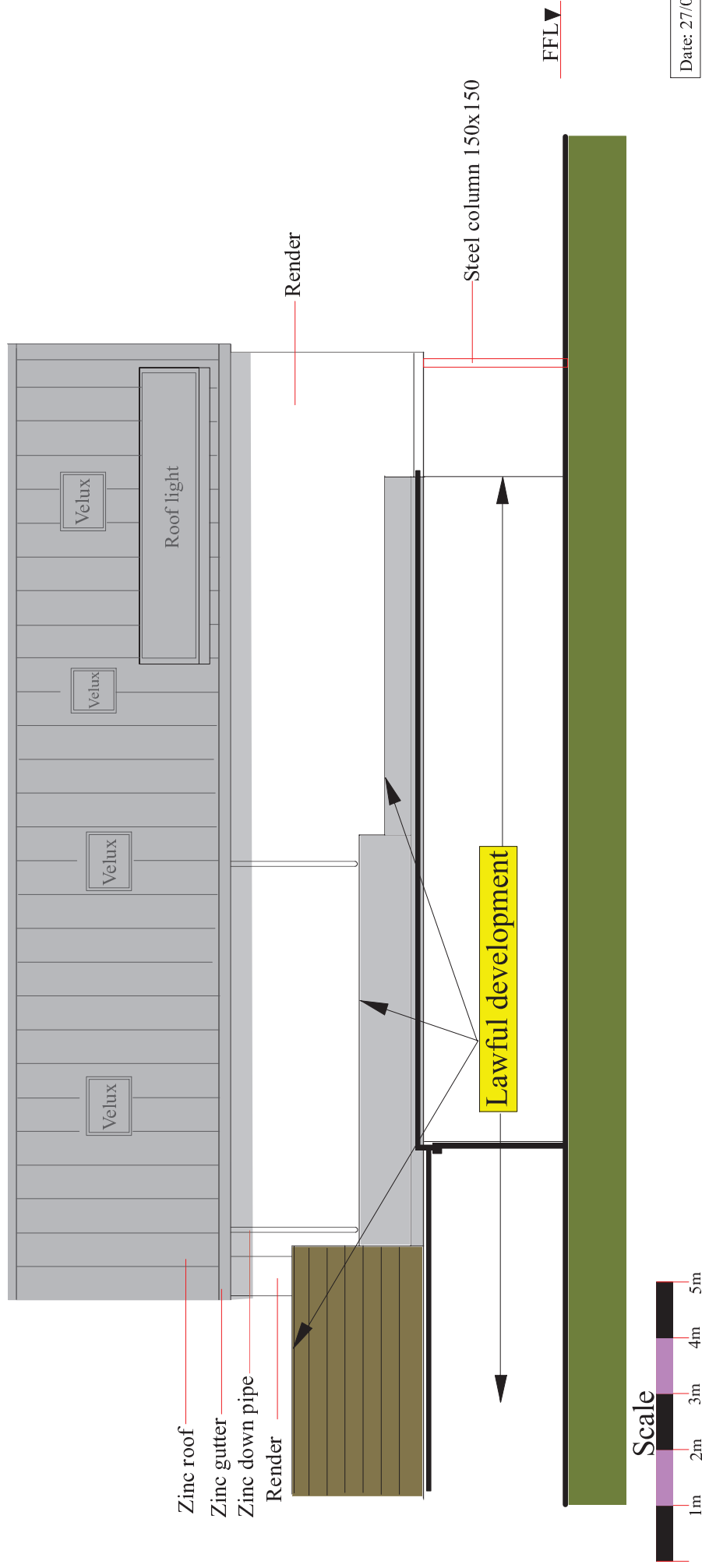
## Roof plan

### Scale



For and on behalf of Mr & Mrs Michael Field	Project	Stratton, Highways Road Compton, Winchester
	Title	Existing roof plan
	Drawing	MF_Existing_Roof_plan_01

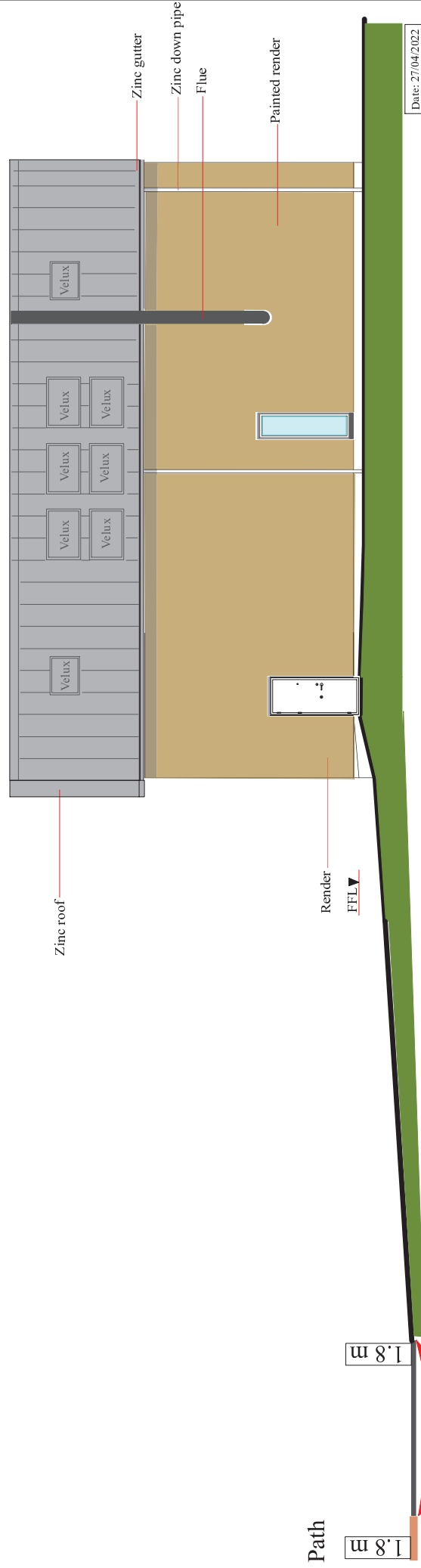
# Existing WEST elevation



Project	Stratton, Highways Road Compton, Winchester	
	Title	Existing WEST elevation
	Drawing	MF_Existing_WEST_elevation_P40

For and on behalf of Mr & Mrs Michael Field

# Proposed EAST elevation

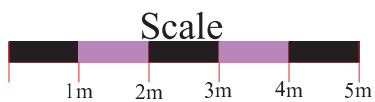
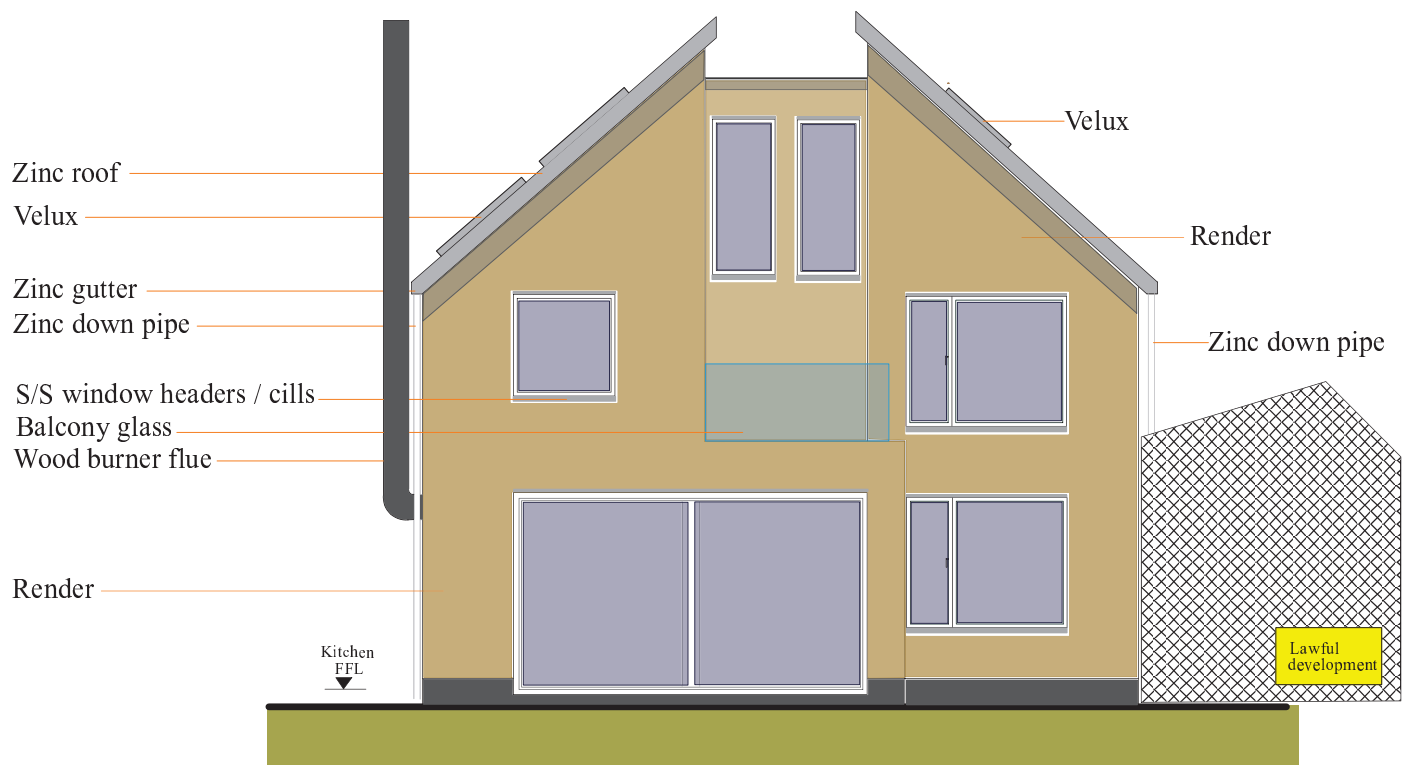


The whole ridge has been dropped down

Project	Stratton, Highways Road Compton, Winchester
Title	Proposed East Elevation P36
Drawing	MF_Proposed_EAST_elevation_P36

For and on behalf of Mr & Mrs Michael Field

# Proposed NORTH elevation



Date: 27/04/2022

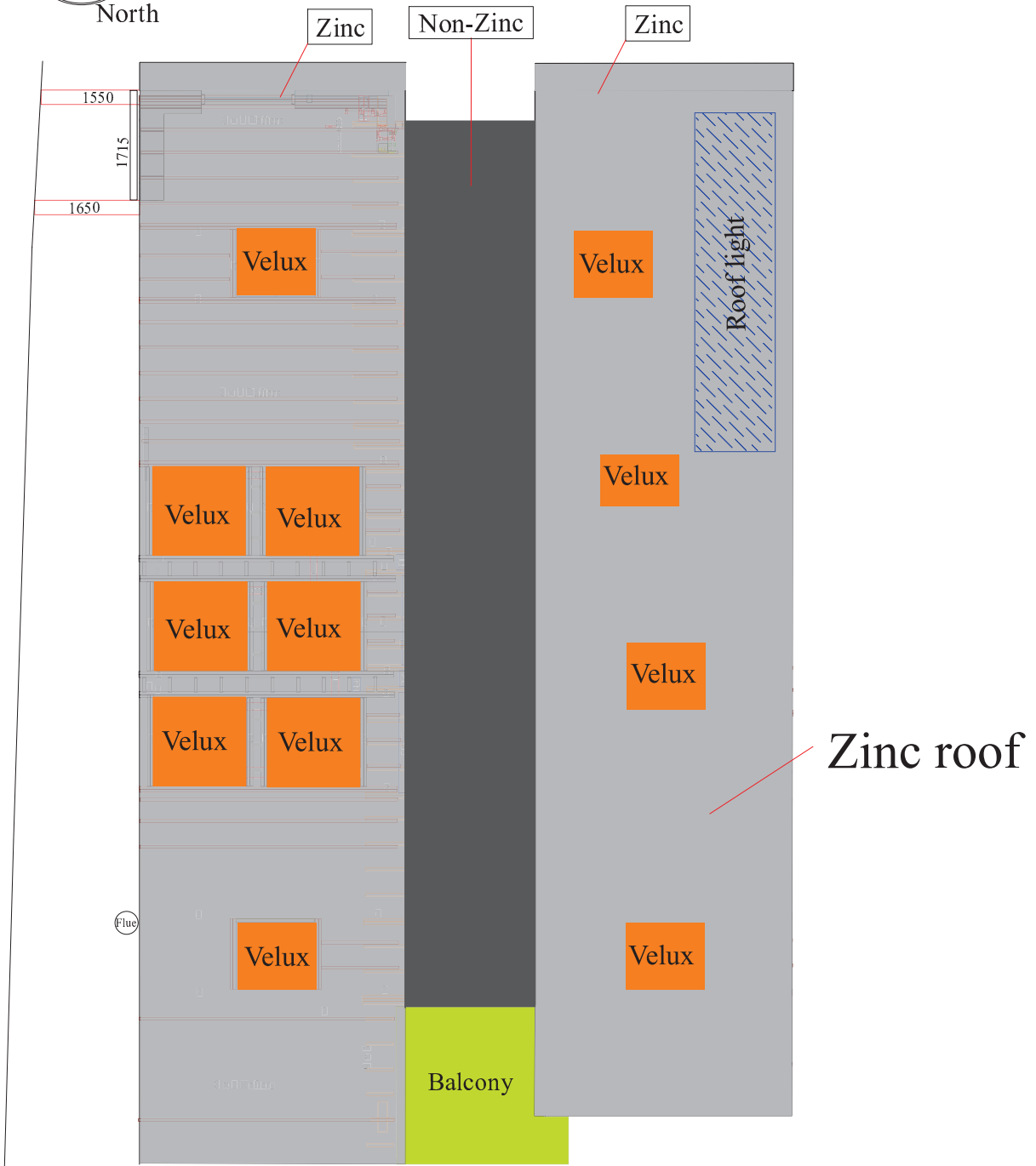
For and on behalf of Mr & Mrs Michael Field	Project	Stratton, Highways Road Compton, Winchester
	Title	Proposed NORTH elevation
	Drawing	MF_Proposed_NORTH_elevation_P38



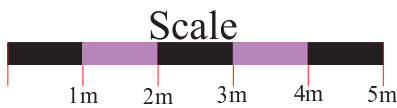
North

# Front

Date: 27/04/2022



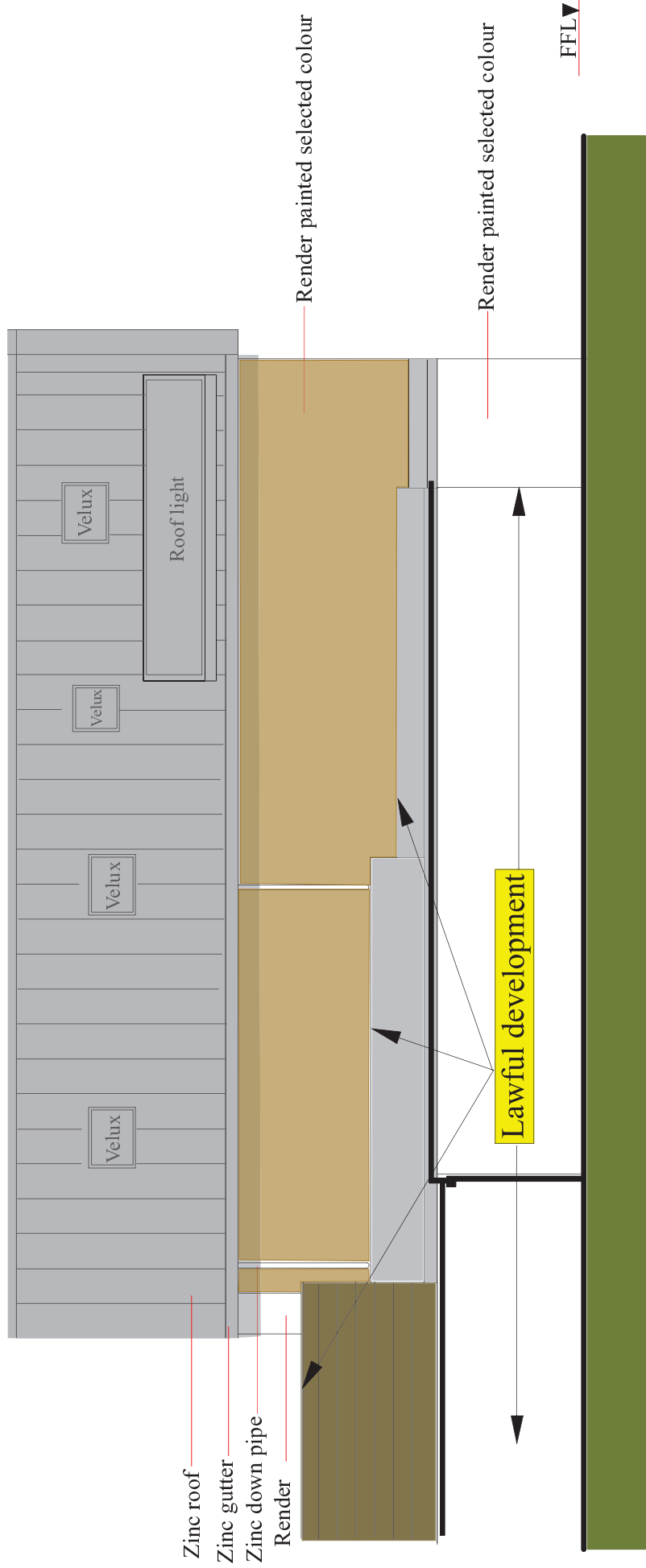
## Roof plan



For and on behalf of Mr & Mrs Michael Field

Project	Stratton, Highways Road Compton, Winchester
Title	Proposed roof plan
Drawing	MF_Proposed_Roof_plan_01

# Proposed WEST elevation

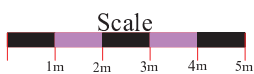
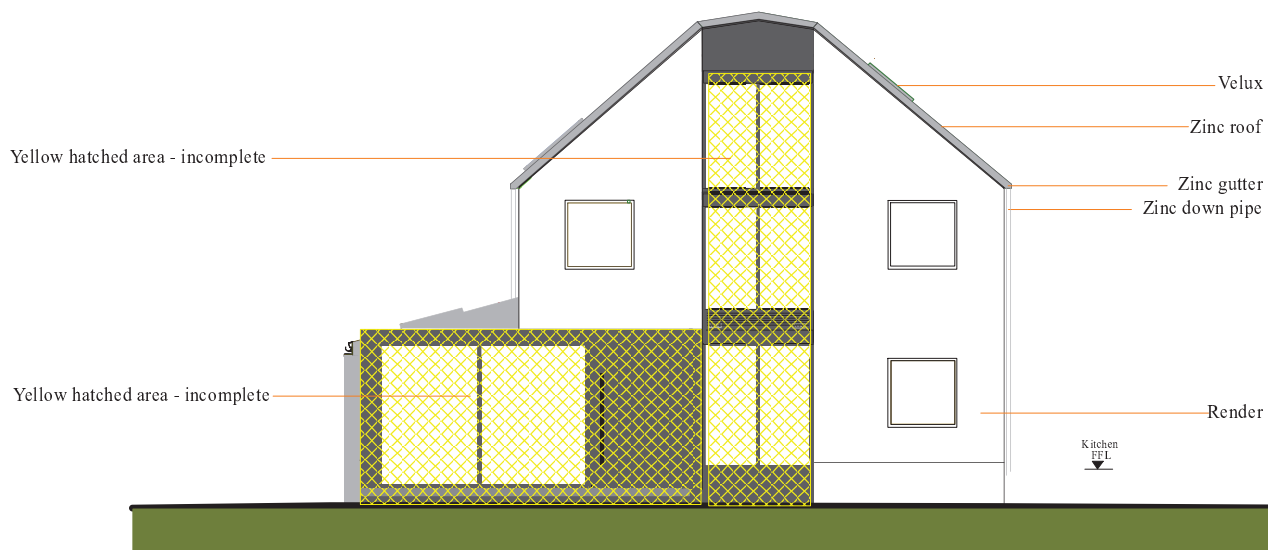


Date: 27/04/2022

Post appeal - West elevation		Project	Stratton, Highways Road Compton, Winchester
		Title	Proposed WEST elevation
For and on behalf of Mr & Mrs Michael Field		Drawing	MF_Proposed_WEST_elevation_P37



# SOUTH elevation



Date: 27/04/2022

For and on behalf of Mr & Mrs Michael Field	Project	Stratton, Highways Road Compton, Winchester
	Title	Existing SOUTH elevation
	Drawing	MF_Existing_SOUTH_elevation_P42

# Street scene Highways road



Proposed  
21/00896/HOU

Actual tree height of 6.00m above ground level (see page 10)  
Domestic Plot Area: 200sqm (approx)  
8.40m x 23.4m = 194.76sqm  
8.40m x 23.4m = 194.76sqm

52.70      52.78      52.80      52.88      53.10      53.15      53.22

**Mead Cottage**      **Stratton**      **Fairfield**      **Wytchwood**

54.77

Scale  
1m   2m   3m   4m   5m

For and on behalf of Mr & Mrs Michael Field

Project	Stratton, Highways Road Compton, Winchester	Title	SOUTH elevation	Drawing	MF_SOUTH_elevation_SS_P34a	Date	27 / 04 / 2022	(P34a)
---------	--	-------	-----------------	---------	----------------------------	------	----------------	--------

IC 53.10

**Planning  
Control**

City Offices  
Colebrook Street  
Winchester  
Hampshire  
SO23 9LJ

tel 01962 840 222

fax 01962 841 365

telephone calls may be recorded

website [www.winchester.gov.uk](http://www.winchester.gov.uk)

Mr. M Field  
Stratton  
Highways Road  
Compton  
Winchester  
Hampshire  
SO21 2DF

Our Ref 12/00032/MIXED  
Enq to: Mr. Darren Hobson  
Direct Dial: 01962 848248  
Email: [dhobson@winchester.gov.uk](mailto:dhobson@winchester.gov.uk)

Please quote Our Ref: on all correspondence

1 October 2012

Dear Mr. Field

**Alleged extension to existing workshop and storage of industrial items at Stratton  
Highways Road Compton Winchester Hampshire SO21 2DF**

I can confirm that the Council have received your response to the Planning Contravention Notice served upon you and the contents of which have been noted.

Based upon what you have stated the Council are prepared to accept that there has not been a material change of use to the land however I must advise you that we would state that it is a borderline case and the Council will continue to monitor the onsite activities. I have visited the site on the three occasions and I have spoken with the same male working in the office each time. The amount of materials and equipment stored on site appear to have overtaken the amount of what would be considered to be normal domestic storage and is closer to business use.

You have stated that the materials and equipment are being used for the outbuilding and for the extension to the family home. As per my letter dated 25<sup>th</sup> April 2012 the planning application 08/01823/FUL has now expired and having consulted with building control it appears that development has not commenced within the 3 year limit of condition 1. Therefore planning permission will be required prior to any development.

With regards to the outbuilding you stated that it was begun in 2003 which would fall within the 1996 GPDO regulations part of which states:



**Development is not permitted by Class E if any part of the building to be constructed would be nearer to any highway which bounds the curtilage than any point 20 metres from that highway.**

The original building has been measured to be within 20 metres of the motorway M3 and therefore it appears that planning permission may be required.

Also having checked with the Councils Building Control department it appears that no application was made through them for the 2003 outbuilding however a new building notice was applied for the erection of a timber framed building to provide storage/playroom reference 11/00826/BN.

The inspector visited the site and noted commencement to be 19<sup>th</sup> April 2011. It therefore appears that this outbuilding is a separate building not a continuation as advised and as such falls within the 2008 GPDO regulations which states:

**Development is not permitted by Class E if the height of the building would exceed 2.5 metres in the case of a building within 2 metres of the boundary of the curtilage of the dwelling house.**

In summary it appears that the outbuildings require planning permission and the use of the site is to be monitored. The planning application reference 08/01823/FUL has expired and before any works commence a new application would need to be submitted.

I would appreciate you contacting me within 7 days from the date of this letter to advise me of your intentions.

Yours sincerely

Mr. Darren Hobson  
Planning Enforcement

20 Fritham Close  
Totton  
Hampshire  
SO40 8FB

4 November 2012

Darren Hobson  
Planning Enforcement Officer  
Winchester City Council  
City Offices  
Colebrook Street  
Winchester  
Hampshire  
SO23 9LJ

Your ref: 12/00032/MIXED

Dear Mr Hobson

**Alleged extension to existing workshop and storage of industrial items  
Stratton, Highways Road, Compton, Winchester SO21 2DF**

I am the planning consultant who Michael Field has asked for help in dealing with the issues you wrote to him about on 1<sup>st</sup> October.

As you now know, I had assured Mr Field that I would have been present when you next visited the site but I understand that you chose to visit the site with your colleagues from Building Control when they undertook their routine inspections last week.

Whilst there is clearly no problem in you seeking to stay up-to-date on how things have progressed since your last visit, any discussion of the planning position should have been deferred until I was able to give some assistance.

Regarding your latest visit, I was concerned to hear from Mr Field that you gave him the impression that there was some connection between the workings of Building Control and those of the Planning Acts. I have explained that they are operated under completely independent legal codes and decisions have to be made in the context of each.

Having said this, I understand that you are prepared to accept that you would be guided by them in deciding whether there has effectively only been a single set of building operations since work started on the outbuilding in 2003. Mr Field wants to assure the Council that this is exactly the case and that he is clear in his own mind, ever since he stripped the surface of the ground, that what you see now is the only building he ever envisaged building and that progress has only been fitful because of funding and practical difficulties.

The building is a single one designed to accommodate all the 'incidental' needs of the household living at Stratton in a single structure. He has already responded to your Planning Contravention Notice in which he explains what these needs are.

I understand that you simply wanted something for your files by way of confirmation, so I hope this is sufficient.

As you rightly point out, any work started in 2003 would have had the benefit of the criteria for 'permitted development' then in force. This has led you to quote from Class E of the General Permitted Development Order as it was then drafted. Unfortunately, you have misinterpreted what this says. The reference point for the specific limitation you have mentioned in your letter is the boundary between the curtilage and any adjacent highway land. There is no such boundary here bar that at the very front of the property; the boundary to the side of the outbuilding is a boundary with other land which simply happens to be owned by the Department of Transport but is not itself part of the land on which highway rights have been bestowed.

So much for the outbuilding. I understand that you are still querying whether or not there has been a true start of the extension which was given planning permission in 2008. You and I have both seen the trench which was dug as the first stage in carrying out the approved development. It is a material operation which accords with the approved plans. You have suggested, I think, that a judgement on an action like this can be 'coloured' by a consideration of intent but this is not the relevant test. The Courts have made it clear that the test is a purely objective one. Here the position of the trench is right, the shape is right and the timing was right. Please let me know if you retain any doubts. Given our view, Mr Field has every right to believe that he can store the building materials he needs on the site whilst he builds-see Class 4 of the GDPO if nothing else.

The planning situation as I see it is therefore

- a. work on the outbuilding started in accordance with a 'deemed' planning permission in 2003, meeting all the relevant criteria for this then in force, and
- b. it is a matter of fact that work has commenced on the development approved by planning permission 08/01823 within the time allowed by condition 1. This will shortly recommence and so will need materials and equipment which are already kept on the site.

Clearly we need to know from you as soon as possible if you have any reason to disagree with anything I have written here and if there is anything stopping you closing your file on this investigation.

Please respond to me direct; Mr Field wishes the case to be left in my hands for the time being. I hope I have helped you resolve this case, but I would be most happy to come and discuss things with you if this assists.

Yours sincerely

Tony Huggett

Tel: 0 [REDACTED]

E-mail [REDACTED]