



Appeal Decisions

Site visit made on 27 June 2023

by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal A Ref: APP/L1765/W/22/3302348

Otterbourne Manor, Kiln Lane, Otterbourne, Hampshire S021 2EN

- 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 Paul Topley against the decision of Winchester City Council.
- The application Ref 21/02594/HOU, dated 7 October 2021, was refused by notice dated 12 April 2022.
- The development proposed is the addition of a roof canopy and gable window to a rear extension.

Appeal B Ref: APP/L1765/Y/22/3302359

Otterbourne Manor, Kiln Lane, Otterbourne, Hampshire S021 2EN

- The appeal is made under section 20 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Paul Topley against the decision of Winchester City Council.
 - The application Ref 21/02595/LIS, dated 7 October 2021, was refused by notice dated 12 April 2022.
 - The works proposed is the addition of a roof canopy and gable window to a rear extension.
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Decisions

1. Appeal A is dismissed. Appeal B is dismissed.

Procedural Matters

2. These decisions address both planning and listed building consent appeals for the same site but the same scheme. The remit of each regime is different, but the main issues relate to both appeals. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.
3. Under the appeals, the scheme to be determined is a rear extension on Otterbourne Manor, which under its statutory listing, is known as Manor House. Previously, planning and listed building consent were granted for the demolition and replacement of an existing single storey extension, replacement of flank elevation render, the re-roofing of the main roof, the removal of later additions to eaves/soffit and reforming of associated profile, and new dormer window.
4. In respect of the appeals, an amended elevation plan, dwg no. W1586-301-H, shows different designed windows to the rear extension and balustrading to its balcony compared to that considered by the Council, in coming to its listed and planning permission decisions. Such changes materially change the original scheme given the listed status of the building and they were not before the

Council when it determined the applications. They would give rise to new considerations which would require re-consultation with interested parties. For these reasons, the appeals have been determined on the basis of the original scheme determined by the Council.

5. At the time of my site visit, development and works were taking place in respect of the rear extension and its balcony. As the development and works were still being finalised, it was unclear whether the amended plan scheme or that considered by the Council in their original determination, was being implemented. Given this, the scheme has been considered as a proposal.

Main Issue – both appeals

6. In both appeals, the main issues are (a) whether the development and works would preserve the Grade II listed building, known as the Manor House, or any feature of special architectural or historic interest it possesses, and (b) the setting of a scheduled monument (SM).

Reasons

Heritage assets

7. The appeal site comprises a listed two storey building, with raised cellar and an attic within a steeply pitched roof. The building dates back to the late 17th century but was restored in the 20th century after deteriorating to a poor state in about 1900. The statutory list entry (list entry number 1095795) indicates the building has a 4 bayed front and a 2 bayed flank, with chequer brickwork, part pebble-dashed finish and a plain tile roof.
8. The appellant's Heritage and Planning Assessment (HPA)¹ indicates that the house was built during a transitional phase in vernacular house building during the later part of the 17th century. It was built with a staircase hall and a manor courtroom is to the side of this, which were raised above ground level with a cellar below. The service rooms were at same level on the other side of the hall, with the kitchen in an outshot to the rear. The house has an unusual split level floor plan with two principal floors to the front elevation above the cellar and three floors squeezed into the south gable elevation.
9. Despite a 20th century glazed pent-roof porch, the frontage is still noticeably symmetrical having regard to its fenestration and floor levels. It has a high plinth cut door under a rubbed brick arch, low set between right bays, and adjacent to the porch, there are 3 cross windows under rubbed brick arches. Below this, the cellar comprises 3 casement windows capped by a brick plinth. On the 1st floor, there is a string course, 3 cross windows and in the left centre bay, a 3 light casement with transom. There is also another first floor window above the porch. The roof is hipped with covered eaves, with the gablets on hips, and a tall wallhead brick chimneystack. The main chimneystack is to the rear of the front parlour and also serves the master bedroom above, and is combined with the flue to the kitchen.
10. The principal front elevation has a strong vertical emphasis and together with the moat surrounding the building indicates a high status manor house. The house and its estate were leased by Magdalen College, in Oxford, to tenants in

¹ Heritage and Planning Assessment (HPA), Otterbourne Manor, Kiln Lane, Otterbourne, Hampshire SO21 2EN, RMA Heritage, July 2020.

the mid 18th century. Tenants included Thomas Lee Dummer, an MP for Southampton, Downes and Colsen families. Nearby within the estate, the London to Southampton railway line was built in the later 19th century. A second bridge was constructed across the moat during this period. By the late 19th century, the estates fortunes had declined and the house was occupied by farm labourers, before it was restored.

11. By reason of its size and siting within a low-lying landscape, the Manor House has an imposing high status presence. Architecturally, it has a dominating symmetrical principal elevation with its windows and roof features. The subsidiary nature of additions and extensions to the rear reflects the service nature of this part of the building and a hierarchy of form and elevations. The Manor House's history, connections to the surrounding agricultural area, architectural features, and high status are qualities that are of significance and special interest within the context of the proposal.
12. The scheduled monument (SM) comprises an oval moated site. Under the SM listing (entry number 1013055), the moat is indicated to be orientated WNW-ESE and has maximum external dimensions of 140m east-west by 80m north-south. Manor House, and two other dwellings, Manor House Barn and Moat Cottage, barns converted to residential use, are all excluded from the scheduling, although the ground beneath them is included. The two other dwellings have their own accesses across the moat additional to that serving Manor House. The moat survives to a width of about 12m and a depth of around 4m, and encloses an area approximately 115m by 60m. Its north and east arms are seasonally water-filled and well-preserved in contrast to the south and west arms which are overgrown and infilled. Traces of an exterior bank may survive along part of the south side of the SM although this could result from later clearance of the moat.
13. A moated site is rare within Hampshire. Although the original date is not known, the evidence suggests association with the estate history of the site and the high status Manor House. The manor of Otterbourne is well-documented throughout the medieval period. Despite the residential buildings, the monument's naturalised and landscaped features readily identify the existence of a moat which is appreciated from both adjacent to it, including from access areas, and wider open areas surrounding it. Such a context contributes to the significance of this designated heritage asset.

Effects of proposals

14. The extension would replace a poorly designed 21st century one and half storey wing. Its roof obscured part of the original listed building and a rear wall, and its half hipped pitched roof, along with an end gable addition, added to a cluttered range of roof types to the rear. The ground floor fenestration and doors were poorly proportioned and extensive, with a floor to ceiling height and significant width. The smaller addition also had ill-matching brickwork.
15. Under the appeal scheme, the replacement wing's roof would be fully hipped, with a fully glazed porch gable feature, separate floor to ceiling height glazing and addition with a hipped roof design and matching facing materials. The porch would have a triple sliding glazed screen with minimal metal framing and above, an oak framed gable with a visible timber supporting structure within a glazed apex. Circular bricks forming two columns would support the projecting canopy above. Beyond this porch feature, the windows would be designed with

tall slit windows whilst the new balcony would have a frameless glass balustrade and its platform is cantilevered from a single column using an existing foundation. Facing materials are handmade bricks, lime mortar and clay tile roof.

16. However, the extension's gable feature would result in a dominating mass and bulk due to its roof siting, its glazing and projection beyond the plane of the roof. Combined with the ground floor porch feature below, the gable feature would visually compete and detract from the smaller and more refined architectural qualities of the main part of the listed building, such as the fenestration. It would be far greater in size than the dormer on this elevation. A condition could ensure reduced glare from the gable's glazing but, inevitably, there would be internal lighting at night, which it would be difficult to control given the living nature of the room within. Such high-level lighting would further draw attention to the overpowering nature of the porch and its glazed roof gable.
17. Compared to the former modern wing, the extension would be more dominant given the gable's siting and size, projection beyond the roof plane and disruption of the roof eaves line. The former wing did not have a prominent roof feature with extensive glazing and cumulatively, the amount of glazing arising from the porch feature and the tall slit windows would also not be materially different. For all these reasons, the extension would be detrimental to the architectural and historic interest and significance of this listed building where traditionally subservient and subordinate parts are confined to the rear.
18. The appeal extension would not intrude into views of the main principal elevation of the listed building, as it would be confined to a flank elevation, and would lack significant public visibility. However, the harm to significance and special interest does not depend on public rights, ability to access heritage assets or number of people visiting. Listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views of the building can be gained. Planning and heritage policies do not prevent innovative or contemporary architecture but in this case, the appeal scheme would be detrimental to the architectural and historical qualities of the listed building.
19. Under the previous permission and consent, the listed building has been restored, with development and works including the restoration of the original oak framed cross windows, removal of pebbledash, roof repairs and internal alterations. Under a planning permission, the modern and poorly constructed carport has been replaced with a more appropriate one of traditional timber framed design. These are heritage benefits but, under the previous permission and consent, the extension was designed to be more subservient and subordinate because no gable feature was proposed. There is no evidence that the changes in the design of the extension are necessary to secure these heritage benefits especially given the existence of the previous permission and consent.
20. The restoration of historic fishing lakes, watercourses and landscape has taken place within the wider holding of Manor House, but this has taken place, and again, there is no evidence that the success of the appeal scheme would be dependent upon it. For all these reasons, the scheme would not preserve the listed building and the harm to its architectural and historic interest would be

overriding. The degree of harm to the significance of the listed building, as a designated asset, would, in terms of the National Planning Policy Framework (the Framework), be less than substantial. In accordance with paragraph 202 of the Framework, the harm should be weighed against the public benefits of the proposal, including securing the optimum viable use.

21. Under the appeal scheme, the balcony of the extension adjacent to the porch feature would 'sail' over the bank of the moat and SM. However, this would cover a negligible area of the SM, with little alteration to the bank, and thus would not affect its significance. This minimal encroachment also mirrors that already permitted and consented under the previous scheme.

Planning and heritage balance

22. The extension provides modern day living space to satisfy the appellant and his requirements, but this would be largely satisfying private wants and needs, which are not public benefits. The proposal would help sustain the listed building through maximising its viable use as a dwelling and would realise some investment into the fabric of the building. Through previous permissions and consent, there have been heritage benefits. However, the appeal site is already in use as a residence, and the building appears to be in sound overall condition, with restoration work having taken place, and at no obvious risk. Therefore, even cumulatively, the sum of public benefits is relatively modest and attract moderate weight in favour of the proposal.
23. Moreover, permissions and consents already granted to the listed building, including for a rear extension without a roof gable feature and therefore, these benefits, could be realised through their implementation. This undermines the justification for the harm identified in this case for the heritage asset and reduces the weight I attach to the benefits. In considering whether to grant planning permission or listed building consent, the s66(1) and s16(2) of the Act requires decision makers to have special regard to the desirability of preserving a listed building. The proposed development and works would fail to preserve the listed building in conflict with s66(1) and s16(2) of the Act.
24. In light of the forgoing, the benefits would not be sufficient to outweigh the less than substantial harm identified and the considerable importance and weight this carries for the listed building. Therefore, conflict arises with the historic environment protection policies of the Framework. Under the Framework, the conflict with historic environment policies of the Framework would provide a clear reason for refusal.
25. The development would result in conflict with Policies CP13 and CP20 of the Winchester District Local Plan Part 1 Joint Core Strategy 2013 and Policies DM16 and DM29 of the Winchester District Local Plan Part 2 Development Management and Site Allocations 2017, which amongst other matters, seek highest standards of design, the conservation of listed buildings and local distinctiveness, including built form, responding positively to character and appearance, and variety within and surrounding the site, in terms of design, scale and layout, and the reinforcement of the intrinsic character of the building. There would be conflict with the development plan taken as a whole, There are no material considerations to indicate that the planning appeal be determined other than in accordance with the development plan and refused planning permission.

26. The appellant has indicated that the extension roof gable could be removed from the scheme, but this is not a viable option in the decision-making process given the construction on the site, and lack of clarity over which scheme is being implemented.

Conclusion

27. For all these reasons given above and having regard to all other matters raised, I conclude that Appeals A and B should be dismissed.

Jonathon Parsons

INSPECTOR