



Appeal Decision

Site visit made on 11 June 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2025

Appeal Ref: APP/L1765/W/24/3355833

Stratton, Highways Road, Compton, Hampshire SO21 2DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Field against the decision of Winchester City Council.
 - The application Ref is 24/00737/HOU.
 - The development proposed is described as 'Reduction in height and changing the appearance of the roof and stepping in of part of the front elevation and changes to fenestration and external appearance so that the resultant dwelling has the same appearance as that approved under 08/01823/FUL'.
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Decision

1. The appeal is allowed and planning permission is granted for the reduction in height and changing the appearance of the roof, and stepping in of part of the front elevation and changes to fenestration and external appearance so that the resultant dwelling has the same appearance as that approved under 08/01823/FUL at Stratton, Highways Road, Compton, Hampshire SO21 2DF in accordance with the terms of the application, Ref 24/00737/HOU, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading and formal decision above omits some of the text provided on the application form. The omitted text refers to the Enforcement Notice, as such it does not describe acts of development.
3. Amended plans have been submitted as part of the appeal in response to concerns regarding the accuracy of the drawings. The appellant has confirmed that while the elevations were drawn to the correct scale, the scale bars on these drawings were incorrect. The proposed aerial view images have also been updated to confirm that they are in fact 'not to scale'. The ground floor plan has also been updated to accurately show the depth of projection of the guest room from the rear elevation of the property and the position of the side boundary of the site. The appellant has also confirmed that the setback distance of the side extension from front elevation is correct, and it is on the basis of these drawings that they wish the appeal to be determined.
4. Given the very minor nature of these changes, and that they are intended to ensure that the plans reflect the walls as currently built and the relationship of the property to its boundaries, it would appear that no injustice would arise if the appeal were determined on the basis of the revised drawings. For the avoidance of doubt, I have assessed the proposal based on the submitted plans. Whether the

resultant building accords with them is a matter for the parties to resolve outside this appeal process, which is concerned solely with the merits of the scheme, as shown on the submitted drawings.

5. Regarding the site ownership certificates, both the planning application and appeal forms include Certificate A, duly signed by the appellant. These indicate that on the 21 days prior to the date of the application and the appeal, the appellant was the sole owner of the land to which the application/appeal relates. While it has been brought to my attention that the property may be in joint ownership, it appears that all affected owners are likely to be aware of the scheme, and consequently there is no clear indication as to how any party has been prejudiced by the absence of formal notification.

Main Issues

6. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of Fairfield and Mead Cottage; and
 - the walnut tree, which is subject to a Tree Preservation Order.

Reasons

Character and appearance

7. The appeal site comprises a detached dwelling, known as Stratton, located within a cul-de-sac of 2 storey properties. Despite the variation in age and architectural composition of the residential properties in Highways Road, they are broadly traditional in appearance, with red/brown bricks and roof tiles and are similar in terms of scale and massing. The dwellings are set back from the highway to the front with intervening front gardens and parking areas set behind boundary walls, fences and hedges, at the back of generous verges, particularly so to the side of the road on which the appeal property is located. While the dwellings towards the end of the row in which Stratton sits, are staggered, being set forward of the others on this side of the road, there is nonetheless a pleasant sense of spaciousness, with a degree of consistency in terms of layout, which contributes positively to the character and appearance of the area.
8. Planning permission was granted in 2008 for a scheme which the Council deemed to be acceptable for 'two storey front, side and rear extensions; alterations and new roof over existing house'¹ (the original permission). However, for various reasons the development which has taken place at the property was not carried out in accordance with the approved plans. Subsequent planning applications for 2 revised schemes were refused by the Council. Appeals against these decisions, and an Enforcement Notice, were dismissed². The amended proposals in those cases were clearly unacceptable for the reasons set out in the decisions.
9. The appeal proposal seeks to extend the property with 2 storey front, side and rear extensions, including a new roof structure, of a contemporary design and materials. The accommodation would include 6 bedrooms, and a guest bedroom, spread over 3 floors, utilising the roof space. The proposal would alter and

¹ LPA Ref: 08/01823/FUL

² APP/L1765/D/21/3286123, APP/L1765/C/22/3307930 and APP/L1765/W/22/3307967

remodel the extensions and alterations which have taken place, in a built form substantially the same as the original permission, particularly in terms of the architectural concept, materials and both the eaves and overall height of the building.

10. Consistency in decision making is important. While the original permission has lapsed, and does not therefore represent a fallback position, given that the proposal is essentially the same as the original permission, it is nonetheless a weighty material consideration. It would therefore follow that planning permission would ordinarily be granted, unless there has been a change in circumstances. Since the granting of the original permission, construction work at the site has commenced and subsequently continued to take place over a protracted period. I appreciate the ongoing situation has caused a great deal of local frustration, particularly given that the development that has taken place diverges from the approved plans. This has also prolonged the building work, due to the undoing of unauthorised works. However, this does not constitute a material change in circumstances for the purposes of the determination of the appeal.
11. Furthermore, it does not appear that the site context has been subject to any significant changes, aside from the construction of the outbuilding to the rear of the property, which I consider later. While there are enhanced design policies in place, in the form of the National Planning Policy Framework (the Framework) and the adoption of the Council's High Quality Places Supplementary Planning Document in 2015 (SPD) and the Compton and Shawford Village Design Statement in November 2011 (VDS), there was no suggestion that the original permission would give rise to development that was mediocre, but rather a bold architectural concept. Indeed, the officer report describes the original proposal as having a contemporary edge which would enhance the mixture of houses in the street scene, without detriment to the character and appearance of the area.
12. The proposed development would result in a substantial dwelling of a considerable scale, height and massing, to be constructed of a zinc roof and rendered walls. Like the original scheme, the resulting ridge and eaves height, together with the width of the property would not be dissimilar to the other detached dwellings in the street. The lower height and set back of the single storey element to the side elevation, adjacent to Mead Cottage, would maintain a sense of space between the properties, particularly at first floor level. This is not dissimilar to the relationship between properties elsewhere on Highway Road. The overall height of the proposed development would be greater than that of the adjoining property, Mead Cottage. Nevertheless, the difference is not significant, and primarily reflects the difference in ground levels between the properties.
13. The proposed extension to the front of the dwelling would project beyond the front elevation of the adjoining properties, particularly Fairfield. This arrangement would reflect that of the staggered layout of the dwellings in this part of the row and was previously considered to be appropriate given this context. Moreover, the extension would be sited to maintain the set back from the highway to the front of the property. While I acknowledge the Council's concern regarding the elongated roof form resulting from the length of the ridge, which runs perpendicular to the highway, the bulk of the rear part of the extension would not be readily discernible from the street scene given its position in relation to the neighbouring properties. Moreover, the proposed roof form, including the gable to the front, was considered to be an appropriate design approach as part of the original permission. The

resultant scale and mass of the development, together with the siting, would therefore not be at odds with the prevailing pattern of development and would continue the legibility of the urban grain.

14. The proposed external materials and contemporary design would give rise to a dwelling which would differ from the appearance of those in the immediate vicinity. However, there are a number of rendered dwellings in the surrounding area, including along the adjoining Otterbourne Road, as well as examples of properties of a modern design, which utilise a varied palette of materials and fenestration. In that regard, as considered previously, the proposal would not be an anomalous addition and would reflect the more eclectic mix of dwellings in the area. It would therefore accord with the VDS, which highlights that the area around Southdown and Otterbourne Road has a range of different housing designs and no clearly defined characteristics. Thus, the modern design would not be intrinsically at odds with the prevailing character of the wider area in that regard, and the introduction of the form and materials, as proposed, would add to the variety of built form in the surrounding area.
15. Consequently, having regard to the original permission, and in the absence of any material change in circumstances, there is no substantive reason for me to reach a different conclusion in relation to the effects on the character and appearance of the area. What was approved then and is now proposed is a bold piece of architecture. The proposed extensions, by virtue of their overall size, design and materials would not be subservient to the original dwelling, and in that regard would conflict with advice in the SPD. However, for the reasons set out above, the proposal would not give rise to harm to the character and appearance of the area.
16. I appreciate my findings vary from that of the Inspectors in the earlier appeal decisions at the site. The Inspector in the first appeal³ found that Stratton, as built at that time, was more akin to an aeronautical building in terms of its design, and through the extreme contrast and use of materials, accentuated by the dwelling's forward projection and overall height, the building was of a scale that was unsympathetic to its surroundings. Similarly, in the second appeal⁴, the Inspector found that the proposal was markedly and appreciably taller than the original permission, and consequently significantly taller than Mead Cottage. The eaves level and overall height were also above that of the original permission, resulting in the enlarged dwelling having a substantial scale and massing. The scheme before me differs from those considered previously, whereby the concerns clearly relate, in part, to the overall scale and massing of the enlargements, which appear to have been greater in height, and to the design, matters which have been addressed in the proposal before me.
17. In light of the above considerations, I therefore conclude that the proposal would not harm the character and appearance of the area. As such, it would not conflict with the high quality design expectations of Policy CP13 of the Winchester District Local Plan Part 1 – Joint Core Strategy, adopted 2013 (LPP1), Policy DS1 of the LPP1 which sets out the presumption in favour of sustainable development and Policy MTRA3 of the LPP1 in so far as it requires new development to be appropriate in scale and design and conserve each settlement's identity, and those aims of Policies DM15, DM16 and DM17 of the Winchester District Local Plan Part

³ APP/L1765/D/21/3286123

⁴ APP/L1765/W/22/3307967

2 adopted 2017 (LPP2) which seek development that contributes to the distinctiveness of the local area, responds positively to the character, appearance and variety of the local environment, and does not have unacceptable effects on key townscape or landscape characteristics.

Living conditions

18. The proposed 2 storey extension to the rear of the property would extend a considerable distance beyond the rear elevation of Mead Cottage. Despite the substantial overall scale of the extension, given its position, off set to the side, and set in from the side boundary between the properties, it would not appear as an unduly imposing feature when viewed from the rear of Mead Cottage. Moreover, any overshadowing of the rear garden area of Mead Cottage as a result of the proposal would be limited to the morning, and such effects would tangibly differ from the original permission.
19. The single storey element to the side elevation of the appeal property stretches along a large part of the side boundary of Mead Cottage. However, I am mindful that the pitched roof section, which is furthest from the rear of the dwellings comprises the existing pitched roof garage. Furthermore, the Council has provided photographs showing the original wall to the side boundary of Stratton. The proposed shallow pitched roof would add very little overall bulk in addition to the wall and would therefore not have a significant effect on light or the outlook from the rear of Mead Cottage, over and above the previous situation.
20. In addition, the proposed extensions would be visible from windows adjacent to the side boundaries of the site in the front and rear elevations of the adjoining property at Fairfield, and windows in the front elevation of Mead Cottage. However, the effects in that regard would not be materially different to that of the previously approved scheme, which was deemed to be acceptable, and I have not been presented with any compelling evidence that the circumstances in that regard have changed.
21. Since the granting of the original permission in 2008, a large outbuilding has been constructed at the appeal site. Despite being single storey, it extends along the full length of the rear boundary to Mead Cottage and is greater in height than the existing boundary fence. While it is partly obscured by various outbuildings and planting within the rear garden of Mead Cottage, the presence of the outbuilding, and its form and position, in addition to the built form along the side boundary, nonetheless leads to an increase in the sense of enclosure of the rear garden. Notwithstanding this, given the extent of mature planting to the remaining parts of the boundaries, particularly the mature trees between the site and the adjacent motorway, the outbuilding would not lead to an unacceptable loss of outlook overall.
22. Given the absence of windows in the side walls of the extensions at first floor level, and that conditions could be imposed to ensure any openings above this were obscure glazed, the proposal would not give rise to any direct overlooking of the adjoining residential properties.
23. For the foregoing reasons, I conclude that the proposal would not have an unacceptable effect upon the living conditions of the occupiers of Fairfield and Mead Cottage. Accordingly, it would not conflict with the aims of Policies DM16 and DM17 of the LPP2 which require development to respond positively to the

local environment, in terms of its design, scale and layout and not to have an unacceptable adverse impact on adjoining property by reason of overlooking, overshadowing or by being overbearing.

Tree Preservation Order

24. There is a walnut tree, which is protected by a Tree Preservation Order (TPO), close to the rear of the appeal building. The tree is an attractive specimen which, by virtue of its age and stature contributes to the verdant character of the area.
25. The Council has expressed concern that the roots of the tree may have been severed/damaged by the installation of foundations and level changes at the site, as well as the storage of materials and machinery within the root protection area (RPA). However, there is no particular evidence that damage to the tree has occurred during the development that has taken place at the site, or that its long-term health has been jeopardised. Moreover, no further building or foundation works are proposed to the rear of the property as part of the appeal scheme. As such, a suitable planning condition to secure a tree protection plan, to be implemented prior to any further construction work at the site, particularly in relation to above ground works and storage within the RPA, would protect the tree from further damage to ensure its long-term wellbeing.
26. I therefore conclude that the proposed development would not cause harm to the protected tree. It would therefore accord with the aims of Policy DM24 of the LPP2, which require that development should not result in the loss or deterioration of special trees.

Other Matters

27. I sympathise with those who live nearby. Construction works inevitably cause some degree of disruption and inconvenience, which can normally be tolerated in the knowledge that any noise and disturbance will only last for a set period of time. Nonetheless, in this case, there is no substantive evidence before me to suggest that the delay has been deliberate or that the appellant is purposefully prolonging the build. In the interests of the living conditions and wellbeing of the occupiers of neighbouring residents, the effect of building works can be controlled by the imposition of a suitable planning condition to secure a Construction Method Statement, to include delivery, demolition and construction working hours.
28. The fact that work has taken place at the site without the benefit of planning permission, and the lack of compliance with the Enforcement Notice are not determining matters in the appeal, which is to be considered based on the merits of the case. Furthermore, any use of the grass verge by the appellant without permission of the landowner, would be a matter for the parties to resolve outside of the appeal process.
29. Concern has been expressed regarding parking provision to serve the development, and subsequent implications in terms of highway safety, should the proposal give rise to on street parking. However, the Council has not raised an objection on these grounds. Given that the proposal would provide an appropriate number of parking spaces, in accordance with the relevant guidance, I have no reason to reach a different conclusion.

30. There is no substantive evidence that the site notice was not displayed for the requisite time period. Furthermore, it is a long-established principle that the planning system does not exist to protect private interests such as the value of land and property.
31. Given the scale of demolitions that have occurred, the Council has suggested that permission should have been sought for the erection of a new dwelling. Whether or not that should have been clearly set out in the description of development, it is clear what the proposal is for and that it is intended to result in a dwelling. I note that the application was originally made on forms seeking permission for works or extension to a dwelling. However, whether or not those forms should have been used, the Council registered and determined the application and there is no substantive evidence that the procedure that followed has in any way caused injustice to any party. In any case, if ultimately, it is deemed that for some reason the permission I am granting does not permit the works shown on the plans, that would be for the Council and appellant to consider in due course. It is not, however, a matter for this appeal under S78 of the 1990 Act, which has been determined on the basis of the development described on the application form.

Conditions

32. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance (PPG) and the Framework. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the PPG.
33. In lieu of the standard condition relating to the timeframe for the implementation of the permission, the Council suggest a period of 3 months for the commencement of the development. While I am mindful of the current situation, and the context of the appeal, I have not been presented with any compelling evidence as to why such a significantly reduced timeframe is necessary. Furthermore, such an approach would not necessarily mean the works were carried out more rapidly, but rather that should the permission expire, the matter could be prolonged even further.
34. I have imposed a condition specifying the drawing numbers in the interests of clarity. The plans clearly indicate the roof is to be constructed using zinc, however, in the interests of the character and appearance of the area a condition to agree the colour of the external render to the walls is necessary. I have amended the timeframe for the submission of the details to prior to occupation, as they are not necessary as part of the implementation of the permission.
35. The Council suggest a condition to agree a scheme for completion of the development. However, while I appreciate that construction work at the site has been ongoing for a considerable length of time, the PPG is clear that conditions requiring the development to be carried out in its entirety will fail the test of necessity by requiring more than is needed to deal with the problem they are designed to solve. Such a condition is also likely to be difficult to enforce due to the range of external factors that can influence a decision whether or not to carry out and complete a development. I have therefore not imposed this condition.
36. A condition to require the submission of a Construction Management Statement, to include the hours of construction works and arrangements for visiting vehicles and storage of materials, is necessary to protect the living conditions of the occupants

of the surrounding dwellings during the construction phase, and in the interest of highway safety. I have deleted the requirement for wheel washing facilities given the nature and scale of the development. These details are required prior to any more work being carried out, to safeguard the living conditions of nearby properties and to ensure safety throughout the construction period.

37. Given that the ground floor of the dwelling has largely been constructed, together with the proposed cross section, which clearly shows the height of the dwelling in relation to the adjoining residential properties, a condition to require details of site levels is not necessary. For the reasons set out above, a condition is necessary to agree a scheme for the protection of the walnut tree, including a tree protection plan and arboricultural method statement, to prevent any damage to the tree during the remaining construction work. This is a pre-commencement condition as the proposed measures are required to be implemented before the proposed development begins, so as to safeguard the tree.
38. Conditions to require windows at first floor level and above on the east and west elevations to be obscure glazed and to restrict further openings in these elevations are necessary, to prevent any overlooking of the neighbouring properties. I have not been provided with any reason as to why such a condition should also prevent the installation of additional windows at first floor level in the south elevation, so have omitted this requirement from the condition.
39. A condition to remove permitted development rights for future extensions and outbuildings has been put forward by the Council. However, there is no substantive evidence as to why the restriction is necessary in this case. Accordingly, I have not imposed this condition.
40. In the interests of highway safety, a condition to require the provision of parking spaces within the site, prior to the occupation of the development, is necessary. I have imposed a condition to require the removal of construction materials and machinery from the site within 2 months of the occupation of development, in the interests of the character and appearance of the area.

Conclusion

41. The appeal proposal would accord with the development plan, there are no material considerations worthy of sufficient weight that would indicate that a decision should be made otherwise. The appeal should therefore be allowed.

E Worley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 1701-001 Location Plan, 1701-002 Site Plan, 1701-011-3 Proposed Ground Floor Plan, 1701-012-2 Proposed First Floor Plan, 1701-013-3 Proposed Second Floor Plan, 1701-014-2 Proposed Roof Plan, 1701-022-2 Proposed East Elevation, 1701-021-2 Proposed South Elevation, 1701-023-1 Proposed North Elevation, 1701-024-2 Proposed West Elevation, 1701-025 Proposed Cross Section, 1701-030-2 Proposed Aerial View South-East and 1701-031-2 Proposed Aerial View North-West.
- 3) Notwithstanding condition 2, prior to the first occupation of the development details of the colour of the render to the walls of the development have submitted to and approved in writing by the local planning authority. the render colour shall be applied in accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter in perpetuity.
- 4) No further development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No further development shall take place until a scheme for the protection of the walnut tree, which is the subject of a tree preservation order, (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained tree shall be carried out as approved and retained throughout the construction period for the development.
- 6) The building hereby permitted shall not be occupied until the windows at first floor level and above on the east and west (side) elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall

be constructed on the west or east (side) elevations of the property at first floor level or above.

- 8) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with a drawing for no less than 3 cars to be parked within the curtilage of the site and those spaces shall thereafter be kept available at all times for the parking of vehicles and no other purpose.
- 9) All construction materials and machinery shall be cleared from the site within 2 months of the occupation of the development hereby approved.

******* end of conditions *******