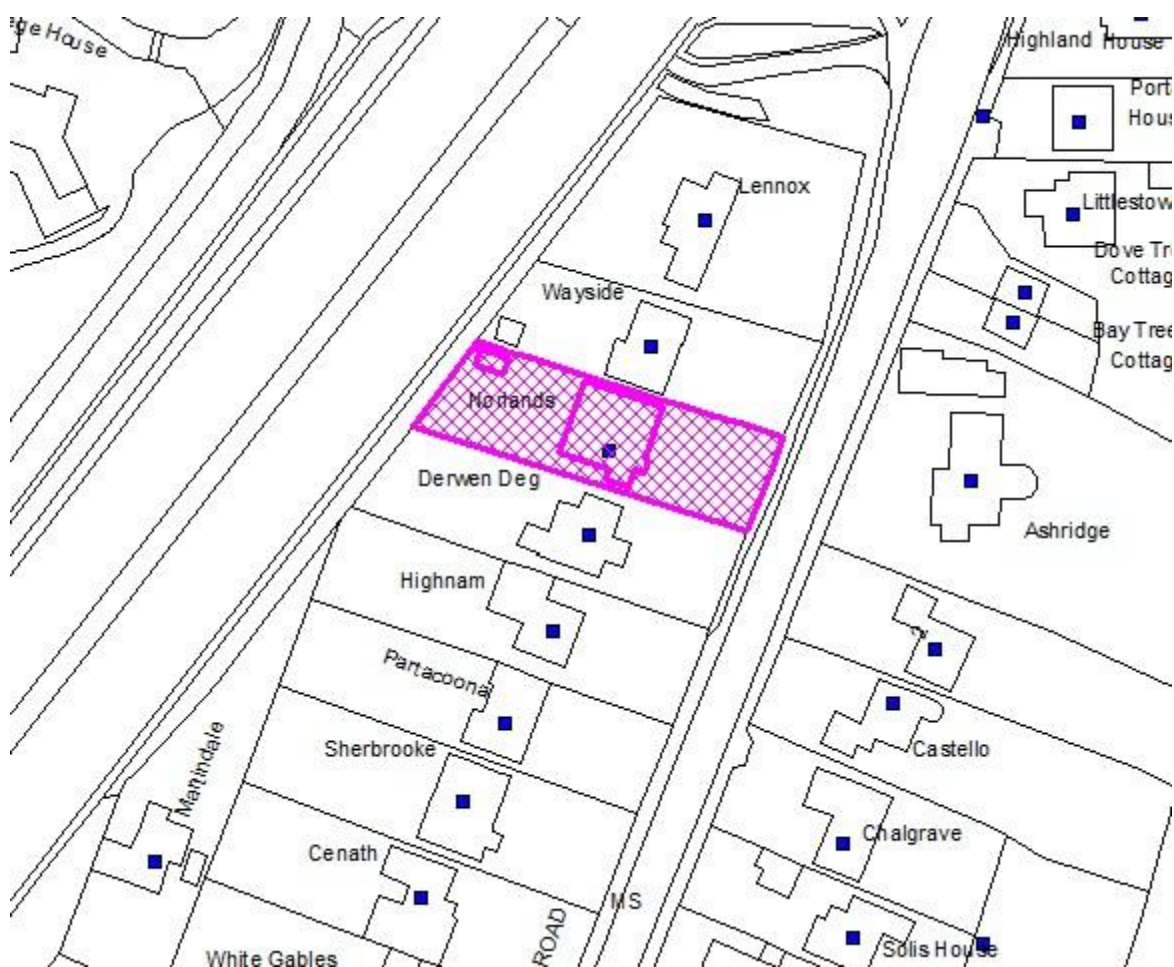


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**Case No:** 24/02233/FUL  
**Proposal Description:** Application for the variation of conditions 2 and 3 of application 24/00350/HOU relating to changes to elevational finishes and dimensions of the proposed outbuilding (RETROSPECTIVE)  
**Address:** Norlands Otterbourne Road Compton Winchester Hampshire  
**Parish, or Ward if within Winchester City:** Compton And Shawford  
**Applicants Name:** Salma Rashid  
**Case Officer:** Cameron Taylor  
**Date Valid:** 14 October 2024  
**Recommendation:** Application permitted  
**Pre Application Advice** No

**Link to Planning Documents**

[Link to page – enter in reference number 24/02233/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)  
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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### Reasons for Recommendation

The development is recommended for permission as it is considered that the proposed amendments do not result in a significant adverse impact upon the character and appearance of the site and surrounding area, in accordance with policies DM15 and DM16 of the Local Plan Part 2. The changes would not result in a significant adverse impact upon the neighbouring residential amenity that would warrant refusal, in accordance with policy DM17 of the Local Plan Part 2.

### General Comments

The application is reported to Committee due to Ward Councillor Jan Warrick has requested for the application to be determined by Planning Committee, based upon material planning considerations is shown in Appendix 1

The outbuilding which is the subject of this application is substantially complete and this application is therefore a Section 73A application to regularise the changes to the outbuilding as originally approved, by varying conditions 2 and 3 of permission (24/00350/HOU).

### Amendments to Plans Negotiated

Updated plans have been received which correct the orientation of the outbuilding as the elevations were flipped under the original submission.

### Site Description

The site is located to the west of Otterbourne Road and is a two-storey detached dwelling that is finished in white render, with a large parking area separating the dwelling from Otterbourne Road. The outbuilding is located at the bottom end of the property garden with a section of amenity space retained between the dwelling and outbuilding. The area is characterised by large two-storey dwellings with various built forms and external finishes. The site shares a boundary with 2 properties along its northern and southern boundaries. The boundaries between the properties are enclosed by hedging.

### Proposal

This is a retrospective application to regularise changes to the footprint, an increase in height of the outbuilding and a change to the external finish of the outbuilding previously approved:

As Approved (24/00350/HOU)	As Built
Width 15.5m	Width- 15.2m
Depth- 5.9m	Depth- 8.4m
Height- 2.8m	Height- 3.6m
Gross External Area-94m <sup>2</sup>	Gross External Area- 90m <sup>2</sup>

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Materials- Walls: Facing brickwork Roof: Ruberoid flat roof	Materials- Walls: White render to match the house Roof: Ruberoid flat roof
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### Relevant Planning History

- 24/00350/HOU- Single Storey detached Summer House/Home office - Permitted 09/4/2024
- 23/02636/HOU- Loft Conversion with new roof. Garage conversion. - Permitted 26.01.2024
- 13/00181/NMA-Permission 12/01895/FUL) Two storey side and rear extensions plus single storey side and rear extensions - Permitted 27.02.2013
- 12/01895/FUL- (HOUSEHOLDER) Two storey side and rear extensions plus single storey side and rear extensions - Permitted 23.10.2012
- 05/00487/FUL- Erection of two storey rear extension and replacement porch - Permitted 15.04.2005

### Consultations

None

### Representations:

Councillor Jan Warwick

Requests that the item be considered by the Planning Committee for the following material planning reasons: Light and amenity intrusion into neighbouring property.

Compton and Shawford Parish Council

Object:

*"The original application 24/00350/HOU was for a summer house/home office with a bathroom and the plans confirmed this. Games Room, Home Office and Bathroom.*

*What has been built is not what was approved, as can be seen from the plans with the new application. The layout has been changed to Games Room, Home Office, Bathroom, Home Gym and two rooms for which no use is noted.*

*The height approved was 2.8metres and the height on the retrospective application is 3.2metres. The depth approved was 5.8 metres and what was built is 7.1metres*

*The approved application was for brickwork, and this is now white render.*

*The shape has changed from a parallelogram to a shape which tapers to the north with an extended piece at the front."*

1 Objecting Representations received from different addresses citing the following material planning reasons:

- Not built out in accordance with the previously approved plans
- Impact upon neighbouring properties
  - Overbearing impact

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- Overlooking impact
- Lighting Issues

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework (December 2023)

4. Decision-making

National Planning Practice Guidance

- Consultation and pre-decision matters
- Design: process and tools
- Planning obligations
- Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

- MTRA 3 - Market Towns and Larger Villages
- CP13 - High Quality Design
- CP16- Biodiversity

Winchester District Local Plan Part 2 – Development Management and Site Allocations

- DM15 - Local Distinctiveness
- DM16 - Site Design Criteria
- DM17 - Site Development Principles
- DM18- Access and Parking

Emerging Plan - Winchester District Local Plan 2020-2040

- SP1- Vision and Objectives
- D1- High Quality, Well Designed and Inclusive Places
- D7- Development Standards
- NE1- Protecting and enhancing Biodiversity and the Natural Environment in the district
- NE5- Biodiversity

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality Supplementary Planning Document 2021

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.

Nature Emergency Declaration.

**Planning Considerations**

**Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the National Planning Policy Framework (NPPF, 2024) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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The Regulation 19 Local Plan has been agreed by Full Council and the examination is pending the Inspectors findings. Therefore, the emerging policies can be given appropriate and increasing weight in the assessment of development proposals in advance of Adoption.

The application site is within the defined settlement boundary of Winchester where the principle of development such as that proposed is acceptable subject to compliance with the Development Plan as a whole and all other Material Planning Considerations.

### **Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

### **Impact on character and appearance of area**

The area is residential in nature with it typically consisting of large two-storey detached dwellings with various built forms within the area.

The outbuilding itself is not readily visible from the public realm. The amendments to the outbuilding create a change to the overall footprint of the outbuilding which is reduced from 94 sqm to approximately 90 sqm. This change has the outbuilding siting more parallel with the rear of the host dwelling. There is a 40cm increase in the height of the outbuilding which has increased from 2.8m to 3.2m. However, it retains an overall scale that remains subservient to the host dwelling, with no views readily visible from the public realm. The outbuilding has been built with an external finish of white render, this remains in-keeping to the host dwelling. Therefore while it is different to was approved, the change to white render remains in-keeping to the host dwelling and with other development within the wider area.

Under the original application it is described as a summer house and home office, while as built the building contains a bathroom and bedroom within the southern section of the structure. It therefore has facilities allowing it to be used as overspill accommodation or as an annexe. However, given the location of the outbuilding, the lack of independent access and the modest scale of the site, the use of the outbuilding for overspill accommodation or as an annexe is not considered to be harmful to the character of the site and wider area. It remains ancillary and subservient to the main dwelling in scale and use. To ensure the outbuilding can only be used ancillary to the host dwelling condition 4 is attached.

Therefore given the outbuilding is not readily visible from the public realm and it still retains an overall scale, appearance and use subservient and ancillary to the host dwelling, it is not considered to lead to any adverse impact upon the character and appearance of the site and surrounding area. The proposal therefore complies with policy DM15 and DM16 of the Local Plan Part 2.

### **Development affecting the South Downs National Park**

The application site is located over 550m to the west from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy

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Framework (NPPF) updated 2024. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 189 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

**Historic Environment**

No Impact, the works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

**Neighbouring amenity**

The site has the neighbouring properties of Wayside to the north and Derwen Deg to the south.

The outbuilding as amended has an increased distance to the neighbouring dwelling of Wayside to the northeast, with the distance between the buildings increasing from 15m to approximately 17m from the originally approved scheme. There has been a slight reduction in the distance to the northern boundary itself from approximately 0.94m to 0.54m. It is appreciated that the outbuilding has encroached closer to the northern boundary with an increase in its height, however it retains a gap to the boundary of 0.54 metres and is at the bottom of the garden with a flat roofed appearance and glazing at the ground floor level. Therefore, the outbuilding as built is not considered to create a significant adverse overbearing, overshadowing or overlooking impact upon the neighbouring property to the north.

To the neighbouring dwelling to the south the outbuilding has a reduction in its distance to both the dwelling of Derwen Deg and the boundary. The outbuilding as measured on the plans sits approximately 16m from the nearest point of the dwelling. The reduction in distance to the southern boundary has gone from approximately 0.95m to 0.78m. Along the southern boundary the massing of the outbuilding has increased as the overall depth along this boundary has increased to 7.1m from 5.9m along with the increase in height. The massing of the outbuilding has increased along the southern elevation as a result of its increased depth and height. However despite the increase it retains a gap to the boundary of 0.78 metres with a hedgerow separating the building from the neighbouring property. It is appreciated that the outbuilding has increased in massing, however it still retains an overall scale that is not considered to cause significant adverse overbearing and overshadowing impacts upon the neighbouring property to the south.

Concerns have been raised regarding overlooking from the building to the neighbouring property. Whilst there has been a change to the fenestration of the outbuilding which includes additional windows, these are at the ground floor level with the orientation directing views towards the host dwelling of Norlands itself and away from the dwelling to the south. Therefore while the amount of glazing has increased, it is not considered to lead to any significant overlooking impact that would warrant refusal.

The outbuilding has a use that is ancillary to the host dwelling. It is appreciated that there is a bedroom and bathroom within the outbuilding however this use is considered as an

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ancillary annex to the host dwelling which is secured by condition 4. It therefore is not considered to lead to an adverse impact upon the neighbouring residential amenity.

Concerns have been raised with regards to external lighting in the garden. However, this does not form part of the application which is only concerned with the outbuilding, and cannot be considered under this application.

The proposal therefore complies with policy DM17 of the Local Plan Part 2.

**Sustainable Transport**

The proposal will have no impact upon highway safety and parking as the property retains a sizeable parking area to the front. The outbuilding does cause an increase in the number of bedrooms by one as there is a bedroom located within the outbuilding. The parking area has ample space to accommodate at least 3 allocated spaces and the entering and leaving in a forward gear. The proposal therefore complies with policy DM18 of the Local Plan Part 2.

**Ecology and Biodiversity**

The proposal will have no impact as it is not development within, bordering or in close proximity to a Nationally Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) and is not overnight accommodation affecting Nitrates.

Due to the nature of the development and the distance between the application site and the Nationally Protected Site of the Solent SAC and SPA and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

The proposal is a householder development that takes place within the residential garden of Norlands. The application seeks to amend a previously approved application with the works being completed. Therefore the ecological impact upon the site and surrounding area has already occurred, however in the interests of biodiversity enhancement condition 3 is attached that requests a biodiversity enhancement plan be submitted within 3 months of the date of the decision.

However, as it is a householder application it is exempt from providing the statutory 10% Biodiversity Net Gain.

Therefore the amendments are not considered to cause an adverse impact upon the surrounding ecology, with a condition attached to secure some form of ecological enhancement. The proposal therefore complies with policy CP16 of the Local Plan Part 1.

**Sustainable Drainage**

The site lies within Flood Zone 1 (an area with low probability of fluvial flooding). The site is already in a residential use, with the amended outbuilding having already been built. Given the nature of the site and its development, the proposal is not considered to create an adverse drainage impact.

Therefore the proposal complies with policy DM17 of the Local Plan Part 2.

**Trees**

There are large trees abutting the fence at the rear of the garden which are not protected trees. The outbuilding has been constructed with the southern section having an increased

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distance to the boundary. Therefore, there is no additional harm upon the non-protected trees as a result of the outbuilding.

The proposal therefore complies with policy DM24.

### **Equality**

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

### **Planning Balance and Conclusion**

The changes to the outbuilding do cause a modest increase to the massing and external appearance. However, the outbuilding remains subservient to the host dwelling with an external finish that remains in-keeping. The building as built contains a bedroom, however the use of it as an accommodation is considered acceptable and its ancillary use is secured through condition. The outbuilding is sited close to the boundaries of the neighbouring properties, however it retains a scale that is not considered to create a significant adverse overbearing or overshadowing impact. The amendments do change the fenestration; however this is at the ground floor level and directed towards the host dwelling. The proposal is therefore not considered to create a significant adverse overlooking impact. The building is already built, in the interests of biodiversity enhancement condition 3 is attached. The changes are not considered to lead to an adverse impact upon the nearby trees greater than what was approved.

The proposed amendments therefore comply with policies DS1, CP16 and MTRA3 of the Local Plan Part 1 and DM15, DM16, DM17, DM18 and DM24 of the Local Plan Part 2.

### **Recommendation**

That the application be Granted subject to the following conditions:

### **Conditions**

1. The development hereby approved shall be constructed in accordance with the following plans:  
-Site Plan- Received 14.10.2024  
-Summer House- Dwg No. 008E- Received 13.08.2025

Reason: In the interests of proper planning and for the avoidance of doubt.

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed on the following plans,  
Summer House- Dwg No. 008E- Received 13.08.2025.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

3. A biodiversity mitigation and enhancement plan shall be submitted to and approved in by the Local Planning Authority within 3 months of the decision date of the

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planning application. The scheme shall be carried out in accordance with the approved details and within 6 months of the decision date of the planning application, and shall thereafter be maintained as specified within the approved scheme.

Reason: To provide adequate mitigation and enhancement for protected species.

4. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling. The site shall only be used as a single residential unit and shall not be subdivided, separated or altered in any way so as to create two or more separate residential units.

Reason: To accord with the terms of the application and to prevent the creation of an inappropriate unit of accommodation, possibly leading to over intensive use of the site.

**Informatives:**

1. In accordance with paragraph 39 of the NPPF 2024, 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA3, CP13, CP16,

Local Plan Part 2 - Development Management and Site Allocations: WIN9, DM1, DM15, DM16, DM17, DM18

Winchester District Local Plan 2020-2040 - SP1, D1, D7, NE1, NE5

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements (as set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024) are considered to apply as follows:

- The development is for a householder application

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Appendix 1

**City Councillor's request that a Planning Application be considered by the Planning Committee**

<b>Request from Councillor: Jan Warwick</b>
<b>Case Number:</b> <b>24/02233/Ful Norlands</b>
<b>Site Address:</b> <b>Norlands, Otterbourne Road, Compton, Winchester SO21</b>
<b>Proposal Description:</b>  <b>Residential building in rear garden</b>
<b>Requests that the item be considered by the Planning Committee for the following material planning reasons:</b>  <b>Light and amenity intrusion into neighbouring property</b>