**REF. NO. F/15/77140**

## PLANNING APPLICATION REPORT

| | | |
|---|---|---|
| DESCRIPTION/ ADDRESS | - | Change of use and erection of a 2m high boundary wall (amended description)<br>60 Malvern Gardens Hedge End Southampton SO30 2UL |

SITE VISIT DATE - 13/10/15

ARE PLANS ACCURATE? - yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - yes

**THE SITE AND ITS SURROUNDINGS**

| | |
|---|---|
| DESCRIPTION OF APPLICATION | |
| SITE AREA | n/a |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | n/a |
| TOPOGRAPHY | level |
| TREES | No trees affected |
| BOUNDARY TREATMENT | 1.80m high brick garden wall along Watkin Road.<br>Low (approx. 1.0m high) bushes/hedging along back of pavement and around corner to front of 60 Malvern Gardens. |
| SITE CHARACTERISTICS | Link-detached two storey house on corner plot. |
| CHARACTER OF LOCALITY | Residential |

**RELEVANT PLANNING HISTORY**

| REFERENCE | DESCRIPTION | DECISION |
|---|---|---|
| Q/15/76929 | PD Enquiry: Proposal to replace boundary hedge with brick wall or fence | RPA - Requires a planning application 10/08/2015 |
| F/09/64999 | Retrospective retention of existing conservatory | Permit 10/06/2009 |
| Z/30803/003/00 | Construction of 60 houses, associated roads, landscaping and parking area (amended scheme). | Permit 29/11/1990 |
| Z/30803/001/00 | Erection of 92 houses (amended layout). | Permit 10/01/1990 |
| Z/30803/000/00 | Erection of 93 houses. | Permit 11/07/1989 |
| Z/28343/000/00 | Residential, open space, road and footpaths with community centre and school | Grant Outline Permission 16/04/1987 |

**REPRESENTATIONS RECEIVED**

| SOURCE | SUMMARY OF CONTENT |
|---|---|

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**REPRESENTATIONS RECEIVED**

| SOURCE | SUMMARY OF CONTENT |
|---|---|
| None | |

**CONSULTATION RESPONSES**

| CONSULTEE | SUMMARY OF RESPONSE |
|---|---|
| Hedge End Town Council | No objection |
| Health & Safety Executive | HSE does not advise, on safety grounds, against the granting of planning permission in this case**.** |
| Head of Transportation and Engineering | **Transport Policy Officer:** Matt Grantham<br>**TPol Comments:** No objection.<br>Given anticipated speeds in the vicinity (30mph or less) given the localised layout (junctions / single stretch build out), there will remain adequate visibility when exiting Malvern Gardens or passing east - west on Watkin Road, for the junction to remain in accordance to MfS guidance.<br><br>**DC Engineer:** Eric Reed<br>**DC Engineer Comments:** Holding objection<br>Unfortunately the highway adoption records indicate that the land upon which the wall is to be located is an adopted highway sight line splay .<br>As such no wall could be built on the land without extinguishing highway rights and the land being acquired from the subsoil owner, which I would have thought would be the estate developer, although the Land Registry layer makes it seem that the sight line splay land has been conveyed to 60 Malvern Gardens .<br>The process of extinguishing highway rights with HCC is long and expensive, it would be easier for the applicants to amend the wall location to be clear of the adopted sight line splay.<br>I will send adoption plan to you separately .<br>Please take up with applicants. |

**POLICY CONTEXT**

| DESIGNATION APPLICABLE TO SITE |
|---|
| Within Built-up Area Boundary<br>Within Established Residential Area<br>HEWEB 64 Character Area Appraisal |

**DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S**

**Eastleigh Borough Local Plan Review (2001-2011), saved policy 59.BE**

**Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014,** (the Submitted Local Plan) comprising: DM1

- Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and
- Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014'

Supplementary Planning Document: Quality Places
Supplementary Planning Document: Environmentally Sustainable Development

**NATIONAL PLANNING POLICY GUIDANCE**

National Planning Policy Framework

**POLICY COMMENTARY**

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to

**COMMENT ON CONSULTATION RESPONSES**

Head of Transportation and Engineering – As explained in the comment from the DC Engineer the wall could not be built in the proposed position, without extinguishing highway rights with HCC, as it would be located within the adopted sight line splay. Amended plans were not sought to change the position of the wall as a 2.0m high wall in that area would be considered an obtrusive feature within the street scene.

**COMMENT ON REPRESENTATIONS RECEIVED**

None

**PLANNING OBLIGATION**

n/a

**ASSESSMENT OF PROPOSAL**

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

*"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

Policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

**The proposal**

The proposal relates to an area of land that sits to the side of the house and private garden of 60 Malvern Gardens and is within their ownership. The application property fronts Malvern Gardens with the side fronting Watkin Road. The appeal site comprises a strip of grassed open space with bushes/hedging set in front of the brick wall around the rear garden and flank house wall of 60 Malvern Gardens. The proposal is to enclose this grassed area with a 2.0m high wall and to incorporate it within the garden of 60 Malvern Gardens. Forward of the house line the wall would continue at 1.0m high around the corner to join the driveway in front of the property.

**Loss of open space and visual impact**

The grassed area, although limited in size, when combined with the open frontages of the houses opposite contribute to the softening of this section of Watkin Road forming an important visual amenity function. A large proportion of Watkin Road being flanked by high brick walls. The loss of the

**ASSESSMENT OF PROPOSAL**

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

space by its enclosure would degrade the open appearance of this area and the proposed repositioning of the garden wall, so close to Watkin Road would create a dominant obtrusive feature within the street scene. This would be to the detriment of the character and appearance of Watkin Road and contrary to Policy 59.BE which promotes good design which enhances its surroundings.

Areas such as this should be protected due to the limited opportunities available to soften built up areas.

Although the land is owned by 60 Malvern Gardens, the area of land was planned as open space to soften the street scene adding to the attractiveness of the road and contain the sight line splay.

For the above reasons the proposal is considered to conflict with relevant Development Plan policies.

**Nature Conservation**

*The proposal is not considered to result in a likely significant impact on a European Protected site (SPA,SAC or Ramsar). HRA (Habitat Regulations Assessment) screening was not required for this development as it falls outside the designated zone of impact.*

**OTHER MATERIAL CONSIDERATIONS**

Also of relevance is the Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

**CONCLUSIONS**

Recommend refusal for the reasons given above.