ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

upon sight lines for existing development, hindering the safe movement of vehicles both for those exiting the application property's driveway as well as for those entering Hiltingbury Close and whose respective vision towards one another is significantly impaired by the fencing. This will, therefore, form an additional reason for the refusal of the planning application.

Overall, for the reasons as outlined above, the application is considered to be contrary to the requirements of the relevant development plan policies, associated supplementary planning guidance, and national planning policy.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the Revised Draft Eastleigh Borough Local Plan 2011-2029. 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.

CONCLUSION

The application is recommended for refusal.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The Council's adopted Quality Places Supplementary Planning Document (page 23) states that "…for existing properties, the boundary treatment should be reflective of the general character of the area" and "…in general terms, it is advisable for boundaries that abut a public footway to be as robust as possible".

MATERIAL CONSIDERATIONS

Principle:

The application site lies within the urban edge where the basic principle of development is considered to be acceptable, with any formal planning approval being based upon the exact nature, design and impact of that proposed being considered appropriate and in accordance with the relevant local plan policies and supplementary guidance.

Appearance, Layout and Impact on the Street Scene and Character of the Area:

The application seeks approval for the retention of a 1.8m high horizontal-boarded timber fence which encloses the area of amenity space to the southern side of the application dwelling and which, owing to the corner location of the site, borders both Hiltingbury Close and Hiltingbury Road. The boundaries on which the fencing has been sited previously consisted of a low-level brick wall, which remains in place, with planting and/or hedging behind.

As set out above, property frontages within Hiltingbury Close are particularly open in nature with no visible presence of timber fencing or similar such treatments demarcating the front boundaries of individual dwellings. Indeed only sporadic instances of low-level planting are present within the streetscene as a means of segregating or separating respective plot frontages. This serves to give the Close a particularly wide and green open feel. The site and fencing also borders Hiltingbury Road to the south with boundary treatments along this section of the street predominantly consisting of low-level brick walls or hedging/planting or a combination of both. It is acknowledged that there are some examples of fencing within this wider streetscene, however with the exception of that bordering the property at the junction of Hiltingbury Road and Oakwood Road which in itself does not represent a particularly attractive feature within the road, these are predominantly of either of a low-level height and/or limited length and notably are of a more traditional appearance for a residential boundary treatment than that erected at the application site.

Owing to the materials used, the horizontal nature of the timber boarding, as well as the excessive length of the fencing erected at No. 1 Hiltingbury Close when combined with its height, it is considered that the fencing appears both visually unattractive as well as unduly prominent within both of the street scenes within which it is present, creating quite stark, harsh boundary treatment across both the front and side of the property and significantly disrupting the prevailing green and open nature of Hiltingbury Close. The development is, therefore, considered to fail to respect and cause significant harm to the character of the area, being out of keeping with the nature of residential boundary treatments in the vicinity of the site and conflicting with the requirements of Saved Policy 59.BE (i), the guidance contained within the Council's adopted Quality Places SPD, as well as the provisions of Section 7 of the National Planning Policy Framework.

Highway Matters:

Saved Policy 59.BE (v) of the adopted Local Plan requires *inter alia* that development has a satisfactory means of access and layout for vehicles. It is considered that the erected fencing due to its height, siting and proximity to the highway, conflicts with this requirement in that, as set out in the consultation response of the Council's Principal Transport and Development Planner, it impedes

NATIONAL PLANNING POLICY GUIDANCE

Of particular relevance to this application is *Section 7: Requiring good design* which stipulates that good design is a key aspect of sustainable development and is indivisible from good planning; that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to highway matters, street scene and character of the area.

COMMENT ON CONSULTATION RESPONSES

None received		See below		
Other – the comments of the Council's Tree Officer are noted.				

COMMENT ON REPRESENTATIONS RECEIVED

None received		See below		
Other – the matters of restrictive covenants as well as the impact of the proposals upon property values are not considered to be material planning considerations and therefore cannot be taken into account in the determination of the application. The other issues raised concerning the visual appearance of the fencing are considered in the below assessment of the proposals.				

PLANNING OBLIGATION/CONSIDERATIONS

Planning obligations are not applicable to this application.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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."

Development Plan Policies:

Saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011) 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.

Relevant Guidance within Supplementary Planning Documents:

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Transport and Development Planner)	*In order to conform to Highway Standard, set out for safety reasons amongst others, fences adjacent to the highway such as this must be set back an adequate distance in order to not impede visibility splays.* *In specific regard to this development, I have concerns in regard to the sub-standard visibility that is afforded for both:* • *A vehicle exiting site where it can't see oncoming traffic entering Hiltingbury Close; and* • *A vehicle entering Hiltingbury Close from the west on Hiltingbury Road that will have vision obscured and very little time to brake if a vehicle was exiting the site.* *In order for the fence to be acceptable, it needs to be pulled back into site whereby visibility can be achieved both from Hiltingbury Road and from internal to the site. This would have been the reason for the original low level wall and shrubs that formed the original boundary treatment. Visibility splays for a 30mph road are 2.4 x 43.0m (manual for streets).*

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area

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

Eastleigh Borough Local Plan Review (2001-2011), Saved Policy 59.BE
Revised Draft Eastleigh Borough Local Plan 2011-2029, Policy DM1
Supplementary Planning Guidance: Quality Places

CHARACTER APPRAISAL AREA

Chandler's Ford and Hiltingbury Character Area:

The site falls within the *Hiltingbury Road West* character area. The Council's adopted appraisal document sets out that development proposals in this area should ensure that:

- Sufficient garden depth and area is retained by existing or replacement dwellings, commensurate with their size and character, which can accommodate appropriate tree planting in keeping with the character of existing plots;
- No healthy mature trees would be felled or likely to be damaged;
- The design of any new building work, including extensions, is compatible with the character of adjacent good quality properties and fits well into the overall street-scene; and,
- The existing building line along street frontages is respected.

SPECIAL POLICY AREA

n/a

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework:

THE SITE AND ITS SURROUNDINGS

	previously present at No. 1 prior to the erection of the fencing the subject of this application. Residential boundary treatments along this section of Hiltingbury Road consist of predominantly low level brick walls and hedging or a combination of both. There are

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/04/52849	Construction of 2 storey side extension	PERMIT – 07/02/2005

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
9 Hiltingbury Close	(27/01/2014): Objection on the following grounds: • The fence is unsuitable for this small Close, it devalues the properties within it and spoils the look of the neat Georgian style houses here. • It is too high and looks like a hoarding. • It needs to be less prominent. Suggested that it should be painted dark green or brown and reduced in height.
47 Hiltingbury Road	(04/02/2014): Observation: • No objection to a fence and respect the desire for privacy and safety. • The structure has been built off the brick wall leaving a gap between the top of the wall and the bottom plank which provides neither safety nor security and still allows for the depositing of litter. • The present fence looks like an advertising hoarding. • Feels that a traditional close boarded fence would be preferable and would provide all of the necessary safeguards required by the owner of the property.
Additional Neighbour Comment (No address provided).	(20/01/2014): An additional neighbour comment was received by email raising the following objections: • There is a covenant limiting borders to a height of 2 feet. • The area was intended to be open plan. • The fence is devoid of any aesthetic quality. • The appearance would be improved if the top half metre were in the form of trellis panels and the whole structure stained dark brown.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Chandlers Ford Parish Council	No response received.
Head of Countryside and Trees	No objection.
Head of Transportation and Engineering (Principal	Objection:

HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/14/73876

DESCRIPTION	Retention of 1.8m high boundary fence.
ADDRESS	1 Hiltingbury Close Chandler's Ford Eastleigh SO53 5NY

SITE VISIT DATE	10/02/2014
ARE PLANS ACCURATE?	It is considered that the submitted details are sufficient to allow for the determination of the retrospective planning application.
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application seeks approval for the retention of a 1.8m high horizontal-boarded timber fence which was erected in November 2013. The fence encloses the property's amenity space to its southern side and is sited immediately behind a low level brick wall which formed the original boundary treatment with Hiltingbury Road and Hiltingbury Close. The applicant has stated in the submitted supporting statement that the fence has been erected for the purposes of general security, privacy, safety and to prevent litter being dropped within their garden area by passing pedestrians.
TOPOGRAPHY	The site slopes gradually up to the east in line with the general gradient of Hiltingbury Road.
TREES	There is a sizeable Willow Tree within the area of garden enclosed by the fencing the subject of this application. This tree is covered by a Tree Preservation Order (TPO 58).
BOUNDARY TREATMENT	The fencing the subject of this application which, as mentioned above, is positioned immediately behind a low-level brick wall, encloses the property's side amenity space to its south, east and part of its northern sides. The remainder of the property frontage is relatively open.
SITE CHARACTERISTICS	No 1. Hiltingbury Close is a two-storey end of terrace property set on a prominent corner plot at the junction of Close with Hiltingbury Road. The property has amenity space to the rear and side and off-road parking provided by way of an attached flat-roof double garage adjoining its southern elevation as well as a driveway to the front.
CHARACTER OF LOCALITY	The site is situated within an established residential area with Hiltingbury Close being made up of three terraces of four two-storey properties of a notably uniform design and house type. The frontages of these dwellings are particularly open in nature with only low level planting demarcating individual plot boundaries. The corresponding property to No. 1 which sits on the opposite corner of the entrance to the Close (No. 12) has its boundary with Hiltingbury Road marked by a low-level brick wall with planting behind, similar treatment to that