HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/15/76886

DESCRIPTION	Retention of 2.25m high boundary fence
ADDRESS	72 Chapel Road West End Southampton SO30 3GH

SITE VISIT DATE	18 September 2015
ARE PLANS ACCURATE?	It is considered that sufficient information is available to allow for the assessment of the development proposals.
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application seeks approval for the retention of an existing boundary fence which has been erected without the benefit of planning permission. For clarity, the application relates only to the fencing sited along the north-eastern side boundary of the plot adjacent to Hope Road. This fence measures 2.25m in height above the highway footpath at its highest point (inclusive of the low-level brick wall upon which it is surmounted) and replaced a row of hedging. The remaining replacement fencing (along the rear/south-eastern, south-western side and north-western boundaries of the plot) is not considered to require planning consent with this not being deemed to be adjacent to the highway and not exceeding 2m in height.
TOPOGRAPHY	The site slopes down from south to north in line with the general gradient of Hope Road. There is also a difference in levels between the garden of the application dwelling and the adjacent highway footpath which is approximately 0.25m lower.
TREES	None affected.
BOUNDARY TREATMENT	The rear garden of the property is now surrounded by timber fencing which is approximately 2m high to the rear and south-western sides (with No. 70 Chapel Road). The 2.25m high boundary fence and wall the subject of this application marks the north-eastern boundary. The frontage of the property at the junction of Chapel Road and Hope Road is more open, consisting of only a low-level brick wall.
SITE CHARACTERISTICS	The application dwelling is a single-storey, detached, hipped-roof bungalow set on a fairly prominent corner plot at the junction of Chapel Road and Hope Road, with the entrance (front door) to the property being from the latter. Off-road parking is provided by way of driveway with access from Chapel Road, with there being private amenity space to the rear. This is formed of a mixture of hardstanding, lawn and a detached timber outbuilding to its southern corner.
CHARACTER OF LOCALITY	The site falls within an established residential area, this section of which is formed largely of detached and semi-detached bungalows set on modest sized plots. Boundary

THE SITE AND ITS SURROUNDINGS

	treatments in this area largely consist of low-level brick walls which contribute to the open character of the locality, with these being interspersed with hedging and planting. There are, however, instances of timber fencing to the boundaries of some properties, notably those sited on corner plots, albeit there is nothing obvious of the same height as that proposed as part of this application.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
72 Chapel Road, West End		
None		
74 Chapel Road, West End		
F/10/67995	Retrospective: Retention of single storey side extension & detached garage (amended design to previously approved F/10/67551) & erection of 1.5m gates, 1.8m high fencing & 1-1.2m high brick wall to side & front boundary	REFUSED – 07/12/2010 (ALLOWED ON APPEAL – 02/11/2011)

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
70 Chapel Road, West End	The occupier of No. 70 Chapel Road commented that if the intention is to have a 2.25m high fence around the whole property then they would like to object. They already have a 1.9m high fence between their driveways which is taking light away from their hallway bathroom and lounge. The matter of a dog grooming service being run from the property was also raised in respect of the noise and traffic impacts associated with this.
No Address Given	Objection on the grounds that it would be unsightly to erect a fence of the height proposed, with this being too high in a neighbourhood where all gardens are well maintained and offer a pleasant view with low walls or fencing. A fence this high would have a visually negative impact. The issue of the dog grooming business being run from the property was also raised with the matters of noise from dogs barking and vehicular traffic being a daily occurrence.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
West End Parish Council	Objection on the grounds that the development is not in-keeping with the street scene.
Head of Transportation and Engineering	No objection. The fencing has no impact on the highway in terms of visibility at the nearby junction.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
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.
Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising: 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, Policies DM1, DM23.
Supplementary Planning Document: Quality Places

CHARACTER APPRAISAL AREA

Hedge End, West End and Botley Character Area:

The site falls within the area *HEWEB 17.* The Council's adopted character appraisal document sets out the following guidance principles for new development in this area:

- Maintain the predominant orientation of ridgelines in existing development relative to the slope.
- Retain the grass verges.
- Maintain the predominant plot widths and continuity in building line.
- Maintain a uniformity in building heights within each street.

SPECIAL POLICY AREA

The site does not fall within a designated special policy area.

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework:

Of particular relevance to this application are both paragraph 17 which *inter alia* states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, as well as *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 the principle of the development proposed, layout and design, residential amenity, highway matters, and the impact of the proposals on the street scene and character of the area.

COMMENT ON CONSULTATION RESPONSES

None received		See below		
Other – the comments received are noted with the matters raised being covered in the below				

COMMENT ON CONSULTATION RESPONSES

assessment of the proposals.

COMMENT ON REPRESENTATIONS RECEIVED

None received		See below		

Other – the impact of the development on both the street scene and upon neighbouring amenity are covered in the below assessment of the proposals. With regards to the matter raised within both neighbour representations received concerning a dog grooming business being run from the application dwelling, on the basis of the level of current activity associated with this, it is deemed that this is incidental to the enjoyment of the dwellinghouse and as such is not considered to require planning permission in its own right. It is not therefore considered that this is material to the determination of this application.

PLANNING OBLIGATION/CONSIDERATIONS

There are no planning obligations requirements associated with 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:

Eastleigh Borough Local Plan Review (2001-2011):

Saved 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, a satisfactory means of access and layout for vehicles, cyclists and pedestrians, provision to be made for refuse and cycle storage, and development to avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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 planning documents and guidance.

Layout, design and impact upon the street scene and area character:

The proposed fencing represents a fairly visually extensive structure which, as a result of the prominent corner siting of the application plot, is notably apparent within the street scene, something that is a result of a combination of its length, materials, and in particular its overall height which, inclusive of the low-level wall upon which it is surmounted, is up to 2.25m above the highway footpath. Boundary treatments in the surrounding locality are generally formed of low-level walls, some with planting and hedging in between. It is apparent, however, that there are other instances of higher timber fencing in the area, particularly with properties on corner plots where it is used as a means of enclosing their respective areas of private amenity space. This includes the property on the opposing corner of the junction with Hope Road, No. 74 Chapel Road, which has a 1.8m high timber fence in such a position. It is acknowledged, however, that whilst the principle of fencing adjacent to the highway for properties on corner plots is therefore to some extent established, there is nothing immediately obvious of a similar height to that proposed at No. 72 in the surrounding area.

In this regard, there are certainly some reservations in terms of the resulting impact of a fence at this height on the street scene and from a visual perspective it would be preferable for it to be lowered in height to a degree and for it to be levelled off in order to improve its overall appearance. Following discussions with the applicant in this regard, however, it is apparent that they are not prepared to alter the fence in such a manner, this being for reasons of security and privacy. The application must therefore be determined on the basis of the fencing at its height as presently constructed. In this respect and whilst maintaining the aforementioned reservations, on balance it is not considered that there is sufficient resulting harm caused by the development to the overall character of the area such as to justify an unacceptable level of conflict with Saved Policy 59.BE (i) of the Local Plan and to thereby substantiate a reason for refusal on these grounds, or defend this at any subsequent planning appeal.

In reaching this conclusion, regard has been had to the appeal decision for the retention of the fencing at No. 74 to the opposing side of the road (APP/W1715/D/11/2144155). Whilst this fencing is lower in height, the Inspector in allowing the appeal placed great emphasis on the inconsistent nature of boundary treatments in the locality and the varying approaches taken to this for properties on corner plots. It was also apparent that the view of the Inspector was that the open character of the estate at this particular junction stemmed from the triangular verge elements and associated set back of the low-level walling to the properties on either side, as opposed to the boundary treatments surrounding their respective rear garden areas. The application dwelling, as with No. 74 in that particular case, retains this around its main front corner section.

Whilst the height is not therefore deemed to be unduly unacceptable, it is considered to be necessary for a condition to be imposed to require that the fence be stained to reduce its current stark appearance. Having regard to the colouring of other boundary fences in the locality, it is considered that a dark brown colour would be more visually appropriate and as such a condition requiring the staining of the fence within a reasonable defined period will be imposed upon the

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

planning consent.

Residential amenity:

Saved Policy 59.BE (vii.) requires that development avoids unduly impacting upon the amenity of the occupiers of neighbouring dwellings, in particular by way of overbearing impact, loss of light or outlook, and loss of privacy. Owing to the siting of the section of fencing the subject of this application which is immediately alongside the highway footpath, it is considered that there is no unacceptable resulting impact in this regard.

The comments of the occupier of No. 70 Chapel Road are noted in terms of the impact of the fence immediately between their dwelling and No. 72 on light received to their side facing windows. This section of fencing, however, being less than 2m in height and not adjacent to the highway, does not in itself require planning permission and therefore it does not form part of the application submission.

Highway matters:

Saved Policy 59.BE (v.) requires, amongst other things, that development provides safe and suitable access to the highway and as such does not unduly compromise nor endanger highway safety. Whilst the fencing is in itself of a relatively notable height at up to 2.25m, owing to its positioning set away from the junction between Chapel Road and Hope Road, the Council's Head of Transportation is satisfied that it will not serve to impede visibility splays or compromise the safe movement of vehicles in the locality. As such there is considered to be no conflict with the aforementioned planning policy requirement.

Conclusion:

Overall for the reasons as set out above, the development is on balance considered to comply with the relevant development plan policies, associated supplementary planning documents, and national planning policy.

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.

CONCLUSION

It is recommended that planning permission be granted subject to conditions.