

DELEGATED OFFICER REPORT

Application Ref: H/22/94115

Site Address: 37 Centaury Gardens, Horton Heath, Eastleigh, SO50 7NY

Case Officer: Summer Sharpe

Description: Retrospective erection of 2.0m high close boarded panel fence to the southern boundary facing the park and 1.35m high fence with a 450mm high trellis above set back 500mm from the Highway footpath with planting in front of fence.

Particular Site Constraints?	Yes ☒	No ☐
- Within urban edge - Nature conservation - Surface water flooding		

Planning History?	Yes ☒	No ☐
Application no.	Proposal	Decision
H/21/92079	Retrospective erection of 2m high close boarded panel fencing	Refused (March 2022)
The previous planning application was submitted as a result of an enforcement investigations.		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>1no. Support</u> <u>1no. Objection summarised as:</u> (a) planning permission was not sought and therefore is not acceptable, (b) house looks like a shanty town, and (c) fence would bring the character of the estate down.		
Parish Council:	No objection.		

Policy:
National Planning Policy Framework
National Planning Practice Guidance
Development Plan:
<u>Eastleigh Borough Local Plan 2016-2036</u> Policies S1 (Delivering sustainable development), DM1 (General development), and DM11 (Nature Conservation).
Supplementary Planning Documents:
Quality Places; Residential Parking Standards; Character Area Appraisal.

Site Visit	Yes ☒	No ☐
A site visit was not undertaken as part of this application, because this was undertaken, 21 February 2022, as part of previous application (H/21/92079).		

Assessment:
<u>Site & Surroundings</u>
The application site comprises a two-storey end of terrace dwelling located to the west of Centaury Gardens cul-de-sac. This is the sole property within this terrace cluster to benefit from a substantial front garden. The main matter, subject to this application, relates to the existing fencing which encloses the whole front garden area of the application site.

The surrounding area comprises residential dwellings to the north, including associated garages and parking provisions. To the immediate south is an open green field, which adjoins to Westfield Close, Valerian Close and Meadowsweet Way.

Proposal

The application seeks the retention of close boarded fencing which encloses the front garden of the application site. To the northern and southern boundaries, the fencing measures approx. 13.5m in length (from the frontage of the dwelling). The eastern boundary measures approx. 5.4m in length. The northern boundary measures approx. 1.8m in height, comprising 1.3m close board fencing and 0.5m of trellis above. The southern boundary comprises 2m close board fencing. The eastern boundary comprises a mixture of both types of fencing/ boundary treatment. The northern and eastern boundary fencing would also be set back from the site's curtilage by 0.5m deep hedging, with a height of approx. 1m.

Principle

The application site falls within the urban edge, whereby alterations or extensions to, or within the curtilage of residential dwellinghouses are considered to be acceptable in principle, however, would be subject to the following considerations.

Background & Comparison to Previous Scheme

The previous planning application (H/21/92079) sought retrospective permission to retain the existing 2m high boundary treatment enclosing the frontage of the site. It was noted that this application was accompanied by the submission of a "Design & Access Statement". This set out that the reasons for the proposal were to: provide safe enclosure for pets, security and privacy for occupiers owed to the close proximity to the public park. Whilst this was acknowledged, the LPA advised that these did not form part of a material planning consideration.

The previous application was refused on a design basis, the reason for refusal read as follows:

The fencing by reason of its height, prominent siting (along Centaury Gardens and public open space), and excessive length, results in a visually oppressive and intrusive form of development, that is incongruous and has an adverse impact upon the character of the surrounding streetscene. The fencing is therefore contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011), Draft Policy DM1 of the Submitted Eastleigh Borough Local Plan (2016-2036), Quality Places SPD (2011), and the contents of the National Planning Policy Framework (2021).

The main difference between this current application and the previous scheme (H/21/92079) is that the fencing is now proposed to be set back by 0.5m to include the addition of 1m high hedging. Whilst the addition of hedging would be welcomed, especially in terms of biodiversity, this amendment has not fully addressed the reason for refusal which specifically relates to the height and prominence of the fencing, especially within the locality.

Design

Policy DM1 of the submitted Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

Further to the above policy context, the Quality Places SPD makes reference to boundary structures, being robust railings or brick walls and gates within urban areas, or hedge plants within rural areas. It also goes on to note that where private gardens adjoin a public space, they should be enclosed with brick walls of an appropriate height, rather than timber fences.

Given the limited differences between the previous application (H/21/92079) and this current application, the previous assessment upon design would largely remain in situ.

The application site forms part of a vein of Centaury Gardens, which is characterised by residential dwellings with limited boundary treatment to the frontage of properties. (Where there is boundary treatment to the frontage it is of a low level and/or vegetation). Whilst it is noted that there are some examples of fencing within the vicinity, these are exclusively to enclose rear gardens. Where boundary treatments front public realms within the estate these comprise brick walls, which are well placed and define specific areas.

The close board fencing, despite the proposed set back of 0.5m deep hedging, would still create a harsh appearance fronting Centaury Gardens, which is uncharacteristic of the area. The proposed hedging (albeit 1m in height) would do very little to mitigate the harm arising as a result of the excessive height and length dimensions of the fencing. Whilst it is acknowledged that close board fencing is, generally, a common material within residential areas, this is used to secure rear gardens, and is therefore not prominently visible within the streetscene. It is noted that there is close board fencing (to the rear of 12 Meadowsweet Way), which adjoins the rear garden of the application site. This forms part of the boundary to the open space to the south. The further 13.5m fencing (to the frontage of the application site) is considered excessive, thus resulting in an adverse impact upon the wider views obtained from this open space, in turn undermining the character and openness of the established vicinity.

Due to the location and siting, slightly set in from the pedestrian pathway and abutting the public open space, combined with the height and significant length, the fencing results in an oppressive and intrusive form of development. Thus, the LPA consider this to have a detrimentally harmful impact upon the character of the wider surroundings.

Paragraph 134 of the NPPF states '*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents*'. To conclude, the fencing, owed to its prominent location, height and length, is considered to be contrary to the abovementioned policies, and SPD. In accordance with Paragraph 134 this development is not considered well designed, nor does it reflect local design policies or the surrounding vicinity, thus warranting refusal.

Impact upon Neighbouring Amenities

Policy DM1 of the submitted Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

Given the limited differences between the previous application (H/21/92079) and this current application, the previous assessment upon neighbouring amenities would largely remain in situ.

The fencing projects 13.5m from the principal elevation of the dwellinghouse. Due to the terraced nature of the properties, the development creates a 'tunnelling' impact for the occupiers of 38 Centaury Gardens, thus the development is considered to be unneighbourly, however would not warrant reason for refusal on this basis alone.

It is noted that the visual amenities of the neighbouring properties have been impacted upon, however this predominantly relates to design.

To conclude, the proposal is not considered to warrant reason for refusal in terms of its impact upon the amenities of the neighbouring properties.

Other Matters

It is noted that the application has been accompanied by a 'Supporting Statement'. This includes 6no. support letters from neighbouring properties. Whilst these are acknowledged, the LPA undertakes its own consultation period (as set out within the Town and Country Planning (Development Management Procedure) (England) Order 2015), whereby the comments received from this consultation process have been denoted above in this report.

Further, a scale bar has not been included on the submitted 'Planning Drawing Plans & Elevations 01C'. This is fundamentally a validation issue, however since the application is being recommended for refusal amended plans, including the scale bar, were not requested.

Equalities Act:

Section 149 of the Equalities Act 2021 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Climate Change:

National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the environment. The Climate Change and Environmental Implications of this application and their proposed mitigations have been considered.

Conclusion:

Reason for Refusal:

The fencing by reason of its height, prominent siting (along Centaury Gardens and public open space), and excessive length, results in a visually oppressive and intrusive form of development, that is incongruous and has an adverse impact upon the character of the surrounding streetscene. The fencing is therefore contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), Quality Places SPD (2011), and the contents of the National Planning Policy Framework (2021).

Recommendation:

PERMIT ☐

REFUSE ☒