

DELEGATED OFFICER REPORT

Application Ref: H/22/94085

Site Address: Hawthorn House, Botley Road, West End, Southampton, SO30 3HA

Case Officer: Summer Sharpe

Description: Retention of boundary fence (retrospective)

Particular Site Constraints?	Yes ☒	No ☐
- Within urban edge - Surface Water Flooding		

Planning History?	Yes ☒	No ☐
Application no.	Proposal	Decision
O/08/61960	Outline: Creation of 2 no. flats within, and alterations to existing dwelling. Construction of 3no. 2 bed dwellings. Alterations to access with widening of footpath & provision of car parking & bin storage	Refuse (7 July 2008)
O/11/69087	Outline: Construction of a terrace of 3no. 2 bed dwellings, conversion & alteration of existing dwelling to create 1no. 1 bed and 1no. 2 bed flats, provision of ancillary cycle & bin store, car parking & boundary treatment, following demolition of existing outbuildings and part demolition of Hawthorn House (Reserved Matters for consideration - access & layout)	Refuse (24 February 2012)
H/17/82032	Single storey side and rear extension, loft conversion with dormers front and rear including rear balcony, alterations to rear first floor fenestrations and addition of porch.	Refuse (23 January 2018)
H/21/90084	Erection of single-storey rear extension incorporating a flat roof and 3no. lantern roof lights plus installation of 2no. roof lights in existing side extension	Permitted (11 May 2021)
H/21/91967	Retention of boundary fence.	Refused (10 January 2022)
H/22/93219	Loft conversion to form habitable accommodation with dormer windows at the front and rear.	Refused (20 July 2022)
H/22/93219	Loft conversion to form habitable accommodation with dormer windows at the front and rear.	Under Consideration

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None received.		
Parish Council:	None received.		
Hampshire Highways:	No objection from a highways perspective. Whilst the height of the fencing would prohibit clear visibility onto the highway whilst within the application site, and that of the adjacent dwelling (Newstead), drawing submitted as part of the application demonstrate that adequate visibility splays of the highway are still achievable once the fence line has been cleared. Measuring a minimum of 2m x 43m, these splays meet minimum highway standards and as such are acceptable from a highway safety perspective.		

	The one area of debate, would however be that of the gate. A new gate is proposed as part of the proposals, and it is noted that this does not sit 6m from the back edge of the highway, as required. However, it is understood that as this gate is a replacement of an existing gate located in the same position, which could be re-instated at any point without the need for planning, in this specific case, there would be no objection to the gates positioning.
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Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (Delivering sustainable development), DM1 (General development), DM11 (Nature Conservation), and DM14 (Parking).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Hedge End, West End and Botley Character Area Appraisal.

Site Visit

Yes ☒

No ☐

4 January 2023.

Assessment:

Site & Surroundings

The application site comprises a two-storey detached dwellinghouse located to the south of Botley Road. The dwellinghouse itself is set back from the road and is bound by a brick wall, and gates, (subject to this application) which conceals vehicular hardstanding to the frontage.

The wider surroundings comprise residential properties and some industrial/ commercial usages. The residential properties to the south of Botley Road are generally detached and are set back from the main road. Most of these properties are served by low level brick walls fronting the pavement and main highway. Some properties have incorporated close board fencing which is stepped down to a reduced height to the frontages facing the highway. As a result, there is a general consistency of low-level boundary treatment throughout this section, creating an open and spacious appearance to the frontage of properties.

Proposal

Previously the boundary treatment comprised low level brick walls with railings above. The brick pillars, and maximum height of the railings was approx. 2m.

The application seeks the retention of a 2m high boundary treatment, comprising of brick wall and vehicular entrance gates. The boundary treatment measures approx. 10m in length and the vehicular entrance gate measures approx. 5m (cumulatively the boundary treatment would span a length of 15m) fronting Botley Road, and approx. 7.6m along the eastern and western boundaries. This is proposed to have timber slats (0.05m wide) with 0.05m spacings in between, which would sit above the low-level brick wall.

At the date of the site visit (4 January 2023) the previously refused boundary treatment appeared to have been constructed.

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/21/91967) sought retrospective permission to retain a 2m high brick wall (with tiling detail panels). The previous application was refused on a design basis, the reason for refusal read as follows:

The boundary treatment, by reason of its height, siting, and degree of solidity results in a visually oppressive and intrusive form of development that is incongruous and has an adverse impact upon the character and appearance of the streetscene and wider surroundings. The proposal 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/21/91967) is the design and use of materials. Previously the application proposed tiled sections, whereas this application proposes horizontal slats with 0.05m spacing between.

These amendments are not considered to fully address the reason for refusal which specifically relate to the height, prominence and degree of solidity of the boundary treatment, especially within the locality.

Design

Policy DM1 of the 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.

In addition to the abovementioned Policy, the Council's adopted Quality Places SPD also makes reference to boundary structures, noting that these should be appropriate within their context. *'Front garden boundaries for larger developments should consist of robust railings or brick walls and gates'*. This then goes on to note that *'should the boundary treatments of the majority of properties in an area consist of low fencing or walling and dense planting, a 1.8m high brick wall would not be acceptable'*.

Following site visits (13 December 2021, 30 June 2022, and 4 January 2023) there was a change in appearance of the boundary treatment. Originally, the boundary treatment comprised low-level brick wall with metal railings above. At the date of the first site visit, this had been altered to solid brick wall (this was not complete and had the pillars painted in grey and breeze blocks above the low-level brick wall). At the date of the most recent site visit, it appeared that the previous scheme had been implemented (H/21/91967). This reinforced the LPAs stance that this type of boundary treatment was visually oppressive and intrusive within the locality.

This application seeks the retention/ alteration of boundary treatment to the frontage of the site. This revision includes wooden slats (0.05m wide) spaced 0.05m apart, above the existing low-level brick wall element. This would replace the previous metal railings which

sat above the low-level brick wall, and the previously refused scheme, which appeared to have been implemented at the date of the site visit (4 January 2023).

Previously the combination of low-level brick work with pillars and railings created an open and permeable boundary treatment. Due to this, the structure did not appear overbearing or overtly dominant within the streetscene. Given the differentiation between the low-level brick wall and railings, there seemed to be a feature of low-level brick walls which followed through with the neighbouring properties. This is reinforced by the Quality Places SPD, which states boundary treatments should be acceptable in their context, and where there is a prevalence of lower boundary treatment 1.8m brick walls would not be acceptable. It is acknowledged that the site has already benefited from a higher means of boundary treatment, and as previously noted this comprised a low-level brick wall with metal railings above. Whilst being taller than existing boundary treatments fronting Botley Road, the railings provided a degree of visibility and permeability within the streetscene, thus mitigating its overall dominance.

The application proposes to introduce timber slats above the low-level brick wall. Whilst it is noted that this has sought to address the '*degree of solidity*' within the wording of the previous reason for refusal, 0.05m gaps between 0.05m timber slats are not considered to satisfactorily address this concern. Whilst acknowledging that the proposed boundary treatment would not be entirely solid, like the previously refused scheme, the 0.05m gaps, barely provide any degree of permeance, especially when compared to that of the original metal railings. Thus, the proposals would still result in an overbearing and oppressive form of development, not reflective of the wider surroundings. Furthermore, both side elevations (east and west) would remain solid brick wall.

The boundary treatment, comprising low-level brick wall and timber slats above, would measure approx. 1.8m high (with pillars which measure 2.1m) and would have approx. 10m expanse fronting Botley Road, thus creating a harsh appearance onto the main road, uncharacteristic of the area. Owed to the location, abutting the pavement combined with the height and significant length, the boundary treatment is considered to result in an oppressive and intrusive form of development, which would 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 boundary treatment, owed to its height, siting and lack of permeability, 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 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.

The proposal results in approx. 7.6m of wall measuring approx. 2m high along the eastern and western boundaries, located to the frontage of the property. Whilst not particularly 'neighbourly' boundary treatment is common practice within residential areas. Furthermore, the wall is located to the frontage of the site and therefore does not impact upon the main useable amenity areas (to the rear). This solely impacts the parking provisions to the frontage of either neighbouring property. Therefore, whilst the proposal results in a tall and solid boundary treatment its impact upon the amenities of the neighbouring properties is not considered to be significantly harmful thus would not warrant reason for refusal.

Highway Safety & Parking

Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires residential development to provide off-highway parking which is adequate in terms of highway safety / traffic management. The Residential Parking SPD sets out the relevant parking provisions for dwellinghouses, which are dependent upon the amount of bedrooms.

The application seeks the retention of 2m high brick wall. Due to the nature of the proposal Local Highways Authority (LHA) have been consulted for their views upon highways safety. It should be noted that the proposal does not affect parking provisions, therefore the main consideration is whether the boundary treatment has an adverse impact upon the safety aspect for the users of the highway.

The LHA advised that there was no objection from a highways perspective. The visibility plans submitted meet the minimum standards required. Therefore, the proposals would be acceptable in this specific regard.

Other Matters

It was noted within the 'Planning Statement' that the Agent advised revised schemes had been presented to the LPA informally following the receipt of the previous refusal (H/21/91967). The LPA would advise that the informal advice offered concluded that the amendments did not address the concerns raised, as set out in the original reason for refusal. Whilst the proposals have been amended to include a gap between the slats, this has not satisfactorily responded to the concerns relating to the degree of solidity. Further, the side elevations are still excessively dominant, being completely built up, with no breaking up of these elevations.

Please note the LPA have been unable to work positively and proactively with the applicant, owed the retrospective nature of the development, which cannot be amended to be made acceptable.

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 boundary treatment, by reason of its height, siting, and lack of permeability results in a visually oppressive and intrusive form of development that is incongruous and has an adverse impact upon the character and appearance of the streetscene and wider surroundings. The proposal 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 ☒