

DELEGATED OFFICER REPORT

Application Ref: H/22/94157

Site Address: 1 MITCHELL DRIVE, FAIR OAK, EASTLEIGH, SO50 7FT

Case Officer: Claire Campbell-Best

Description: Retention of 2.16m fence in rear garden and side boundary fence
(Retrospective Application)

Particular Site Constraints	Yes ☒	No ☐
Within Urban Edge Within Established Residential Area Southern Water Sewers 2m Buffer - Foul		

Planning History	Yes ☒	No ☐
Reference	Description	Decision
Z/18695/000/00	Ground floor rear extension	Permit – 05/07/1978
Z/18695/001/00	Single storey rear and front extensions and extension to garage	Refuse – 28/04/1987
Z/18695/002/00	Single storey rear and front extensions and extension to garage	Permit – 25/06/1987

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None comments received		
Fair Oak Parish Council:	No Objection		
Southern Water Services:	No Objection		

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out 28/02/2023		

Policy:
National Planning Policy Framework Planning Practice Guidance
Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11 and DM14.
Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:
<u>Site and Proposal</u> The application site contains a two storey semi-detached dwelling situated on a corner plot on the junction of Mitchell Drive and Witt Road. The property has an open frontage and is set back from the road by a driveway. There is a private garden to the side and rear of the property which is enclosed by a brick boundary wall along the south-east and south-western boundaries which faces Witt Road. There are two separate fences which are the subject of this planning application which seek permission for their retention. The first is a garden fence that is positioned directly behind the brick boundary wall and is 2.16m high. The second fence is a 1.90m boundary

fence (which replaced a hedgerow), which leads off from the brick wall along the south-eastern boundary and slopes down towards the driveway to the front of the site. The materials of both fences are of closeboard natural timber fencing. The wider surroundings comprise of residential dwellinghouses set back from the road; the properties within Mitchell Road have open frontages with a mixture of hedging, fencing and brick walls as boundary treatments. Witt Road has similar open frontages with hedging/vegetation and low brick walls as the most common boundary treatment.

Principle

The development is considered acceptable and complies with policies DM1, DM11 and DM14 from the 2016-2036 local plan, in that the development is within the urban edge of Fair Oak where the principle of development is acceptable.

Design and Layout

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban area, take full and proper account of the context of the site including 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 railing or brick walls and gates with urban area, or hedge plants within rural area. 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. In addition, and in general terms, it is advisable for boundaries that abut a public footway to be as robust as possible.

As noted, this application is seeking the retention of fencing within the rear garden behind the brick wall and the boundary fencing along the south-western boundary whereby previously the boundary treatment comprised of established hedgerow. Due to the corner location, the site forms the entrance to Mitchell Drive and alongside Witt Road which are both through roads providing access to Winchester Road and Sandy Lane and other roads. Therefore, the application site is considered to be in a prominent and busy location in an urban area.

Upon the site visit, it was noted the properties along Witt Road and Mitchell Drive have open frontages and a combination of boundary treatments (hedges, walls and fences) can be seen in the local vicinity. While the boundary fence while relatively high at 1.90m, it does slope down towards the driveway frontage, retaining the open frontage character to the application site. Additionally, this fence is of good quality design and is considered to be an acceptable form of boundary treatment.

The fence within the garden is taller than both the boundary wall and fence (2.16m) and was installed for security reasons. This fence has a slightly weathered appearance and it is acknowledged the quality of the garden fence is not of the same quality as the side boundary fence. Careful consideration has been given to determine if the garden fence would cause material harm within the street scene. On balance, while the appearance of the fence is slightly at odds with the character area, as only a small section of the fence is visible within the public realm as the majority would be screened by the brick wall. As such, it is considered this fence would not cause significant material harm and would not warrant a refusal on design and visual amenity grounds and is acceptable.

Impact upon Neighbouring Amenities

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

Owed to the location and type of development, the physical structure of the fencing is not considered to have an adverse impact upon the amenities of the neighbouring properties. 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 should be noted the boundary fence along the front and side (north-eastern) boundary measures 1.0m in height and falls within permitted development and does not form part of this application.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

Equalities Implications:

Section 149 of the Equalities Act 2010 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

Conclusion: This application is recommended for approval, subject to conditions

Recommendation:

PERMIT ☒

REFUSE ☐