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County Council

Countryside Planning and
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Enquiries to

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Your reference H/23/94509

Date

23 February 2023

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For the attention of the Case Officer

Planning reference: H/23/94509

Site location: 11 OCTAVIA GARDENS, CHANDLER'S FORD, EASTLEIGH, SO53 2PX

Proposal: Proposed bedroom and shower en suite extension above existing single storey attached garage. Plan area is same footprint as existing garage. External walls to be extended vertically, with vertical tile hanging to match existing. Front roof slope of new double pitched roof to line through with existing front roof slope of existing house. New roof to incorporate existing profiled concrete roof and ridge tiles. Two new upvc white windows as existing, rainwater goods, fascias and bargeboards white, as existing.

Consultation response: No objection subject to condition

Thank you for consulting Hampshire Countryside Service as Highway Authority in respect of Public Rights of Way and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application, taking into account the material considerations relating to Public Rights of Way, Commons and impacts to Hampshire County Council Country Parks and Countryside Sites.

Director of Universal Services
Patrick Blogg

Site Context:

- The site is a private, detached dwelling located in a residential area of Chandler's Ford, less than 100 metres west of the M3 motorway, and less than 50 metres east of Scantabout Primary School.
- There is another detached dwelling adjacent to the northwest boundary of the site, with Octavia Gardens access road to the northeast and an unmarked footway along the eastern boundary, which appears to be for non-motor vehicle users, in part due to the bollards across the width of each end of the footway, parallel to the northern and southern ends of the site.
- Public Right of Way (PROW) Footpath Chander's Ford 713a, runs alongside the southern boundary, screened from the site by vegetation.
- The site is not situated in a material proximity to any other PROW or Hampshire County Council Countryside site.

A copy of the Definitive Map of Rights of Way and Definitive Statement and Countryside Sites can be found at

<https://maps.hants.gov.uk/rightsofwaydefinitivemap/> and

<https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

Commentary:

It is noted that the driveway of the dwelling where the extension is proposed to take place joins Octavia Gardens road, the presumed access route for construction traffic entering and exiting the site, at the same point as the unmarked footway on the site's eastern boundary, which then connects with Footpath 713a to the south. We raise concern regarding obstruction of access to the footway, and, in turn, Footpath 713a, a Public Right of Way, for the duration of the proposed building work. It is not acceptable under the Highways Act (1980) to obstruct a PROW, without prior permission from the Highways Authority (in this case, Hampshire Countryside Service as the Highways Authority in regards to Public Rights of Way).

Conclusion:

We are of the view that the proposed development, as presented in this application, does not have a significant adverse impact on the Public Rights of Way network, subject to a condition to ensure this. Therefore, we raise no objection, subject to the below condition:

Condition:

1. No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works,

use, or occupation of the development, shall be left on or near to a Public Right of Way as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the public right of way at all times.

We also attach below general informatives for the applicant in regards to the PROW network:

1. Where Public Rights of Way are close to application sites or are used for access to the development site, applications must show these Rights of Way on the submitted plans and detail how they will be accommodated within the proposals. Government guidance requires that applications should not be validated unless such a plan has been submitted.
2. Nothing connected with the development, or its future use, shall have an adverse effect on the Public Rights of Way, which must always remain available for safe public use at all times.
3. Should the developer identify the need to temporarily close or adjust a PROW, they should follow the guidance on the Hampshire County Council website. This includes further information on the duties as a land owner and/or developer, found at [Landowners guide to public rights of way | Hampshire County Council \(hants.gov.uk\)](https://www.hants.gov.uk/landowners-guide-to-public-rights-of-way).
4. Granting of planning permission does not grant the applicant access rights to the site via the PROW network and separate consent is required.
5. All vehicles that would be legitimately accessing the site via a Public Right of Way should give way to public users, which could include horse-riders and cyclists, at all times. In cases with legitimate vehicular access a Construction Traffic (or Environmental) Management Plan (CTMP) should be submitted to, and approved by, Hampshire Countryside Service as Highway Authority prior to any approval by the Planning Authority, and prior to commencement, to ensure the protection of biodiversity and public safety.
6. There must be no surface alterations to a Public Right of Way without the consent of Hampshire County Council as Highway Authority. Planning permission under the Town and County Planning Act (1990) does not provide this and separate consent is required. To carry out any such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).
7. No works to the surface of the Public Right of Way shall be carried out without prior approval of the Area Countryside Access Manager. Any damage caused

to the surface of the Public Right of Way by construction traffic will be required to be restored to the satisfaction of the Area Countryside Access Manager upon the completion of the build.

Countryside Planning would welcome further engagement with the Local Planning Authority and the applicant – including regarding the proposed condition. Please contact countryside.planning@hants.gov.uk to discuss further.

Yours sincerely,

Peter Miles
Countryside Planning Support Officer
Hampshire Countryside Service