

# DELEGATED OFFICER REPORT

**Application Ref:** H/23/94820

**Site Address:** 135 SATCHELL LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HP

**Case Officer:** Claire Campbell-Best

**Description:** Retention of the erected fence with 4no. panels up to the house over 1.8m height allowed under PD (Retrospective)

| Particular Site Constraints                                                                   | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------|
| Within the Urban Edge<br>Within Built-Up Established Area<br>Oil Pipeline<br>SGN Gas Pipeline |                                         |                             |

| Planning History                                      | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
|-------------------------------------------------------|------------------------------|----------------------------------------|
| The site appears to have no relevant planning history |                              |                                        |

| Publicity:                   | Letters <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Site Notice <input type="checkbox"/> | Newspaper <input type="checkbox"/> |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------|
| Representations:             | 1no. objection received from 137 Satchell Lane (summarised): <ul style="list-style-type: none"> <li>• Restriction of light</li> <li>• Inaccuracies to submitted plans</li> <li>• Fence can be seen from public footpath</li> <li>• Fencing is unsafe and unsightly</li> <li>• Decking causes overlooking and privacy concerns</li> </ul> <p><b>LPA Response: Part of the fencing and decking are considered to comply with permitted development and do not require formal planning permission. This is detailed in the assessment below. Amended plans were requested to show the correct heights of the fencing panels that were subject to this planning application.</b></p> |                                      |                                    |
| Hamble Parish Council:       | No comments received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                      |                                    |
| The Oil and Pipeline Agency: | You should not undertake any work or activity without first contacting Exolum for advice and, if required, a Works Consent. For a copy of Exolum's Standard Requirement for Crossing or Working in Close Proximity to Exolum Pipelines, please visit <a href="https://lsbud.co.uk/wp-content/uploads/2021/10/lsbud-standard-requirement-uk-um.pdf">https://lsbud.co.uk/wp-content/uploads/2021/10/lsbud-standard-requirement-uk-um.pdf</a> This will provide you with practical information regarding the legislation that governs the Exolum.                                                                                                                                   |                                      |                                    |
| Asset Management:            | No comments received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                      |                                    |
| HCC Minerals and Waste:      | No comments received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                      |                                    |

| Site Visit:                                | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|--------------------------------------------|-----------------------------------------|-----------------------------|
| Details: Site visit carried out 21/04/2023 |                                         |                             |

|                                                                                                                |
|----------------------------------------------------------------------------------------------------------------|
| <b>Policy:</b>                                                                                                 |
| <b>National Planning Policy Framework</b><br><b>Planning Practice Guidance</b><br><br><b>Development Plan:</b> |

The Eastleigh Borough Local Plan 2016-2036 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:**

Site and Proposal

The application site contains a detached bungalow with rear decking set within a long, linear plot which slopes up gently from the road, getting steeper towards the rear of the site, further west beyond the rear garden is a large open, field with a public footpath that runs parallel along to the rear boundaries of the plots within this section of Satchell Lane. The surrounding is residential in nature, consisting of large, detached properties of varying styles set in spacious verdant plots.

This application seeks the retention of 4no. horizontal wooden slatted fence panels located in the rear garden leading from the host dwelling into the garden and between the common boundary of 135 and 137 Satchell Lane. The panels range in height from 1.93m to 2.55m and span a width of 7.20m with identical fence panels leading off from the heightened fence panels which are 1.85m in height and span further along the shared boundary ending just before the public footpath. The 4no. panels were erected to provide additional screening between 135 and 137 following the replacement of the existing raised decking and new additional lower decking.

Permitted Development

This application site also contains a raised and lower decked area and as noted, horizontal slatted fence panels along the boundary between 135 and 137. The neighbour at no. 137 raised concerns that the decking and the remainder of the fence should also be considered and assessed as part of this application.

Upon inspection of the submitted plans and site visit made to the property; it was concluded aside from the 4no. fence panels, the remainder of the fence complied with Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as the height of these fence panels would not exceed 2.0m.

It was also concluded that both the raised and lower decking in the garden also complied with Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 and does not measure over 300mm. This is because the decking is situated on uneven ground. The technical guidance for permitted development rights for householders states ***'Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building'***. From the highest part of the surface, both the raised and lower decking measures under 300mm and does not exceed more than 50% of the total area of the curtilage, thus complying with permitted development.

As such, the 1.85m fence, raised and lower decking will not form part of this application as these elements do not require planning permission. It is also noted, one the 4no. fence panels measure 1.93m in height which also does not require planning permission but as it is close to 2.0m in has been included in the submitted plans by the applicant and will be included in the assessment below.

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 Hamble where the principle of development is acceptable.

### Design and Layout

- The design of the 4no. fence panels are suited to the host dwelling in terms of its form, scale and appearance.
- The materials of the panels are typical of garden fencing, there are also of a natural colour. It was noted upon the site visit, other plots to the surrounding area have timber/wooden fencing along the boundaries to their rear gardens and as such, this fencing is considered to be in keeping within the wider area.
- While it is acknowledged the fence panels are relatively tall in height, they are sited to the rear of the property and not seen within the public realm when looking directly at the house, the impact within the street scene is minimal.
- The fence can be seen from the public footpath west of the application site, however as noted, there is similar style fencing within the locality and the fencing is not considered to cause adverse detrimental harm to the character area.
- The fencing would not be an overdevelopment of the site and adequate amenity space remains with the development in place.

### Residential Amenity

- As noted, the 4no. fence panels are relatively high and the neighbouring property, no. 137 raised concerns regarding this. A site visit was carried out to both the application site and the neighbouring property. It was noted upon this visit, no. 137 has a garage/outbuilding with a height of 2.50m that runs parallel to the fence panels that are subject to this application. Due to the sloping ground levels, the fence panels are slightly higher than the garage and this is acknowledged. However, this garage does screen the majority of the fencing and as such, the fencing is not considered to cause any unacceptable dominance, overbearing or loss of light with regards to no. 137.
- Furthermore, the heightened fence panels provide screening for both nos. 135 and 137, the removal of these panels could result in potential unacceptable overlooking and loss of privacy concerns for no. 137. As the decking is considered permitted development, there would be no planning legislation that could be used to enforce the removal of this decking or provide adequate, alternative screening. Therefore, on balance, due to the above considerations, the fencing is considered acceptable in terms of residential amenity and does not warrant a refusal in this instance.

### Other Material Considerations

- Exolum were consulted upon due to the application site being in close proximity to an oil pipeline. They advised no works should be carried out without first contacting them. The pipeline is located in the field west of the application site, the fencing which is considered permitted development is in close proximity to this pipeline and can be erected without consulting Exolum. Notwithstanding this information, an informative to contact Exolum to notify them of the works will be added to the decision notice.
- There will be no adverse impact upon trees or other natural features worthy of retention.
- There are no likely significant impacts on the SPA.

### 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.*

*The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.*

**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** ☐