

DELEGATED OFFICER REPORT

Application Ref: H/23/95072

Site Address: 1 OAKWOOD ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 1LW

Case Officer: Rachael Morris

Description: Replace existing external boundary wall with fence on both side (Oakwood Road and Hiltingbury Road), dropped kerb, erect driveway gate and pedestrian gate (Amended H/22/93248)

Particular Site Constraints?	Yes ☒	No ☐
• Within the urban edge • Tree Preservation Order(s)		

Planning History?	Yes ☒	No ☐
• T/11146/002/00 - Felling of Oak in Front Garden – Consent – Mar 2002F/19/85885 - Erection of 1no. six bed dwelling following demolition of existing bungalow – Dismissed – Apr 2020 • T/11146/003/00 - Crown Cleaning and Crown Thinning of 7no. Oak Trees by 15% and Removal of Fallen Birch Tree – Consent – Jul 2003 • T/18/84310 - T1. 1 no. Oak – Fell – Refuse – Dec 2018 • T/18/83489 - 1 no. Oak T1 - Remove lower dead branch. 1 no. Oak T3 – Fell. 3 no. Cypress T5 T7 and T9 – Fell. 1 no. Birch T11 – Fell. 2 no. Oak T12 & T13 – Fell. 1 no. Sweet chestnut T16 – Fell. 1 no. Cherry T18 – Fell. 1 no. Beech T20 – Fell. 1 no. Sweet chestnut T21 – Fell. – Part consent part refuse – Oct 2018 • F/20/88190 - Erection of 1no. six bedroom detached dwelling following demolition of existing bungalow – Permit – Dec 2020 • DC/21/90518 - Discharge of conditions 3 (materials), 4 (arboricultural report), 5 (construction method statement), 12 (hedge retention), 13 (root protection) and 14 (landscaping plan) of planning permission F/20/88190 for erection of 1no. six bedroom detached dwelling following demolition of existing bungalow – Discharged – Jul 2021 • PN/21/91598 - Erection of single storey rear extension following removal of existing outbuilding. Depth 8 metres, maximum height 4 metres, eaves height 2.7 metres – Prior approval not required – Oct 2021 • H/22/93248 - Replace existing external boundary wall with fence on both side (Oakwood Road and Hiltingbury Road), dropped kerb, erect driveway gate and pedestrian gate – Refuse – Nov 2022		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	126 Hiltingbury Road. Comment. The fencing works have already been completed. The height of the fence has obstructed the junction; when you are pulling out of Oakwood Road onto Hiltingbury Rd it is very difficult to see to the right. 90 Hiltingbury Road. Comment. Work appears to have already been completed; this is a retrospective application.		
Parish Council:	We note that this is essentially a retrospective application, and although the application form says work has not started it has in fact been completed. This boundary treatment is out of keeping with the area, particularly along Oakwood Rd. We suggest that any permission should restrict fence height along Oakwood Rd to 1 metre and require the re-establishment of some front garden.		
Tree Officer:	In October 2022 we objected to the same proposal under application H/22/93248, with the following comments made: “With regards to the dropped kerb and driveway, this is a departure from the approved details contained in F/20/88190. The proposed driveway entrance (and presumably the driveway itself) is within the		

	RPA's of significant, protected trees. At this stage, we would raise an objection as the applicant has not demonstrated that the proposal can be achieved without significant harm to the protected trees." Following refusal of planning application H/22/93248, it appears the applicants carried out the proposed work. As part of an Enforcement investigation in this breach, we made the following comments: Initial comments from Enforcement Team photographs – "From the photos it appears that, in order to lay the hardcore, it is likely that there has been some excavation of the upper soil and compaction of the ground, both within the Root Protection Area. This may have caused damage to the rooting system and would also have impacted the rooting environment. However, it is not easy to determine the level of harm." Follow up comments in response to resident's claims - <u>Resident:</u> The driveway front, the material used is type 1 aggregate which is porous material and laid on top of the existing soil; the side drive, we have removed the old and uneven paving slabs and replaced with type 1 aggregate again of porous material. <u>CS:</u> Type 1 contains fines, which can clog up pore spaces and the geosynthetic fabric used as a barrier between soil and stone. Type 1 should not be used within the RPA of trees. The conditioned arboricultural report states that the use of "loose tipped aggregate" should be used for the areas of new surfacing – this means traditional gravel (which would be porous and would not naturally bind together). In addition, it appears that a larger area has been laid to aggregate than the approved plans. Ultimately, it appears that significant proportions (if not all) of the root protection areas have been effectively sealed. <u>Resident:</u> We have taken great care to ensure the health of both Oak trees. No heavy machines have been in close proximity to them. All the patting down has been done by hand. We have not removed any soil from the ground. Prior to any work we have laid/raised extra soil and turf around both Oak trees. As above, the aggregate type 1 was laid by hand and tapped down with hand held tool. At no point were any roots damaged, this has given the roots extra protection. The porous material ensures they will still receive rain water. I have attached a tree report from 2018 with regards to the condition of these 2 Oak trees. Both Oaks will have sleepers surrounding them to keep them protected, as many others have in the area. <u>CS:</u> It is clear that some soil excavation has taken place around the stems of the oak trees. How much and what impact it will have is debateable. I do not agree with their claim that they raised the soil and added turf around the stems prior to installation of the aggregate as there is no evidence of this. Even if this was true, it could be as impactful to the tree as excavation because it can asphyxiate roots. I am suspicious of the claim that the aggregate was patted down by hand – the surface looks bound and that would have required a vibrating plate or similar (however, this is not my area of expertise). There is no information contained with the application that has the effect of altering our position. Therefore, we maintain our objection, despite the work having been carried out.
Ecology:	As this is now a retrospective application the only parts of the previous response which can still be acted upon are biodiversity enhancements. The applicant should consider where habitat for hedgehogs, stage beetles, bats, and nesting birds can be created on the property. Hedgehog openings must be installed into the fencing in at least two areas to allow free movement of hedgehogs through the

	property and into neighbouring gardens. The southern and eastern boundaries would be most appropriate as they look more sheltered and do not open onto roads.
Hampshire Highways:	In regard to application H/23/95072, having reviewed the information contained within the application pack, no objection is made from a highway perspective, subject to conditions. EXISTING ACCESS: It is not clear from the plans provided whether or not the existing access from Hiltingbury Road is to be retained for access to the existing vehicle parking or not. Clarification is sought on this matter, as if the access is to become redundant, then the drop kerb and adjacent footway needs to be reinstated to full height. PROPOSED ACCESS: It is noted that the proposed access is already in place, with a drop kerb having been installed. In terms of visibility, whilst no visibility splay drawings have been provided to demonstrate that the proposed fence will not interfere with visibility out onto Hiltingbury Road from Oakwood Road, a site visit has confirmed that visibility splays are not compromised by the new heightened fence line. Onwards, it is noted that the driveway material is loose gravel, which is acceptable in principle. However the first 1.0m into site (minimum) should be made up of a non-migratory material in order to prevent the spread of the gravel onto the highway. Gates are also proposed, and these should be set back a minimum of 6.0m into site from the edge of highway to prevent the need to wait on the highway whilst gates are opened, which increases highway safety risks for following drivers, particularly when in close proximity to a junction as in this case.

Site Visit:	Yes ☒	No ☐
Details: 11/08/2023		

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:
The development is considered acceptable and complies with policies DM1, DM11 and DM14 from the 2016-2036 local plan, in that: <u>Principle</u> The development is within the urban edge where the principle of development is acceptable. <u>Design and impact to locality</u>

- The proposed fencing would represent a boundary treatment taller than that which was previously in situ (a low-lying brick wall). This proposal would be to the detrimental extent of the property and character of the area. The proposed fencing along the mainly residential roads are 1.8m and 1.2m tall. This represents a stark elevation, especially to Hiltingbury Road, which is a key road through Chandlers Ford.
- Moreover, this plot is situated on the corner of Hiltingbury Road and Oakwood Road which is a prominent position which commands a special character. Proposing high closed board fencing does not create a character that is replicated down this road.
- Having a taller fence line along the side elevation of the dwelling is not unacceptable in principle but must be done sympathetically when adjacent to a public highway. This close-board fencing with no associated landscaping to act as a buffer does not represent a sympathetic design approach.
- Throughout the locality, boundary treatments are commonly populated by hedgerows or low fencing with associated landscaping.
- The fencing to the frontage of the property on Oakwood Road is 1.2m tall but of a close-board nature. There are limited views through the site afforded to this elevation which results in an oppressive view from the street scene. Although a permitted development fence could be achieved here at 1m, this would allow for greater permeability of the site. At 1.2m we would seek a design which is less opaque.
- The proposed gate to the front elevation is designed in a permeable manner and is described as a 'field gate'. As such, it does not create a dominant elevation, to accord with the low-lying fence.
- Overall, the proposed fencing is of an oppressive nature which creates an incongruous character to the locality.

Highways

- One suggested condition from Hampshire Highways states "Before use of the development is commenced any redundant existing access(es) from the site to Hiltingbury Road shall be permanently stopped up and effectively closed with the footway provided or verge reinstated, in accordance with details which have been submitted to and approved by the Planning Authority." The existing retrospective development has a vehicular gate to Hiltingbury Road and as such goes against this recommended condition. The gate is set on the highway pavement boundary and as such it is not adequately set back, where Hampshire Highways standard advice recommends a set back from the highway of 6m.
- The vehicular gate on Oakwood Road is also set back inadequately from the highways. Hampshire Highways have commented that ideally the gate would be set back 6m, but they would accept 5m in this case as this would be about level to the obstruction point of the tree to the left of the access so no reduced area of turn.
- Other vehicular gates within the locality are set back from the highway to allow for suitable waiting while gates are opened.
- Hampshire Highways also recommended that the driveway must be constructed of either a non-migratory material, or if materials to be used are migratory then a minimum 1.0 metre buffer of hardstanding must be positioned across the access to prevent material migration onto the highway.
- The applicant has not provided any revised plans to show these vehicular gates set back from the highway suitably and as such create a potential highway safety risk.

Trees

- The proposal has not been demonstrated to be achievable without significant harm to the protected trees on site. This is regrettable as the works on site have already been completed.

- Although to what extent is unclear, it is likely that there had to be some excavation of the upper soil and compaction of the ground within the Root Protection Area to lay the hardcore surfacing.
- Even if referring to the approved scheme under F/20/88190 and subsequent discharge information DC/21/90518, the associated driveway surfacing extends much wider than shown on the approved plans under the former applications.

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:

Recommendation:	PERMIT ☐	REFUSE ☒
• The proposal would create an incongruous feature at odds with the appearance of and detrimental to the character and pattern of development within the locality. It would, therefore, be contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036). • The vehicular gates on plan (referenced 02) are not adequately set back from the edge of the highway. Vehicular gates must be set back off the highway to a minimum of 6 metres. As such the proposed vehicular gates pose a highway safety risk, at odds with policy DM13 of the Eastleigh Local Plan (2016-2036), against the general advice of Hampshire Highways and the provisions of the NPPF (2021). • Insufficient information has been provided to demonstrate that there would be no adverse impact upon the existing protected trees on site. As such, the proposal is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Trees and Development SPD (2021) and the provisions of the NPPF (2021).		