

DELEGATED OFFICER REPORT

Application Ref: H/23/95153

Site Address: 36 STOKE PARK ROAD, BISHOPSTOKE, EASTLEIGH, SO50 6BZ

Case Officer: Rachael Morris

Description: Retrospective extension of a timber fence

Particular Site Constraints?	Yes ☒	No ☐
Within the urban edge		

Planning History?	Yes ☒	No ☐
- H/18/82264 - Single storey side and rear extension and integral garage – Permit – Mar 2018 - H/18/82767 - Single storey rear extension and garage – Permit – Jun 2018		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	1 Underwood Road. Objection. (summarised) Boundary dispute and imposing nature of height. 3 Underwood Road. Objection. (summarised) Eyesore and excessive height.		
Parish Council:	No Objection		

Site Visit:	Yes ☒	No ☐
Details: 27/10/2023		

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, DM11 and DM14.
Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals (Bishopstoke, Fair Oak and Horton Heath - BIFOH 9).

Assessment:
The development has been considered against policies DM1, DM11 and DM14 from the 2016-2036 local plan, in that:
<u>Proposal</u>
- The application seeks the retention of slated fencing which extends the height of an existing close-boarded fence to the rear garden of a residential property. - The property sits to a corner plot on Stoke Park Road, to the corner of Sedgwick Road, with residential neighbours also on Underwood Road to the South. The property is bounded by numerous residential gardens to the South, East and West with public open space to the North-West. - The existing close-boarded fence measured approx. 1.5m in height with the extension boards measuring between 0.94m and 1.17m on top. These would expand across the Southern boundary.

Principle

- The development is within the urban edge where the principle of development is acceptable.
- Policy DM1 of the submitted 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, policy DM1 requires all new development should not have an unacceptable impact on, and where possible should enhance residential amenities of both new and existing residents; the character and appearance of urban areas, the countryside and the coast.

Design and layout

- Whilst it is accepted that rear boundary fences are mostly expected at approx. 1.8/2m tall, this proposed fence extension takes the existing approx. 1.5m tall fence beyond the general accepted tolerance of rear garden boundary fencing, adding between 0.94m and 1.17m to the existing heights.
- As a result, the total heights of the rear fencing is between 2.48 and 2.71m which creates an unacceptably dominant and intrusive boundary fence to the adjoining neighbours. This is not in accordance with policy DM1 that requires development to take account of context of the site, including the scale and design.
- While from the site itself, the view to the fence extension is mostly screened by vegetation, this is not sufficient mitigation to reduce the visual harm caused and does not provide any softening to the neighbouring side.
- 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 fencing, owed to its height and length, 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.

Residential amenity

- Whilst it is acknowledged that fencing is, generally, a common material within residential areas, this is used to secure rear gardens and provide privacy. It is noted that the fence extension was erected to increase privacy for the application property. However, as seen on a site visit, the level of overlooking is not beyond the realms of what would be generally expected or accepted within a residential urban setting and so does not form a material consideration to depart from policy.
- Moreover, this fencing extension is creating an oppressive stature to neighbouring private rear amenities and as such does not accord with policy DM1 which requires development to take account of existing residential amenities.

Other material considerations

- 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.

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 fencing by reason of its height, results in a visually oppressive and intrusive form of development, that is incongruous and has an adverse impact upon the neighbouring residential private amenities. The fencing 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 (2023).