

DELEGATED OFFICER REPORT

Application Ref: H/23/96115

Site Address: KELSO, BURNETTS LANE, HORTON HEATH, EASTLEIGH, SO50 7DG

Case Officer: Dorothy Hei-Tung-Hoh

Description: To replace dilapidated wooden fence at front of property with close board wooden fence and trellis (Retrospective Application)

Particular Site Constraints?	Yes ☒	No ☐
• Within Established Residential Area • Within Built-up Area Boundary		

Planning History?	Yes ☒	No ☐
• Z/30577/000/00 - Two storey extension - Permit - 01/12/1988		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	No comments were received.		
Parish Council:	No objection.		
HCC Highways:	No objection to the proposals from a highway perspective.		

Site Visit:	Yes ☒	No ☐
Details: 8 th November 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 Appraisal for Bishopstoke, Fair Oak and Horton Heath (BIFOHH 29)

Assessment:
The application property is a two-storey white render detached dwelling located at the south western edge of Horton Heath. The immediate surroundings are predominantly residential, characterised by a variety of single storey and two-storey dwellings with diverse forms, scales, and designs. This retrospective planning application is to seek permission for the retention of the existing front boundary fence.
Principle
• Section 73A of the Town and Country Planning Act provides for retrospective planning applications to be made in respect of development which has been carried out without permission, and for applications for planning permission to authorise development which has been carried out without complying with some

planning condition to which it was subject. It is not an offence to carry out works without the required planning permission unless a Notice has been served on the unauthorised development because it is expedient to do so. When unauthorised development is carried out the Council can and has in this instance request that the persons submit a retrospective planning application to regularise the works.

- The application site lies within an established residential area where the basic principle of development is acceptable, with any formal approval being based upon the exact nature, design, and impact of that proposed being considered acceptable and in accordance with the relevant policies within the adopted local plan and supplementary planning guidance.
- The site is also part of the character area of Bishopstoke, Fair Oak and Horton Heath (BIFOHH 29) which provides the following guidance on developments and that they should ensure that:
 - i) Maintain the predominant deep building setbacks to the east of Burnetts Lane in order to retain/ reinforce the existing levels of on-plot planting.
 - ii) Ensure that the materials applied in new development are similar or complementary to those prominent in existing development.

Character and Design

- Policy DM1 of the 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 neighbourhood, and be compatible in terms of mass, scale, layout density, design, and siting.
- The new front boundary fence closely replicates the height, material, and design of the adjacent neighbour's front boundary treatment. With the exception of colour, the fence seamlessly extends the front boundary line established by the neighbouring property (Chestnut Cottage). It is considered that the new boundary treatment does not significantly stand out within the broader street scene.
- It was noted from the site visit that the immediate vicinity features diverse front boundary treatments, including brick walls, hedges, and fencing. As such, there is no established uniform character within the area and no strict boundary style to adhere to. The new boundary fence integrates harmoniously with the existing mix of character in the area.

Impact on Residential Amenity

- 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.
- The new boundary fence occupies the same position as the previous fence, and the additional height is not expected to cause any adverse impacts on the residential amenity of neighbouring properties.

Trees and landscaping

- The site does not contain any trees offered protection by a tree preservation order. Furthermore, the proposal has been deemed not to be in conflict with any trees or landscape features of particular amenity to the area. There are no likely significant impacts on the SPA.

Highways and Parking

- Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires residential development to provide off-highway parking which is adequate in terms of highway safety/traffic management.
- The new fence does not encroach upon the driveway and therefore does not affect the established parking arrangements.
- The fence height has increased from 1.52m to 1.82m. While the fence line appears to be outside the required visibility splay, it is noteworthy that HCC Highways has not raised an objection to the proposal. It is understood that any impact on the visibility splay is not solely a result of the proposed changes; rather, the fence's location and height were pre-existing factors.

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, 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.

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: • Permit subject to conditions		
Recommendation:	PERMIT ☒	REFUSE ☐