

DELEGATED OFFICER REPORT

Application Ref: H/24/98283

Site Address: 3 YEW TREE COURT, BOTLEY ROAD, WEST END, SOUTHAMPTON, SO30 3JS

Case Officer: Dorothy Hei-Tung-Hoh

Description: Retention of replacement front boundary treatment from hedge to metal fence panel (retrospective)

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

Planning History?	Yes ☒	No ☐
• Z/17633/001/00 - Erection of 3 detached dwellings - Grant Outline Permission For - 11/11/1977 • Z/17633/002/00 - Erection of three detached dwellings with garages - Permit - 19/01/1978 • Z/29304/001/00 - Extension to garage - Permit - 11/09/1987 • Z/29304/002/00 - First floor extension over existing garage to form self contained granny annexe - Permit - 09/08/1991		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	A representation was received, raising several concerns about the retrospective application. The previous holly hedge was valued for its ecological and aesthetic contributions, including providing nesting for birds and winter berries. The replacement fence is described as unattractive, particularly in comparison to the hedge on the opposite side of Yew Tree Court. Additional concerns were raised about leftover rubble near the post box and past actions by the occupants of 3 Yew Tree Court, such as the removal of an apple tree and the partial cutting of a fir tree. There is also concern that repeated requests to trim the Laurel hedge have resulted in a loss of privacy for a ground-floor resident.		
Parish Council:	None received.		
Ecologist:	Removal of these hedges will cause a net loss of biodiversity which is contrary to local plan policy DM 11 and NPPF paragraph 180. All applications must provide no net loss and some net gain of biodiversity. The fencing replacing the hedge as proposed will not provide any biodiversity enhancements. A bat brick and a swift brick may be appropriate for this site.		
HCC Highways:	No objective to the proposals from a highway perspective.		

Site Visit:	Yes ☒	No ☐
Details: 22 nd November 2024.		

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 Hedge End, West End and Botley (HEWEB 16)

Assessment:
<u>Site context and surroundings</u> 3 Yew Tree Court is a two-storey brick-built dwelling that shares a common access point with 1 Yew Tree Court and 2 Yew Tree Court. The site is situated near a roundabout and faces the junction of Botley Road and Moorgreen Road. The surrounding area comprises a mix of residential and commercial properties. Boundary treatments in the area vary, including brick walls, hedges, and fencing, with no uniform character defining the streetscape. <u>Proposal</u> The application seeks retrospective consent for the retention of a replacement front boundary. The boundary treatment is positioned along the frontage of 3 Yew Tree Court and partially encloses one side of the shared access point with 1 and 2 Yew Tree Court. Previously, the boundary consisted of a brick wall complemented by holly hedge. This has been replaced with green metal panels featuring vertical slats and a decorative lattice top, with a total height of approximately 2.0m, including the trellis. <u>Principle</u> • 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 Hedge End, West End and Botley (HEWEB 16) which provides the following guidance on developments and that they should ensure that: i) Mitigate the effects of the heavy vehicular traffic on Botley Road in new development using measures such as boundary planting, set backs, transition spaces and orientation of internal spaces. ii) Maintain the predominant plot widths. <u>Layout, design, and impact upon the character of the area</u> • 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 site occupies a highly prominent position, facing the junction of Botley Road and Moorgreen Road and situated near a roundabout, which makes the replacement boundary fence particularly visible within the street scene. The green metal fence, with its utilitarian design and modern materials, introduces a harder and less natural appearance compared to the previous boundary treatment. However, the surrounding area is characterised by a variety of property styles and uses, with boundary treatments ranging from brick walls to hedges and fences, resulting in a lack of uniformity or cohesive character along the street scene. As such, it is difficult to argue that the replacement fence causes significant harm to the visual character of the street scene or the wider area to a degree that would warrant refusal.

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 location of the boundary fence ensures it remains sufficiently distant from neighbouring properties and does not form part of any shared boundary. As a result, it is unlikely to have a direct impact on the residential amenity of nearby neighbours. While concerns regarding privacy have been raised, the replacement fence is not considered to be situated in a way that would result in overlooking or a loss of privacy for nearby residents.

Ecology

- Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.
- The site is located within an amber impact risk zone for great crested newts, and therefore the council's ecologist has been consulted. It has been advised that it is unlikely that great crested newts or reptiles would use the area due to its lack of connection to suitable habitats. However, the removal of the holly hedge is noted to have reduced habitat availability for hedgehogs and nesting birds, both of which are recorded in the vicinity. This loss of habitat represents a net loss of biodiversity, contrary to local plan policy DM11 and paragraph 180 of the NPPF.
- The ecological concerns raised are acknowledged. However, as the hedge has already been removed, it is considered that biodiversity enhancements, such as the installation of bat and swift bricks, can be secured through conditions to mitigate the ecological impacts and ensure compliance with local and national policy. On balance, the proposal is considered acceptable and can still be supported.

Highways and parking

- HCC Highways has reviewed the proposal and raised no objections from a highway safety perspective. It has been noted that the replacement fence along the boundary line does not negatively impact visibility at the Yew Tree Court

access onto Botley Road. Furthermore, the fence may offer an improvement compared to the previous holly hedge, which could have encroached toward the highway over time, potentially obstructing visibility and narrowing the adjacent footway.

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 ☐