

Application Number: 19/10024 Full Planning Permission

Site: 20 WHEELERS WALK, BLACKFIELD, FAWLEY SO45 1WX

Development: Two -storey side extension; single-storey rear extension; front porch; boundary fence, Change of use of amenity space to garden land.

Applicant: Mr. Saunders

Target Date: 05/03/2019

Extension Date: 19/04/2019

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Michael Barry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillor view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

None

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Chap 12: Achieving well designed places

Core Strategy

CS2: Design quality

Local Plan part 2 : Sites and Development Management Plan Document

None

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
12/99530 Use of land as residential curtilage; 1.8 metre high close board fence	06/02/2013	Refused	Decided
74/NFDC/01247 Residential development of 9 pairs of semi-detached dwellings with integral garages. (Existing building on site to be demolished).	07/11/1974	Granted Subject to Conditions	Decided

5 COUNCILLOR COMMENTS

Cllr Mrs McEvoy: objects to this application. Comments are summarised as follows:

- Intrusive within the street scene.
- Cramped development.
- Harmful enclosure.

6 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: Members noted the objections from neighbours and comments made online. It was further noted that whilst classed as public amenity space, the area of land is within the ownership of the property (No 20); however the proposal would constitute a material change of use of this land, from public space to garden space and this may be out of character for the wider Wheelers Walk cul de sac. It was queried whether another planning application was required for change of use of the public open space.

(No 3) We recommend permission subject to a condition relating to the boundary fence of the property being dealt with.

7 CONSULTÉE COMMENTS

Landscape Officer - none.

8 REPRESENTATIONS RECEIVED

3 objectors, comments summarised are as follows:

- Proposal would be detrimental to the character of the close.
- Inability to maintain existing hedge adjacent to proposed fence.
- Would set a precedent for future building works.
- Two storey side extension would be built on public green space.
- Extension a cramped form of development.
- Enclosure of designated open space would be harmful to the character of the area.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

11 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

12 ASSESSMENT

- 12.1 The application site is located within a residential cul-de-sac that was originally built in the 1970s. The properties within this cul-de-sac are 2-storey semi-detached houses, which are set back from the highway with relatively open front gardens. Although some of the front gardens are enclosed with hedges, vegetation or low fences, the street retains an open and spacious character.
- 12.2 The application site is prominent within the streetscene being on a corner plot. It currently has a rear garden that is enclosed by a close-boarded fence to the side that is set back from the public highway. Currently, there is a wide area of grass between the existing fence and the adjacent footway, which contributes positively to the spacious character of the streetscene in this location.
- 12.3 The proposals are for a two storey side extension with a porch, a single storey rear extension, and enclosure of the amenity space to the side of 20 Wheelers Walk with a 1.8 metre high close-boarded fence. This fence would be set back 1.0 m from the footway edge, with planting in front.
- 12.4 The main planning considerations are the impact on the street scene, residential amenity, and the change of use of land from amenity space to garden land.
- 12.5 Two Storey Side & Rear Extensions

The two storey extension would be in keeping with the existing property, it would be slightly subservient in height and set back. The proposed porch at the front of the extension would also be in keeping with the existing property.

The two storey side extension would be set away from the adjoining neighbour at No. 21. Neighbour separation to the front with Nos 1 and 2 would be approximately 30 m; and to the rear with No 19 would be

approximately 10 m. To the south there would be approximately 25 m separation with properties across the road. There are already first floor front and rear windows and as such the additional first floor front and rear windows in this built up urban area would not cause any further harmful overlooking particularly as there is no side fenestration to No 19. As such, overbearing impact or harmful overlooking would not result

The single storey rear extension would replace an existing conservatory; it would not be visible within the street scene due to its height and modest extent, such that it would have an impact on street scene. or have any adverse impact on the amenity of on the neighbour at No 21.

12.6 Change of Use & Enclosure of Land

This would constitute a material change of use of amenity land to the side of the property to garden land. This land was originally part of the estate's landscaping area and contributes positively to the spacious character of the area. The land is within the applicant's ownership and there are no conditions on the original approval that requires it to be retained as a landscaping or amenity area in perpetuity.

By way of background, a previous proposal for enclosure of this land was refused planning permission (ref:12/99530). This proposal was for a fence set back 0.2m from the footpath edge. Although some planting was proposed, the modest set back of the fence and limited opportunity for any landscaping to thrive was not considered sufficient to make the proposal acceptable within its context.

The loss of this amenity land would diminish the open character of this corner, however in making an assessment consideration needs to be given as to whether the impact on the immediate and wider street scene is acceptable.

Being located on a corner there is an additional wider green verge between the footpath and highway, from the junction of the road with Walters Lane North. Furthermore, there are examples of high boundaries with grass verges and modest planting within the wider streetscene.

The fence now proposed, although having a length of approximately 20m, would be set back by 1.0 m from the footpath edge along this full length. This would allow for more meaningful hedge planting to be undertaken as well as the retention of hedges at the southern boundary of the site, which provide screening from the entrance of Wheelers Walk. This planting, once mature, would effectively screen the fence, reducing any harsh or overdominant impact. As such it would not have an adverse visual impact on the spacious open character of the area and it is therefore considered acceptable within its context and the wider street scene.

A full landscaping scheme would be implemented to ensure that it provides for adequate screening of the boundary fence is provided and that its future retention and maintenance is secured. The details to be submitted and agreed by condition.

At present there is a mature hedge along the boundary of the site with the garden of No.19 which would be retained. The proposed fence would be located adjacent to this hedge (which would be retained) and as such the fence would be screened from the front window of the property so as not to have an unacceptable visual or amenity impact.

12.7 Other Matters

Neighbours have objected to these proposals and these issues have been considered in the assessment above. Further comments are made as follows:

- There are examples of high boundaries in the wider street scene. The maintenance of the existing hedge adjacent to the proposed fence is a civil matter, however, the proposed landscaping condition would include maintenance requirements;
- Precedent for future building works is not a material planning consideration as all proposals are considered on their own merits;
- The characteristics of this particular site have been considered in the assessment set out above;
- The two storey side extension would not encroach upon the amenity space that is subject to the change of use;
- The design of the extension is in keeping with the existing property and would not appear cramped in the street scene;
- The proposals would retain the green and open character of the area subject to suitable landscaping;
- it would not have a harmful impact on the street scene or character of the area.

12.8 Overall, the proposals are considered to be acceptable within their context, address the previous reason for refusal and comply with relevant policies within the development plan and NPPF. Approval of planning permission is therefore recommended.

12.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

13. **RECOMMENDATION**

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: SAUN003.

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.

4. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new hedge planting (species, size, spacing and location);
- (c) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. All planting, comprised in the approved details of landscaping shall be carried out in the first planting seasons following the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

Notes for inclusion on certificate:

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

Further Information:

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**Planning Development
Control Committee**
April 2019

Item No: 3d
20 Wheelers Walk
Blackfield
Fawley
19/10024

Scale 1:1250
N.B. If printing this plan from
the internet, it will not be to
scale.

