

**Application Number: 19/11007** Full Planning Permission**Site:** 36 GOLDEN CRESCENT, EVERTON, HORDLE SO41 0LL**Development:** Change of use of land to garden; fence**Applicant:** Mr & Mrs Bettle**Target Date:** 01/10/2019**Extension Date:** 11/10/2019**Link to case file:** [view online here](#)**1 SUMMARY OF THE MAIN ISSUES**

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, of this report after which a conclusion on the planning balance is reached.

- (1) impact of the development on the street scene and character of the area
- (2) impact of the development on neighbour amenity

This matter is being considered by Committee as the applicant is an NFDC employee

**2 THE SITE**

The application site is situated on the Harts Farm Estate, which is described in the Hordle Village Design Statement as being an open plan estate, including a mix of bungalows and detached houses. Specific landscape features are provided at junctions with the Closes, through the utilisation of green corners for tree and shrub planting.

The application site consists of a detached house on a corner location. The rear garden is enclosed by a wall, and there is an area of verge alongside this wall which has a couple of mature trees at either end, and one small fruit tree between.

The open aspect to the frontages, particularly the junctions, contribute to the spacious character of the area, and this was part of the original planned form of the development and was secured by a condition to restrict structures in identified areas in order to secure well planned development (condition 4 of LYB 10796/8). However, there are some limited examples of established fencing adjacent to the road at no 40 and 44 Golden Crescent which appear to have enclosed open areas. No planning permission has been identified for these works, however investigations have indicated they have been in situ for more than 10 years.

**3 THE PROPOSED DEVELOPMENT**

The proposal is to erect a 1.95m high close boarded fence to enclose a section of the grassed verge equating to an area of approximately 45sq m, and to incorporate this intervening area of land into the existing rear garden. The

proposed fence would be in line with the front wall of the neighbouring garage at 34 Golden Crescent, which projects forward of the existing side boundary wall of the application site, and behind the existing mature trees which are to be retained.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
05/84411 First floor extension	13/06/2005	Granted Subject to Conditions	Decided
00/69047 Ground floor additions	16/06/2000	Granted Subject to Conditions	Decided
XX/LYB/10796/8 77 dwellings.	02/09/1969	Granted Subject to Conditions	Decided

#### 5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

##### Core Strategy

CS2: Design quality

##### Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

##### The Emerging Local Plan

Policy 13 Design quality and local distinctiveness

##### Supplementary Planning Guidance And Documents

SPD - Hordle Village Design Statement

##### Plan Policy Designations

Built-up Area

#### 6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

##### Relevant Legislation

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

##### Relevant Advice

Chap 12: Achieving well designed places

#### 7 PARISH / TOWN COUNCIL COMMENTS

##### **Hordle Parish Council**

Par 2: recommend refusal but would accept the decision reached by the District Council's Officers under their delegated powers. Concerns that the proposal is out of keeping with the area

## 8 COUNCILLOR COMMENTS

No comments received

## 9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

Tree officer: no objection

## 10 REPRESENTATIONS RECEIVED

None received

## 11 OFFICER COMMENTS

### Introduction

- 11.1 The main issues to be considered is whether the enclosure of this area of garden would change the open character of the area, impacting on the street scene and the character of the area

### Relevant Considerations

- 11.2 Policy CS2 of the Core Strategy for the New Forest District outside the National Park (2009) requires new development to be well designed to respect the character, identity, and context of the area's towns, villages and countryside. It also states that new development shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities. This advice is reflected in the emerging Local Plan, namely Policy 13 Design quality and local distinctiveness.
- 11.3 The National Planning Policy Framework (2019) in Chapter 12 (Achieving well-designed places) puts strong emphasis on delivery of good design which helps to create "better places in which to live and work and helps make development acceptable to communities" (para. 124). The Framework also calls for "a high standard of amenity for existing and future users" (para. 127).

### Street scene and character of the area.

- 11.4 The existing open verge contributes to the spacious character of the area. The proposed development would encroach onto this green space, however an area of open land would remain, which along with the retained trees between the proposed fence and the pavement would retain a degree of spaciousness in this location. The adjoining property is set significantly forward of the proposed fence, in visual terms the fence would sit comfortably in the street scene retaining the open character nature of the estate.
- 11.5 The majority of enclosures for rear gardens on this estate appear to be walls, therefore the introduction of a fence would not be a typical feature of the immediate area. However, the proposed fence would be set back from the road, and given the retention of the mature trees this feature would not be out of keeping within the street scene. Furthermore, due to

the proximity of the Norway Maple trees, a wall by virtue of its foundations could be harmful to the long term health and vitality of the trees, whereas a fence would not have a detrimental impact or compromise their long term retention

As such the proposed development would not detract from the street scene or significantly impact upon the spacious character of the area.

#### Neighbour amenity

11.6 The proposed fence would be aligned to the front wall of the neighbour's garage, and would not interfere with its visibility splays.

## **12 CONCLUSION ON THE PLANNING BALANCE**

For the reasons given above, it is considered that the proposed development accords with the local development plan for New Forest District and the Government advice contained within the National Planning Policy Framework (2019). The other material considerations, including the emerging Local Plan, do not indicate otherwise, they confirm the indication given by the development plan, namely that planning permission should be granted. Therefore, conditional permission is recommended.

## **13 OTHER CONSIDERATIONS**

#### Crime and Disorder

Not applicable

#### Local Finance

Local financial considerations are not material to the decision on this application.

#### Human Rights

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.

#### Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **14. 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: site and block plan, existing and proposed

Reason: To ensure satisfactory provision of the development.

#### **Notes for inclusion on certificate:**

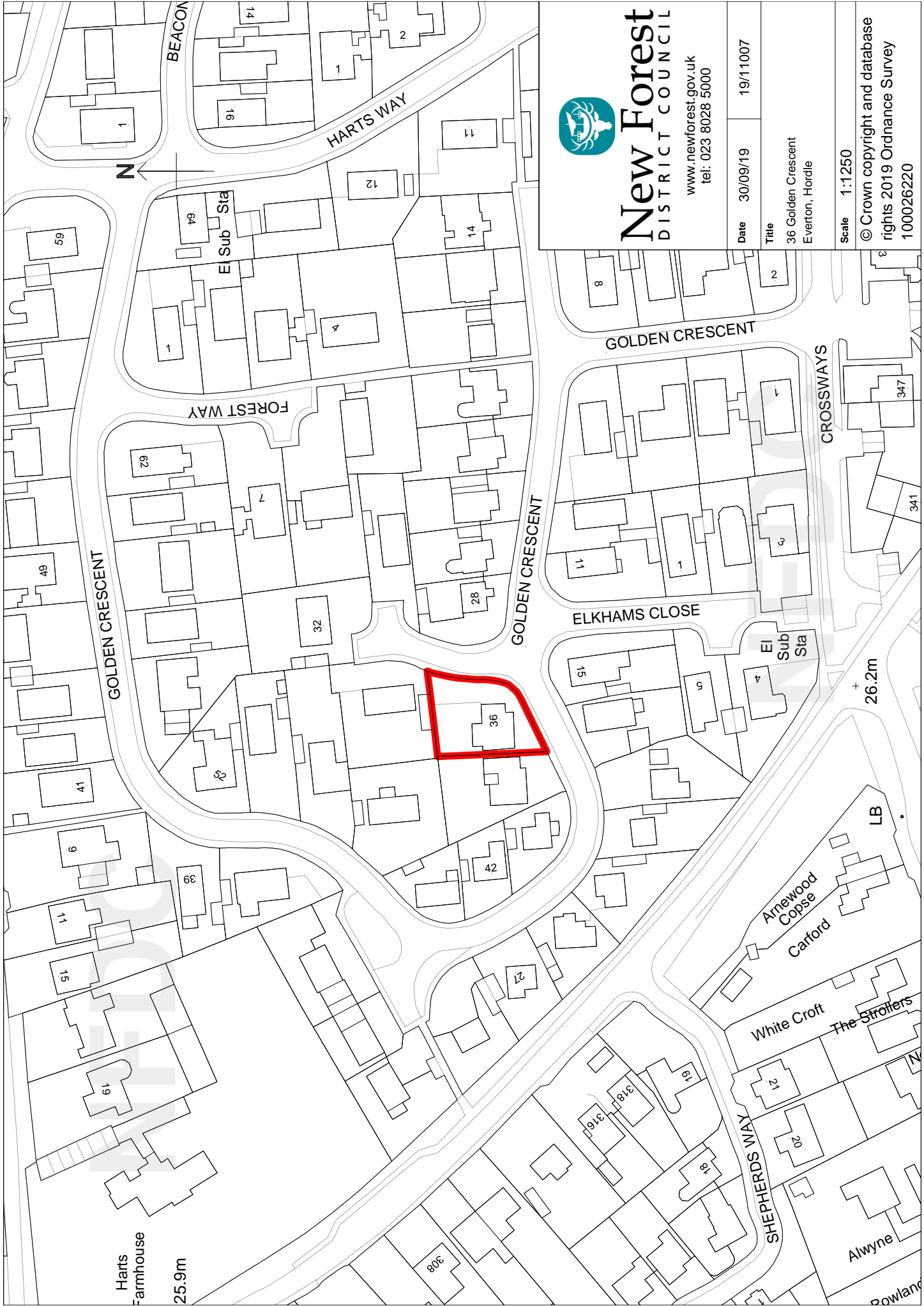
1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling 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:**

Kate Cattermole

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**New Forest**  
DISTRICT COUNCIL

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