

**Application Number: 15/10485** Full Planning Permission

**Site:** 30 COWLEY ROAD, PENNINGTON, LYMINGTON SO41 9JQ

**Development:** Retention of boundary fence

**Applicant:** Mr Snook

**Target Date:** 27/05/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Councillor view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
6. Towns, villages and built environment quality

Policies

CS2: Design quality

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

None relevant

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework (2012) Ch. 7 - Requiring good design

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Lymington Local Distinctiveness

**6 RELEVANT PLANNING HISTORY**

None relevant

**7 PARISH / TOWN COUNCIL COMMENTS**

Lymington & Pennington Town Council: recommend permission.

## **8 COUNCILLOR COMMENTS**

Cllr Mrs Jackman: No objection subject to the neighbour at 32 being agreeable to this fence

## **9 CONSULTEE COMMENTS**

Land Drainage: no comment

## **10 REPRESENTATIONS RECEIVED**

1 objection:

- visually overbearing in terms of height and appearance , and negatively impacts on character of area

## **11 CRIME & DISORDER IMPLICATIONS**

Not applicable

## **12 LOCAL FINANCE CONSIDERATIONS**

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

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 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 take 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.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.

- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

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

## 14 ASSESSMENT

- 14.1 The application site consists of a detached dwelling, situated on an established residential development in the built up area of Pennington. There are varying styles of dwelling along the northern side of Cowley Road, but they are consistent in the depth of the rear gardens and back onto open space.
- 14.2 The dwelling has a rear garden of approximately 48m in length, of panel fence with concrete posts and kickboards has been installed along the length of the garden forming the boundary with no 32 Cowley Road. The first 8 panels exceed 2m in height, but individually they vary in height from 2.02m to 2.12m, although level at the top. The difference in height appears to be due to the land levels. The fence subject of this application is 15 metres in length. The remainder of the fence to the boundary does not exceed 2m in height as the fence is stepped down and has shallower kickboards combined with the declining land levels.
- 14.3 The fence forms a side boundary with no 32 Cowley Road, and as such they would be the only neighbour affected by the development. The first 3 panels are alongside an existing outbuilding, which by reason of its pitched roof form screens the fence. The remaining 5 panels are beyond the outbuilding but these are further screened to an extent by small trees within the curtilage of no 32. The owners of no 32 have objected, and while it is appreciated that the new fence is a harsher boundary treatment than what was in situ previously, as the majority of the fence meets the criteria of permitted development (as it does not exceed 2m in height) the impact of the fence in its entire length is not a consideration of this application. The eight panels in question, which are partially screened by the outbuilding and existing trees, would not materially impact upon the amenities of the neighbour and this 8 panel 15 metre section of fencing would not create an overbearing form of development. Furthermore, even though this is a retrospective application, this should not prejudice the determination of this application either way.
- 14.4 The dwellings on the northern side of Cowley Road back onto open fields. Notwithstanding this backdrop, these properties fall within the built up area and have a suburban character. Boundary treatments to the rear gardens of these dwellings appear to be typically lower than 2m, but regardless of this, under permitted development, fences or walls could be erected up to 2m in height without the need for of planning permission. The section of fence that has been erected is only marginally in excess of the permitted height and as such is not considered harmful to the character of the area.

- 14.5 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.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans: 15 10285

Reason: To ensure satisfactory provision of the development.

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

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

#### **Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)



Chris Elliott  
Head of Planning & Transportation  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
July 2015**

**Schedule: e**

30 Cowley Road  
Pennington  
Lymington  
15/10485  
SZ3095

Scale 1:1250

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

