

Application Number: 15/10642 Full Planning Permission

Site: 2 TIMBERLEY CLOSE, HOLBURY, FAWLEY SO45 2QE

Development: Retention of 1.8m fence

Applicant: Mr Hallam

Target Date: 04/08/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council 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

Non relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework (NPPF): Ch.7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

80/NFDC/16619 69 dwellings and garages with construction of parking spaces

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council:

Recommend refusal

Understand the land may be public open space, perhaps under the ownership of New Forest District Council.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Highway Authority: Comments awaited

9.2 Land Drainage: No comment

10 REPRESENTATIONS RECEIVED

4 objections:

- land is public open space
- land is in ownership of the Council
- livestock (chickens and ducks) kept on land causing offensive odours and encouraging foxes and vermin
- bonfires lit daily
- possible damage to rear boundary of adjacent property

2 in favour:

- fence is of a tidy and robust nature
- no objection to fence though concern in regards to keeping of poultry

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 two-storey semi-detached dwellinghouse within an estate of similar properties. There is a relatively small rear garden while the majority of the private amenity space that serves the dwelling lies to the south side of the house.
- 14.2 This application is for the retention of a 1.8m high close boarded fence. The garden boundary with Timberley Close is a high hedge, the bottom of the garden shares its boundary with a parking area and it is along this boundary that a 1.8m close board fence has been erected.
- 14.3 The position of the fence is unlikely to have a detrimental impact on neighbours in terms of loss of light or visual intrusion and as such the retention of the fence would not result in local amenity issues. There are existing close board fences and brick boundary walls within the street scene and as such the fence does not appear out of character with the area or prevailing street scene.
- 14.4 There is no record of the land enclosed being designated as public amenity space and no conditions on relevant planning permissions which control or stipulate land use. Land registry documents evidence that the now enclosed land has been in the ownership of 2 Timberley Close since 1982. Accordingly, no evidence has been found that any part of the site is or was ever formal public open space.
- 14.5 Class E of Schedule 2 of the General Permitted Development Order 2015 permits amongst other things, the keeping of poultry, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse. The keeping of birds at the property is not therefore a breach of planning control and no permission is required in this case.
- 14.6 The Highways Authority has been consulted given the location of the fence close to the edge of the highway and adjacent to car parking. However the fence as erected does not obstruct visibility to any greater extent than the existing hedge and is not therefore considered to raise highway safety concerns.
- 14.7 In conclusion, the erection of the fence is not considered to be an inappropriate form of enclosure in this location and would not involve the loss of public open space. The application is therefore recommended for permission.

14.8 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 Permission

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
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DISTRICT COUNCIL

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**Planning Development
Control Committee**
August 2015

Item No: 3c

2 Timberley Close
Holbury
Fawley
15/10642
SU4403

Scale 1:1250

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

