

**Application Number: 21/11461** Full Planning Permission

**Site:** 196 EVERTON ROAD, HORDLE SO41 0HE  
**Development:** Drainage pipe and inspection pits (Retrospective)  
**Applicant:** Mr Loveridge  
**Agent:**  
**Target Date:** 11/01/2022  
**Case Officer:** Vivienne Baxter

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## **1 SUMMARY OF THE MAIN ISSUES**

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area
- 3) Impact on residential amenity
- 4) Flooding

The application was deferred from the Planning Committee agenda in March 2022 for additional information to be submitted but now falls to be determined.

## **2 SITE DESCRIPTION**

The site lies within the built up area of Hordle at the southern end of the village. It is one of two large detached houses constructed in the past few years and is situated on the corner of Everton Road and Sky End Lane. To the rear of the property, the garden is enclosed by a close boarded fence to all side. Either side of the garden are inspection chambers in relation to the drain which runs along the rear of properties in this part of Everton Road.

## **3 PROPOSED DEVELOPMENT**

The proposal is retrospective and seeks permission for the retention of the culvert provided over the drainage channel and the associated gabion/blockwork inspection chambers.

The scheme involves the provision of a 17.5m length stretch of 450mm diameter water pipe across the rear garden of the property. Either end of this are inspection pits which show the pipe embedded in concrete with four rows of breeze blocks above, the top of which is level with the garden. To the north east side of the inspection pits are two layers of gabion baskets. The southern most pit adjacent to 198, Everton Road also includes the end of a further pipe with greater diameter which is understood to continue across the adjacent property. The garden has been landscaped with lawn over the pipe. There is also a surface mounted swimming pool adjacent to the southern inspection pit.

Permission is not normally required for landscaping within a dwelling's garden, however the nature of these works mean that it can be considered as an engineering operation, thereby requiring planning consent.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
20/10710 Proposed conservatory to side elevation	21/08/2020	Granted Subject to Conditions	Decided	
17/11079 Variation of Condition 2 of Planning Permission 17/10305 to allow additional window to plot 1; enlarge rooflights, alter windows to side elevation of plot 1; 1.8m high northern boundary fence; 1.0m high fence to north east boundary	29/09/2017	Granted Subject to Conditions	Decided	
17/10305 2 houses; parking; access	27/04/2017	Granted Subject to Conditions	Decided	
16/11751 2 houses; 1 detached garage; access; parking	16/02/2017	Refused	Decided	
16/11384 3 houses; access; parking; landscaping	10/01/2017	Refused	Decided	
16/10964 3 houses; access; parking	05/09/2016	Withdrawn by Applicant	Withdrawn	
08/91643 2 dwellings; access to Sky End Lane (Outline application with details only of layout and access)	15/01/2009	Refused	Appeal Decided	Appeal Dismissed

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ENV3: Design quality and local distinctiveness

##### **Local Plan Part 2: Sites and Development Management 2014**

None relevant

##### **Supplementary Planning Guidance And Documents**

New Forest Strategic Flood Risk Assessment

##### **Relevant Legislation**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

##### **Relevant Advice**

Chap 12: Achieving well designed places

NPPF Ch.14 - Meeting the challenge of climate change, flooding and coastal change

##### **Constraints**

NFSFRA Surface Water

Aerodrome Safeguarding Zone

Small Sewage Discharge Risk Zone - RED

## **Plan Policy Designations**

Built-up Area

### **6 PARISH / TOWN COUNCIL COMMENTS**

#### **Hordle Parish Council**

Parish 4 We recommend refusal.

The Parish Council is concerned that this area is liable to flooding and there is no evidence that the necessary consents under the Land Drainage Act have been received from the lead Local Flood Authority - Hampshire County Council.

### **7 COUNCILLOR COMMENTS**

Cllr Carpenter - requests refusal and for the stream to be reinstated

### **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

#### **Southern Water**

No objection

#### **HCC Surface Water**

No justification for works, retrospective land drainage consent will not be granted

### **9 REPRESENTATIONS RECEIVED**

The following is a summary of the three objections received.

- the stream should remain open and unhindered
- the property was sold with the knowledge that the stream should remain open
- enclosing the scheme could result in further flooding upstream on Everton Road

### **10 PLANNING ASSESSMENT**

#### Update:

This application was due to be considered at the March Planning Committee with a recommendation for approval but was withdrawn from this agenda following an objection from the Local Councillor. Additional information from the applicant was requested in order to demonstrate that the works would not cause flooding to the site and elsewhere. Although some flow details were provided, the information was not considered to be sufficient to demonstrate that flooding would not occur as a result of the works.

#### Background

During the course of the original approval for this property and its immediate neighbour (17/0305), it was stated that the prior written consent - outside of the planning process - would be required from the Lead Local Flood Authority (HCC) to implement any works which would affect the ordinary watercourse. At that time, the application did not involve any alterations to the watercourse. It was also noted that the watercourse was sensitive as there have been historic incidents where it has failed to cope with excess flows, resulting in flooding of the adjacent road and property. The New Forest Strategic Flood Risk Assessment indicates the possibility

of flooding across the rear garden area of the site, extending north into Sky End Lane and south into 198, Everton Road and beyond. The application was approved with conditions relating to the surface water drainage and landscaping of the site. The drainage condition was discharged and its requirements included in the subsequent permission for a variation of condition. These agreed details involved an outlet into the drainage channel within the garden area of what is now 198, Everton Road.

The subsequent application to vary conditions involved changes to windows, roof lights and boundary fencing. As the landscaping had not been agreed under the original scheme, details were provided as part of the variation of condition application and this scheme was secured through condition 10 of that subsequent approval. The approved landscaping scheme included retention of the watercourse as an open stream through the site and adjoining property.

### Principle of the development

In principle, there are no objections to engineering works which include alterations to the approved landscaping scheme. However, consideration has to be given to the wider impact of these works given the culverting of a drainage channel known to have resulted in flooding issues in the past.

### Design, site layout and impact on local character and appearance of area

The alterations to the rear garden area of the site do not impact on the character of the area in that the garden is well screened from public views. The inspection pit adjacent to Sky End Lane does not extend beyond the site boundary fence and has no adverse impact on the character or appearance of the area.

### Residential amenity

Covering over the watercourse clearly enables a more useable rear garden area for the occupants of the property. However, in view of the pipe being a different diameter to the adjacent, upstream section, there may be an instance where the 450mm pipe does not have adequate capacity to accommodate the water coming from the 600mm pipe to the north (upstream) and this could result in the northern inspection pit filling up and impacting on the occupants' amenity through flooding.

### Drainage

The watercourse runs along the rear of properties on Everton Road and Longfield Road in a south easterly direction. It is culverted underneath Sky End Lane and this section is contained within a 600mm diameter pipe running west/east before it returns to run in a south easterly direction through the rear garden of the site and beyond. There have been numerous instances of flooding reported in this area over the years and the line of the watercourse through the site is identified on the New Forest Strategic Flood Risk Assessment surface water flood map. This designation extends beyond the site and its two immediate neighbours in a south easterly direction as well as to the front of these properties, into Sky End Lane and the full length of Longfield Road.

Throughout the consideration of applications on this site, the Council's drainage team have advised that the surface water drainage scheme should accommodate run-off from a 1 in 100 year storm event plus 30% in order to minimise the impact of the additional built form and hard surfacing on the areas at potential risk of flooding identified in the New Forest Strategic Flood Assessment for surface water. A drainage scheme to deal with the scenario of a 1 in 100 year storm event plus 40%

has been approved and implemented on site. The approved scheme did not include any outlets into the watercourse within the site area of this application although there is one agreed outlet into the watercourse where it flows through the rear garden of no.198 and does not, therefore impact on flows through the site.

It has also been made clear that any alterations to the watercourse would require the *prior* consent of Hampshire County Council (Flood and Water Management). In 2016, it is understood that in order to address an outbreak of Japanese Knotweed within the site, the watercourse was realigned without the necessary consent from the Lead Local Flood Authority (LLFA) who subsequently threatened enforcement action resulting in the reinstatement of the watercourse.

The LLFA advise that an open watercourse would have significantly more storage capacity than the 450mm pipe which has been installed and clearly, this would be the most appropriate way to maintain the watercourse in order to ensure flooding in the area is minimised. The same team have now advised that the subsequent works to culvert the watercourse subject of this application do not have consent nor can retrospective consent be granted and are instigating enforcement proceedings in connection with the unlawful works.

Although some flow details have now been provided as part of the application documentation the information was not considered to be sufficient to demonstrate that the works would not cause flooding to the site and elsewhere as a result of the works.

## **11 CONCLUSION**

Whilst the retrospective works do not have any adverse impact on the character or appearance of the area, there is potential for harm to occupants of the site and immediate area were the culverted watercourse to overflow adjacent to Sky End Lane. This impact could extend to a wider area given the designated flood risk for surface water in the surrounding area. In the absence of sufficient information to demonstrate that an adverse impact would not result the application is recommended for refusal.

## **12 OTHER CONSIDERATIONS**

N/A

## **13 RECOMMENDATION**

**Refuse**

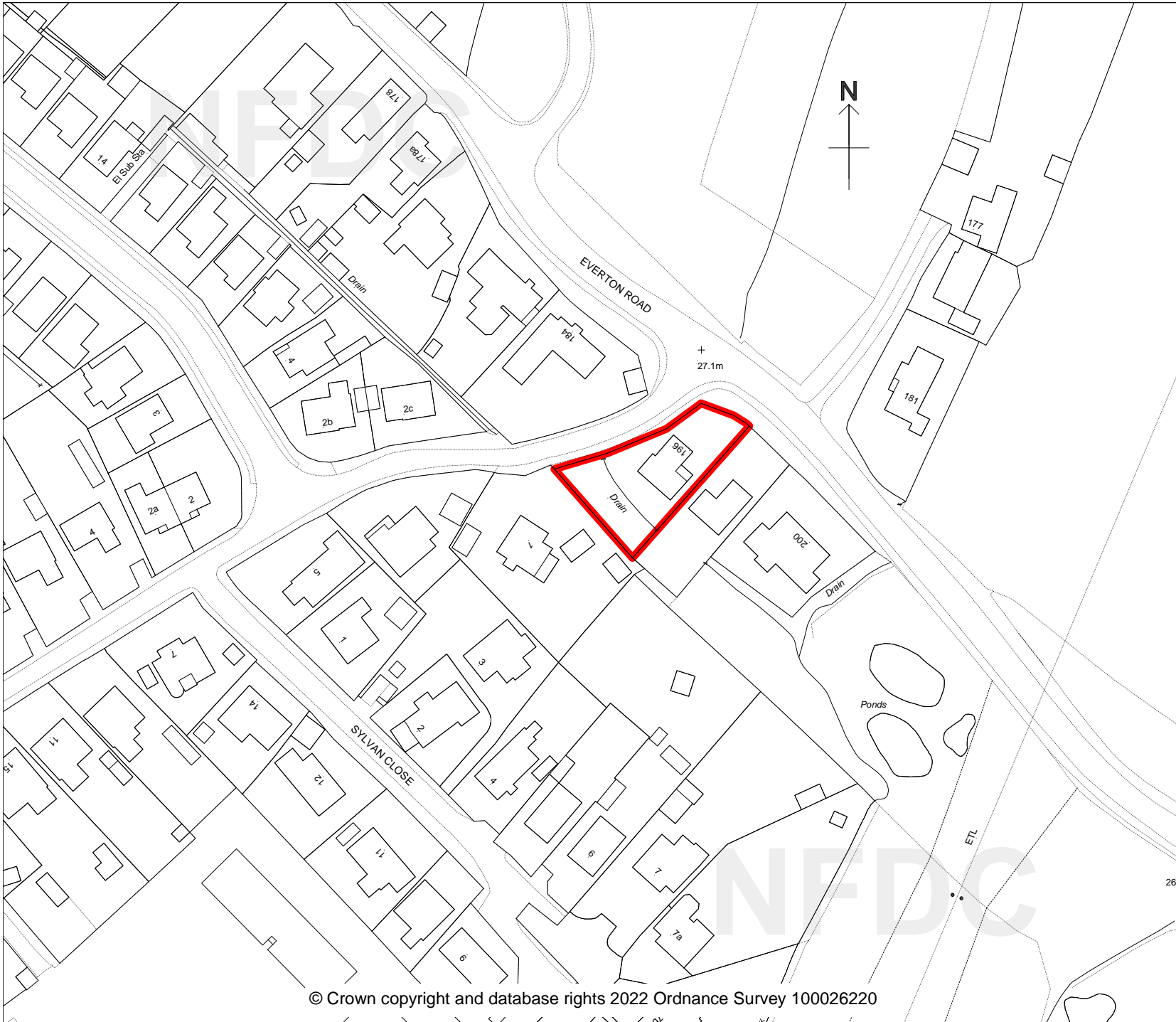
### **Reason(s) for Refusal:**

1. It has not been demonstrated that the proposal would not result in flooding to the site or nearby properties contrary to paragraph 167 of the NPPF. The proposal would also conflict with opportunities for flood risk solutions as identified in the New Forest Strategic Flood Risk Assessment.

### **Further Information:**

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# New Forest

DISTRICT COUNCIL

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## PLANNING COMMITTEE

June 2022

196 Everton Road  
Hordle

21/11461

Scale 1:1250

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