

Application Number: 24/10557 Full Planning Permission
Site: DURBAN HOUSE, 3 ASHLEIGH CLOSE, HYTHE SO45 3QT
Development: Installation of a fence panel above existing wall.
(Retrospective)
Applicant: Mr. Mostran
Agent:
Target Date: 04/11/2024
Case Officer: Kate Cattermole
Officer Recommendation: Refuse
Reason for Referral to Committee: Contrary Parish Council view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on street scene and character of the area

2 SITE DESCRIPTION

The application site consists of a detached bungalow, situated in an established residential road in the built-up area of Hythe and Dibden. Front boundary treatments along the road appear to be predominantly low brick walls, some with hedges behind, whereas rear gardens are enclosed by close-boarded and panel fencing.

The existing dwelling is set back in its plot in line with other properties to the north-east of the site, approximately 13m from the front boundary. The frontage of the site is laid primarily to gravel, with parking to the front and side of the dwelling. Properties in Warrys Close back onto the south-western boundary of the application site, and the rear gardens are enclosed by higher fencing.

The application is made retrospectively for the retention of a fence panel above the existing wall on the front boundary. This comprises a brick wall just under a metre in height with a horizontally slatted fence panel immediately behind the wall which projects above it, resulting in the overall height being 1.8m high. This boundary treatment has replaced a lower brick wall, and there was previously a pair of five bar gates across the vehicular access. Currently, the gates have been removed and the vehicular access is now open.

The overall length of the front boundary is approximately 12.5 metres and the existing boundary treatment (subject of this application) spans approximately 8.7m of this frontage, the remainder being accounted for by the open vehicular access which is adjacent to the fencing enclosing the rear garden of 1 Warrys Close.

3 PROPOSED DEVELOPMENT

The application is a retrospective application for the retention of the fence panel, which projects above the existing wall on the front boundary of the site, which has resulted in a front boundary enclosure that is 1.8m high.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
04/81469 Rear extension	05/07/2004	Granted Subject to Conditions	Decided
03/78172 Alterations to roof	01/07/2003	Refused	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Neighbourhood Plan

Hythe and Dibden Neighbourhood Plan

Policy D1 - High Standards of Design and Architecture

Policy D2 - Design and Access Statement required

Policy D3 - Local Distinctiveness

National Planning Policy Framework

National Planning Policy Guidance

Plan Policy Designations

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend PERMISSION

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

No comments received

9 REPRESENTATIONS RECEIVED

1 letter of objection received from nearby resident:

- out of keeping with neighbouring front gardens that all have walls of approximately similar heights
- enclosures of rear gardens of corner plots, being used as comparison
- does not comply with original deeds for the plots
- permanent wood structure more typical of an enclosure to a back alley rather than a frontage
- hedges typically used to provide privacy

10 PLANNING ASSESSMENT

10.1 Principle of Development

Class A of Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) outlines that a fence or wall can be erected at a height of 1m where its adjacent to a highway used by vehicular traffic or 2m high elsewhere. It is the position of the Local Planning Authority that taking into account the circumstances of the application site, a fence and wall of more than 1m in height in this location would require planning permission.

As such, the proposal must be assessed as to its impact on the street scene and character and appearance of the area.

10.2 Street scene and character of the area

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, and the character and identity of the locality.

Hythe & Dibden Neighbourhood Plan Policies D1-D3 seek to ensure that new development shall respect and enhance the character and distinctiveness of the built environment and respond to the local character and context of the area.

The existing wall meets the criteria of permitted development as it does not exceed a metre in height, and furthermore is in keeping with other low boundary walls that form the front boundaries to other dwellings within the road and on the wider estate. However, the fence which is immediately behind the wall and projects above it to a height of 1.8 m high is in excess of permitted development, and it is the fence element of the boundary treatment that is considered to be out of step with the character and appearance of the area.

A Design & Access Statement has been provided in support of the application and to comply with Policy D2 of the Hythe & Dibden Neighbourhood Plan. The applicant has made reference to the presence of higher boundary treatments adjacent to the dwelling and opposite it. However, these fences enclose the rear gardens of 1 and 2 Warrys Close respectively, which are corner plots where it is reasonable to expect a degree of privacy to rear gardens. The boundary treatment to the front of both these properties are lower boundaries with hedging behind. As such, the presence of these higher fences in close proximity to the application site are not considered as a justification for the current higher boundary treatment. Also, the presence of the open driveway to the front of the application site does afford a degree of separation from the adjoining close-boarded fence at 1 Warrys Close, and this forms a transition to the lower front boundary treatments of Ashleigh Close.

The prevailing character of front boundary treatments in Ashleigh Close are low boundary walls, some of which have hedging planted behind. These boundaries inform the immediate context of the application site. The distinctive character of low boundary walls and fences to the front of dwellings on the adjoining roads, especially Yelverton Avenue and Warrys Close, is relatively consistent. As such, the existing fence, by reason of its design creating a solid boundary, and its height (projecting above the front wall) is an alien feature which is out of keeping and intrusive within the street scene and detracts from the distinctive character of the area. As demonstrated at other properties, greater privacy can be achieved by a higher hedge behind the wall, which would provide a softer and more appropriate boundary treatment. Furthermore, if approved, this development would potentially lead to applications for similar developments in the future that could further erode the local distinctiveness of this estate.

As such, the retention of the existing fence would detract from the street scene and would be harmful to the character and appearance of the area and contrary to the local distinctiveness. Therefore, the proposal would not comply with the Local Plan Policy ENV3, or Policies D1 and D3 of the Hythe and Dibden Neighbourhood Plan.

Retrospective nature of the application

Section 73A of the Town and County Planning Act enables the making of an application in retrospect. The applicant has stated in the accompanying Design and Access Statement that the fence was erected in error, as they were not aware that planning permission was required. In any event, the application must be judged on its individual merits, based on its impact on the character and appearance of the area, having regard to Local Plan policy.

11 OTHER MATTERS

None

12 CONCLUSION / PLANNING BALANCE

The proposed development would not comply with Policy ENV3 of the Local Plan Part 1, or Policies D1 and D3 of the Hythe and Dibden Neighbourhood Plan, as the existing fence would be materially out of keeping with the low front boundary treatments that characterise Ashleigh Close and the wider residential estate and therefore would not contribute positively to local distinctiveness, or the character and identity of the locality.

To conclude, the retrospective fence would result in an unacceptable form of development that would be contrary to national and local planning policy, and therefore the application is recommended for refusal.

13 RECOMMENDATION

Refuse

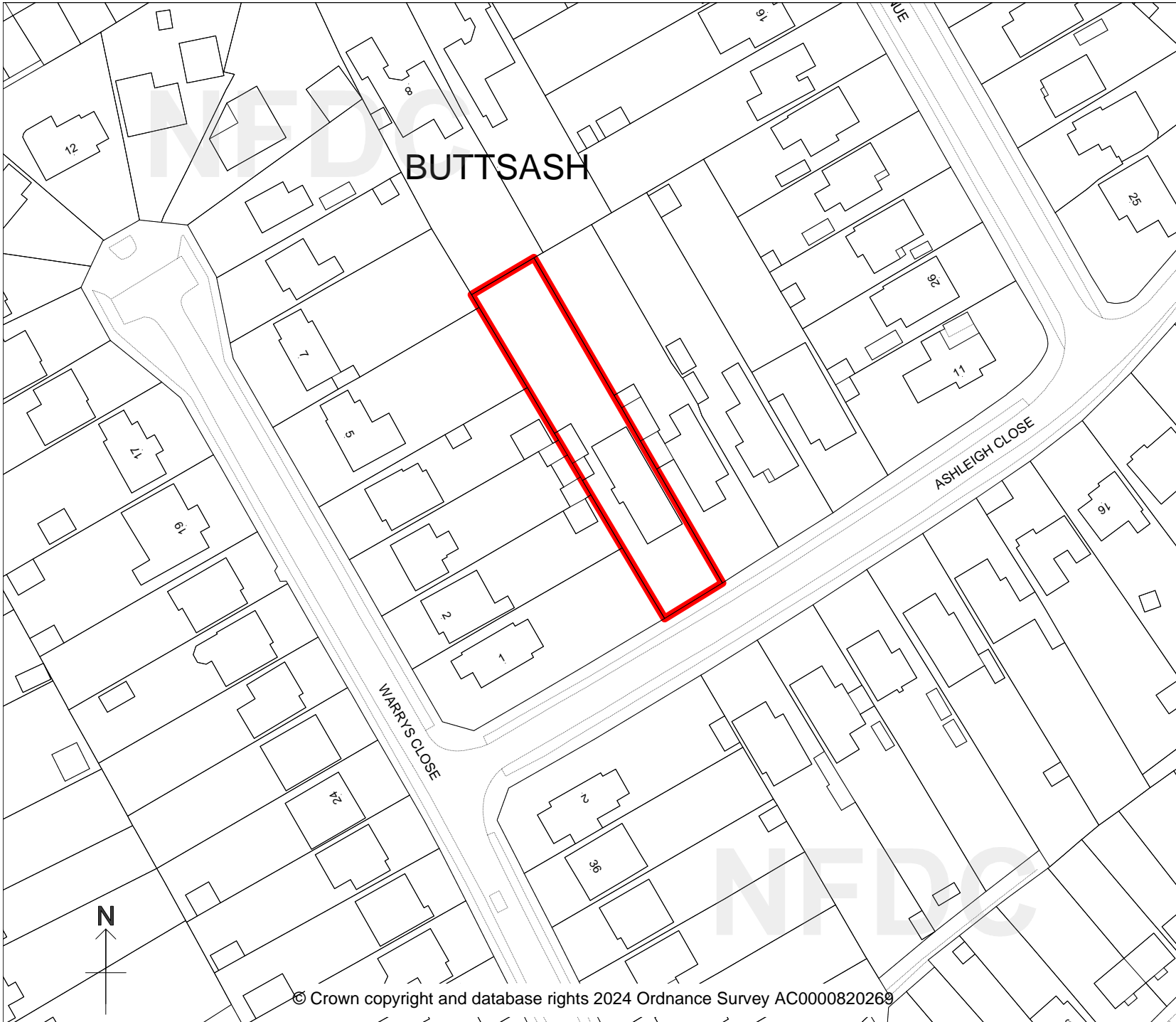
Reason(s) for Refusal:

1. By reason of its excessive height, length, and prominent position adjacent to the highway, the proposed fence projecting above the front wall would create an intrusive element with a harmful visual impact which is not sympathetic to the distinctive character of the area which is defined by low level front boundary treatments that are characteristic within the surrounding street scene and would therefore harmfully erode the distinctive character of the area. As such, the proposed development would be contrary to Policy ENV3 of the Local Plan Part 1: Planning Strategy for the New Forest outside of the New Forest National Park and the Hythe & Dibden Neighbourhood Plan.

Further Information:

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BUTTSASH



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PLANNING COMMITTEE

November 2024

Durban House
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Hythe
24/10557

Scale 1:1000

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