

**Application Number:** 16/10767 Full Planning Permission

**Site:** 52 DOE COPSE WAY, NEW MILTON BH25 5GN

**Development:** Fence (Retrospective)

**Applicant:** Mrs McNair

**Target Date:** 28/07/2016

**Extension Date:** 10/08/2016

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council View

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

Plan Area

**Plan Policy Designations**

Built-up Area

**Core Strategy**

CS2: Design quality

CS24: Transport considerations

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

No relevant policies

**Supplementary Planning Guidance And Documents**

No relevant documents

**3 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

**4 RELEVANT SITE HISTORY**

<b>Proposal / Site</b>	<b>Decision Date</b>	<b>Status</b>
95/NFDC/57626: Erect 90 dwellings, gges, prkg, roads, sewers & new access	14/02/1996	Granted Subject to Conditions

## 5 COUNCILLOR COMMENTS

No Comments Received

## 6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: object (Non delegated)

- (1) Out of character due to its height
- (2) It would set a precedent.

## 7 CONSULTEE COMMENTS

7.1 **Land Drainage, Appletree Court:** comment Only

7.2 **Hampshire County Council Highways Engineer:** no objection (no conditions)

## 8 REPRESENTATIONS RECEIVED

8.1 One letter of objection: fence is too high and out of character

8.2 Three letters of support: fence is well designed and enhances the area

## 9 CRIME & DISORDER IMPLICATIONS

None Relevant

## 10 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

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

## 11 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 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.

## 12 ASSESSMENT

12.1 The boundary treatments on the estate are generally defined with hedges and low fences although there is some example higher fences and railings on the estate.

- 12.2 The main consideration when assessing this application is the impact on the street scene.
- 12.3 The picket fence which is in situ has an undulating and open design which allows views through to the front garden which contains a lot of planting. The wide driveway is still open for access to parking to the front of the house and therefore the fence does not fully enclose the front garden. The design of fence, along with its modest height, has a limited impact on the street scene and local distinctiveness.
- 12.4 The original planning approval for the estate did not contain any conditions restricting the erection of fences and therefore a fence of up to 1 metre in height in this location would be considered as Permitted Development.
- 12.5 The Town Council are concerned that the fence would set a precedent, however any further boundary treatments in the area would need to be considered under their own merits.
- 12.6 In conclusion the fence, is of a relatively low height and allows views into the front garden. As such it is not visually intrusive or harmful to the character and appearance of the area. Therefore the application is recommended for approval.
- 12.7 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.

### **13. RECOMMENDATION**

#### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans: 1, 2 & 3

Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

1. 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 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:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
August 2016**

**Item No: 3z**

52  
Doe Copse Way  
New Milton  
16/10767  
SZ2395

Scale 1:1250

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

