

Application Number: 17/11256 Full Planning Permission

Site: 4 OAK ROAD, DIBDEN PURLIEU, HYTHE SO45 4PL

Development: 1.83m high boundary fence; gate (Retrospective)

Applicant: Mr Kellett

Target Date: 01/11/2017

RECOMMENDATION: Refuse
Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillor view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Plan Area

Plan Policy Designations

Built-up Area

National Planning Policy Framework

Section 7

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

Supplementary Planning Guidance And Documents

None relevant

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
06/88124 2 rear conservatories	26/07/2006	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

Cllr James Binns: Supports application and comments as follows:

The north end of Oak Road (leading onto Roman Road) comprises primarily of properties with mature hedges and/or brick walls separating front gardens from the road. Generally the street scene is of a 'green' rural nature when looking towards Roman Road. In its current form the fence which has been erected at 4 Oak Road is in contrast to the traditional street scene of Oak Road, however in terms of height, the fence is no more imposing than some of the mature hedges and greenery currently in that area. If the fence were stained a colour such as forest-green and planting installed (such as ivy and/or *Griselinia Littoralis*) which could mature over time to positively contribute towards the vitality of the street scene, then I believe that this would be a satisfactory compromise which would enable the retention of the fence. I have spoken to the occupants of 4 Oak Road who are more than willing to accept such a compromise. There is enough room for planting in front of the fence as the new boundary has been set back from the original. I would therefore be minded to support the retention of the fence under these conditions.

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: recommend refusal but would accept the decision reached by the DC Planning Officers under their delegated powers. The Council objects to the application because the fence is too high and out of keeping with the street scene.

7 CONSULTEE COMMENTS

Hampshire County Council Highway Engineer: to be updated.

8 REPRESENTATIONS RECEIVED

8.1 2 against:

- material and height
- impact on users of the road, awareness and visibility together with safety of pedestrians
- out of keeping with the road

8.1 Comments from applicant:

- designed so does not cause an issue of highway safety
- examples cited in Oak Road and Talbot Road of higher boundary treatments, therefore not out of keeping.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

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.

This is a retrospective application. Concerns were identified at the initial briefing and in response to this and other comments made on the application, the applicant has provided further information in support of the application. Notwithstanding this, the identifiable harm would justify a recommendation for refusal. As the application is being supported by a Councillor, the application has been referred to Planning and Development Control Committee for the final decision, and as such the 8 week target date cannot be met.

12 ASSESSMENT

- 12.1 Oak Road is a narrow road with no pavements, and although it is sited within the built up area has a semi-rural character. especially at the south western end of the road where it joins Roman Road. There is a mixture of styles, types and age of property within the road, and the front boundary treatments are predominantly hedging. There are also walls and fences along the road, but generally these appear to be lower compared to the fence at no 4 Oak Road.
- 12.2 Previously the front boundary treatment at the application site was a low wall with fence on top; the overall height being lower than the current replacement fence.
- 12.3 The current 1.83m high close boarded fence has recently been installed. The fence, by reason of its height and materials, would create a harsh boundary treatment compared with others within the road, and would detract from the semi-rural character. Furthermore, it would not be in keeping with the prevailing form of boundary treatments within the road. The existing 5 bar gate is similar to a previous gate at the property, but the replacement gate is sited further forward, and as it would be over a metre in height also requires the benefit of permission so has been included in the description. This gate is inward opening, so would not interfere with the highway. No objection is raised to this part of the scheme.
- 12.4 The applicant has cited addresses of sites within Oak Road that have higher boundary treatments and in his opinion provide a precedent to demonstrate that the fencing would not be out of character with Oak Road.
- 12.5 19 Oak Road is positioned on the junction with Talbot Road, and as such has two boundaries fronting roads. The front boundary treatment is a combination of fence and wall, whereas along Talbot Road, this increases to a higher boundary fence. Due to its corner siting, the side

fence is enclosing the rear garden of the property, and the expectation would be for this to be a higher fence therefore this is not comparable to the application site.

- 12.6 46 Oak Road is at the other end of the road being located on the junction with North Road. The character of North Road contrasts with Oak Road and is more reflective of an urban setting. The fence at no 46 Oak Road is read in context with North Road. Furthermore, this fence in part would be enclosing garden area, and does not just form a front boundary treatment. No planning application has been identified on our records. Nevertheless, even though the fence is stained a dark colour, by reason of its height and form it is quite dominant within the street scene, and demonstrates the impact higher fences would have on the character of Oak Road, and supports the argument to resist similar development.
- 12.7 18 Oak Road has two panel gates but looking at earlier images there was originally a high fence along this frontage too, but this is no longer in situ. No planning history was identified in relation to this fencing and gates, and they do not form a precedent for this current application.
- 12.8 16 Oak Road which has a brick wall with spikes on top. The actual height of the wall has not been provided, although the applicant has advised that the overall height is 155cms, which exceeds the criteria of permitted development and would have required the benefit of consent. No planning application has been identified on our records. Even though this does not reflect the character of the road, it is not comparable to the current proposal as by reason of its design it provides a sense of openness to the frontage and does not create as harsh a boundary as the current proposal.
- 12.9 Cllr Binns has supported the application and suggested a compromise to soften the appearance of the fence which he has advised that the applicants are in support of. This would involve staining the fence and putting in planting between the fence and the highway. Painting the fence an appropriate colour would assist in reducing its prominence, but would not overcome the concerns with its height. Even though there is a marginal gap between the front of the fence and the highway, this is not considered to be sufficient to allow for planting a viable hedge, that would be able to grow and mature, and even if it could, the hedge could potentially encroach on the highway. The use of ivy would not mitigate the impact of the height of the fence.
- 12.10 With regard to highway safety, this is an existing access and due to the nature of the road, pedestrians and vehicular users would be aware of emerging vehicles.
- 12.11 Consideration has been given to the other boundary treatments identified by the applicant, but these do not justify retention of the existing unacceptable fence to the front boundary of 4 Oak Road. Judging the merits of the individual site, and taking into account its position within the road it creates an unacceptable level of harm to the character of the area and the street scene, by reason of its height and materials. There could be measures to help soften the impact but these measure are not considered to be sufficient to overcome the identified harm, and therefore the recommendation is to refuse this application.

12.12 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of the excessive height, materials and siting of the front boundary fence it would create a harsh boundary treatment that would be intrusive and out of keeping with the street scene, and would detract from the semi rural character of Oak Road. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Chap 7 of the National Planning Policy Framework.

Notes for inclusion on certificate:

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Further Information:

Kate Cattermole
Telephone: 023 8028 5588



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
Lynchurst
SO43 7PA

**Planning Development
Control Committee**

December 2017

Item No: 5c
4 Oak Road
Dibden Purlieu
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17/11256
SU4105

Scale 1:1250

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the internet, it will not be to
scale.

