

OFFICER REPORT FOR COMMITTEE

DATE: 22/05/2024

P/24/0414/CU

STUBBINGTON

MR MICHAEL PICKSLEY

CHANGE OF USE OF LAND TO PRIVATE RESIDENTIAL GARDEN AND ERECTION OF TIMBER FENCE

8 DERWENT CLOSE, STUBBINGTON, FAREHAM, PO14 2DY

Report By

Jon Snook – Direct Dial 01329 824703

1.0 Introduction

1.1 The planning application is being brought before Planning Committee due to the number of third-party representations received.

2.0 Site Description

2.1 The site is situated within the defined urban settlement boundary and consists of a detached two storey house which is situated on the southern side of Derwent Close. The property sits at the end of a cul-de-sac with its eastern boundary adjoining an unadopted track (part of Burnt House Lane). There are a number of similar properties within the area.

2.2 Meon Cross School is located on the opposite side of Burnt House Lane. The unadopted section of Burnt House Lane commences at the junction with Windermere Avenue to the south and proceeds in a northerly direction past the application site, to the west, before wrapping round to the west and eventually exiting into Mays Lane. Whilst the initial section of Burnt House Lane, when approached from the junction of Windermere Avenue, is Hampshire County Council adopted highway the section which runs immediately adjacent to the 8 Derwent Close is an unadopted track. A Land Registry Search has been unable to establish ownership of this section of Burnt House Lane.

2.3 The surrounding area of Stubbington is a pleasant residential area comprising of mixture of detached, semi-detached and terraced properties.

3.0 Description of Proposal

3.1 The planning application has been made to change the use of the land, which is situated between the eastern boundary of 8 Derwent Close and the unadopted section of Burnt House Lane, to private residential garden. The land was recently purchased by the householder. In addition, the householder

has requested planning permission to erect a 1.65 metres high close boarded fence set on concrete gravel boards which are 0.3 metres high, making a total height of the proposed enclosure to be 1.95 metres.

- 3.2 The area to be enclosed within the residential garden runs the entire eastern boundary of the site; the area is 3.2 metres wide on the south-eastern boundary reducing to 1.9 metres wide moving northwards along Burnt House Lane. The applicant has set the proposed boundary fence in from the unmade-up road by 0.8 metres at the south-eastern corner, but again this tapers moving northwards.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

D1: High Quality Design and Placemaking

D2: Ensuring Good Environmental Conditions

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document
December 2015 (excluding Welborne)

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/22/1353/FP	SINGLE STOREY REAR EXTENSION WITH NEW ROOF TO GARAGE. TWO STOREY SIDE EXTENSION.
APPROVED	20/10/22
P/06/0336/FP	ERECTION OF SINGLE STOREY FRONT EXTENSION
APPROVED	03/05/06

6.0 Representations

- 6.1 There have been a total of ten representations in response to this application which raise the following material planning considerations:

- The lane needs to provide access to emergency vehicles and delivery vehicles.
- The infilling of the ditch by the occupant of 8 Derwent Close has increased surface water which will increase if the application is approved.

- That the new fence should be situated on the existing boundary line.
- Reduced pedestrian safety due to narrowing of lane.
- Visibility will be further restricted and therefore manoeuvrability for vehicles and other users.
- Reduces access for vehicles using the lane including two residential properties.
- The proposed fence line would make vehicular access very blind and dangerous.
- An established tree may be removed.
- Purchase of the land from Bilton does not confer an automatic right to enclose it.
- That the lane had already been described as 'narrow' on a previous Planning Officers Final Report (P/22/1353/FP).
- Burnt House Lane is an unadopted Highway that should have a carriageway width of 16ft (4.87 metres) with a drainage ditch.
- The fence would detract from the visual amenity of the area.
- Disputing previous and current ownership of the land by Bilton Home Limited and the applicant.
- That the Applicant does not live on Burnt House Lane and encroaching upon it, to increase the size of his garden.

7.0 Consultations

7.1 None

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise of:

- a) The principle of development
- b) Effect on Character & Appearance of the Area
- c) Effect on Amenity of Neighbouring Properties

The principle of development

8.2 The planning application seeks to change the use of land situated between the eastern boundary of 8 Derwent Close and an unadopted road section of Burnt House Lane by the erection of a timber fence sitting on concrete gravel boards. The property is located within the defined urban settlement boundary where such development is acceptable in principle, subject to considerations such as the effect on the character and appearance of the area and the amenity of neighbouring properties.

Effect on the Character of the area

- 8.3 The application site forms part of the residential area of Stubbington. The properties in this area of Stubbington consist of a mixture of detached and attached residential dwellings with reasonable sized gardens. Meon Cross School is located on the opposite side of Burnt House Lane, the school comprises on a mixture of buildings and open space and is secured by high boundary treatments and high-level electronic gates. A number of properties in the area, including the application site, have been subject to improvement and development over recent years. The general character of the surrounding streetscene is one which is well spaced out, creating an open and spacious feel within the neighbourhood, whilst the unadopted section of Burnt House Lane is rather narrow being 'hemmed in' with high level vegetation and boundary treatments.
- 8.4 The Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document provides guidance on improving and extending residential properties. The document provides guidance on appropriate front boundary treatments stating that they should reflect the positive aspects of a street's character and where possible enhance it, with the choice of boundary treatment and height being determined by the positive elements within the street. It is acknowledged that the application at this site is for a side boundary. However, the boundary adjoins the highway and it is therefore considered that the guidance is relevant to this proposed development.
- 8.5 The eastern boundary of 8 Derwent Close was recently removed on the misunderstanding that no planning permission was required for the change of use of the land. It previously consisted of a timber panelled fence with various overgrown vegetation filling the gap between the boundary fence and Burnt House Lane. The new boundary fence would be partially set in from the unadopted poorly maintained road. The unadopted track consists of an unmade-up gravel service with large potholes, therefore vehicle movements are difficult and consequently it does not have a high usage. The opposite side of this section of Burnt House Lane consists of overgrown vegetation and fencing which encloses the Meon Cross School. The unadopted section of Burnt House curves gently round from Windermere Avenue and therefore, it would not be possible to see the proposed fence from either Windermere Avenue or the adopted road section of Burnt House Lane. Consequently, any views of the new fencing from the Burnt House Lane side are restricted to those individuals using the lane by foot or vehicle.

- 8.6 Concern has been expressed by those who have objected to the application as to the appearance of the proposed fence and that it would detract from the amenity of the area. Within the immediate area of the application site there are a number of different boundary treatments visible. The boundary treatments vary, from high level brick walls, high level close boarded timber fences, brick walls with timber inserts, lower-level front boundary treatments to mature hedgerows. In comparison, the residential property of 60 Burnt House Lane located just 33 metres north along the track has recently installed an almost identical high level close boarded fence with concrete posts and gravel boards to the one proposed by this application.
- 8.7 In view of the mixture of different boundary treatments in the area, including high level boundaries such as the similar style fence further along the lane, the discreet location and low usage of the unadopted road, it is considered that the new fence complies with the guidance set within The Fareham Borough Design Guidance Supplementary Planning Document (excluding Welborne). The proposed boundary treatment is consistent with the other boundary treatments and therefore it is not considered that it would have a harmful impact upon the character or appearance of the area or street scene.
- 8.8 The proposed movement of the fence will provide the opportunity for the householder to enclose the previous space which was occupied by the overgrown vegetation into the application site's garden. The area enclosed is modest in size and the enlarged garden will not be significantly larger than others within the neighbourhood and it will therefore be in keeping with the character of the area.
- 8.9 Concern has been raised with regard to the resulting width of Burnt House Lane should the application be approved. Officers have visited the lane and taken a number of measurements. Importantly, the width of the actual unmade up road will not differ should this application be approved; the only differing measurements will be the width between the new fence and the boundary on the opposing side. Consequently, it is not considered that the change of use of the land previously occupied by overgrown vegetation would have a detrimental impact upon usage of the lane.
- 8.10 Taking all of the above into account, Officers do not consider the development would be harmful to the character and appearance of the area. It is considered that the proposals accord with Policy D1 (High Quality Design and Place Making) of the Local Plan 2037 and the Fareham Borough Design Guidance Supplementary Planning Document (excluding Welborne).

Effect on Amenity of Neighbouring Properties

- 8.11 Policy D2 of the Fareham Local Plan 2037 requires that development must ensure good environmental conditions for all new and existing users of buildings and external space.
- 8.12 The planning application has been considered in respect of the effect on the amenity of the occupants of the neighbouring properties. The application site sits at the end of a cul-de-sac and adjoins the unadopted section of Burnt House Lane. There is one neighbouring property adjoining the application site which has a view towards the area subject of this application namely 9 Derwent Close which sits opposite the application site. It is not considered that the application for either the change of use of the land or the development of the fence would have any impact upon the outlook, privacy, daylight and therefore living conditions of the occupants of the neighbouring properties. Therefore, the application complies with the requirements of Policy D2 of the adopted Fareham Local Plan 2037.

Other Matters

- 8.13 The Council has received representations during the consultation period for this planning application, that the applicant has filled in a ditch on the land immediately adjoining Burnt House Lane and the impact this will have upon surface water. This land where the ditch is located has recently been purchased by the applicant. There is no evidence that the incorporation of this relatively small area of land into the garden of no. 8 or the erection of the fence would have any harmful impact on surface water drainage along this part of the lane.

Conclusion

- 8.14 The proposed development would not harm the character or the appearance of the area or have an unacceptable adverse impact on the living conditions of residents living in neighbouring properties by way of loss of sunlight, daylight, outlook and/or privacy.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION

1. The development shall begin before the expiration of a period of three years from the date of this decision.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following approved documents:

- a) Fence Plan
- b) Site Plan
- c) Location Plan

REASON: To avoid any doubt over what has been permitted

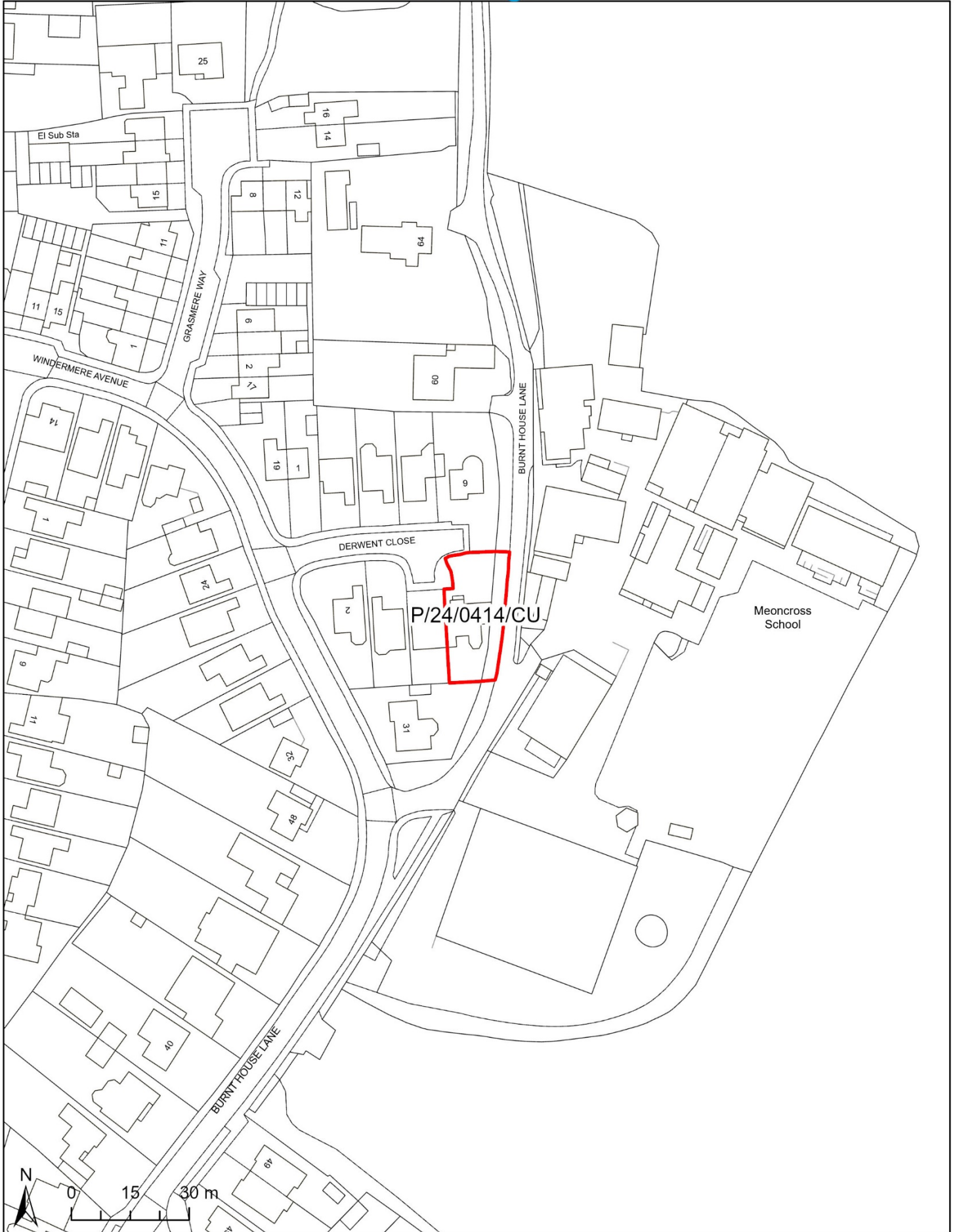
THEN

DELEGATE authority to the Head of Planning to make any necessary modification, deletion or addition to the proposed conditions.

10.0 Background Papers

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

8 Derwent Close Stubbington



P/24/0414/CU