

P/15/0324/FP

PORTCHESTER EAST

MR N HOLMES

AGENT: MR N HOLMES

CHANGE OF USE OF LANDSCAPE AREA TO PRIVATE RESIDENTIAL GARDEN,
ERECTION OF 1.15M HIGH STOCK FENCING ON 1.35M HIGH POSTS AS SUPPORT
FOR NEW HEDGE PLANTING, ERECTION OF GARDEN SHED AND EXTENSION OF
EXISTING HARD SURFACED AREA

32 HERITAGE GARDENS FAREHAM PO16 9BZ

Report By

Graham Pretty - Direct dial 01329 824665

Site Description

The application site comprises an area of land to the north side and rear of No.32 Heritage Gardens, being land originally laid out for landscaping. The site has been cleared of undergrowth whilst larger specimen trees have been retained. New hedge planting supported by wire fencing on wooden poles has been carried out around the north, east and part of the west boundary.

Description of Proposal

The application involves the change of use of the land to residential garden and the provision of a wooden shed adjacent to the house, served by an extended hard standing to the front of the shed. Also included is the retrospective provision of the fencing erected since this just exceeds 1m at 1.15m to the top of the wire and 1.35 to the top of the supporting poles.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS17 - High Quality Design

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

<u>P/05/0466/CU</u>	Change of Use of Landscaping Area to Private Residential Gardens
	PERMISSION 27/05/2005

<u>P/98/1160/FP</u>	Erection of Thirty-Five Dwellings and Associated Access
	PERMISSION 16/03/1999

Representations

Six representations have been received from five households raising the following matters:

- Adverse impact on character of the area
- Possible facilitation of further development

- The fence is unsightly
- Harm to protected species using the land
- Loss of vegetation
- Impact on nesting birds
- Shed in this position will be unsightly and may be used as a garage
- Picture of garage doors does not match statement
- There are restrictive covenants restricting the use of the land
- Owner should have been prevented from clearing the land

Consultations

Director of Community (Environmental Health) - No objection.

Planning Considerations - Key Issues

The Key Issues in this case are:

- The principle of the development
- The impact on the character and appearance of the area
- Ecology
- Other Matters raised in representations

The principle of the development -

The application site is located within the built up area of Portchester and is an area of land to the north of No.32 Heritage Gardens on the junction of Heritage Gardens and Cranleigh Road. This land along with land to the west of Nos. 28 to 32 Heritage Gardens formed part of the landscaping for the new development but has subsequently been sold to the adjoining property owners.

In 2005 this Council granted planning permission for the application site together with the land to the west of 28 - 32 to be used as private residential garden (P/05/0466/CU refers). The gardens of Nos. 28 - 31 have already been extended, however, pre-commencement conditions were not complied with such that this planning permission is not considered as implemented but the neighbours' use of the land is exempt from enforcement action due to the passage of time. As such the owner of No.32 was advised to make a further planning application for the change of use of the land.

In 2005 the Council considered the principle of the use of the land for residential garden to be acceptable. In terms of the principle it is considered that nothing has changed in the interim to justify a different conclusion now being reached.

The impact on the character and appearance of the area -

Notwithstanding the above, the application not only includes the use of the land but also some operational development including the erection of a 4.73m by 3.14m by 2.54m high timber shed with an associated extension of existing block paving around the east side of the shed, close to the north elevation of the dwelling and a post and wire fence around the Heritage Gardens/Cranleigh Road boundaries.

Members should be aware that the applicant has undertaken clearance of the land and that this did not amount to development requiring planning permission. To maintain the green character of the corner position significant privet hedge planting has been undertaken on the Heritage Gardens/Cranleigh Road frontages; the post and wire fencing (1.15m - 1.35m)

has been put in place to provide support for the growing plants, the veracity of which is established through the number of plants, planted. Planning permission is only required by reason of the 0.15m - 0.35m (posts) above the one metre height of 'permitted development'. The fencing is considered to be acceptable and will soon be overtaken by the planting.

Generally, the applicant has removed undergrowth from the land but has retained larger and specimen trees consisting of three silver birch and a number of flowering trees. These, together with the hedge planting, will in part foil the appearance of the proposed shed. The impact of the shed must be assessed on its merits and it is the officers' view that the combination of screening, the position set against the backdrop of the side wall of the house and the proposed dark green colour will mitigate any harm in this case. The proposed block paving would measure approximately 3.5m by 3.5m and would not impact upon the character and appearance of the area.

Representations have indicated that the shed could be used as a garage but the dimensions are not sufficient for this purpose. Notwithstanding this it is not considered that the use of the proposed building as a garage would be harmful.

Ecology -

Representations have drawn attention to the impact of the loss of vegetation upon nesting birds and habitat for protected species. The Director of Planning and Development (Ecology) has been consulted and has not raised objection. On the basis that the larger trees have been retained on the site together with the hedge planting, the opinion is that the use of the land for private garden would not disturb the important habitat site for Brent Geese and Curlew on the field to the north of Cranleigh Road. The same habitat is ideal foraging for sparrows that appear to be nesting in the eaves of the house and the view is that the loss of the understory vegetation on the site would not be harmful to sparrows. In order to further encourage nesting sparrows it is suggested that bird boxes be placed on the side elevation of the dwelling and which the applicant has agreed to provide. The site is otherwise not considered in itself to be important habitat.

Representations have argued that the site should not have been cleared during the bird nesting season, however, this in itself is not a planning matter since permission was not required for clearance. The applicant has advised that there was no evidence of nesting birds found. Although objectors have suggested otherwise there is no firm evidence one way or another.

Other Matters -

With respect to the representations made, it must be reiterated that the clearance of the undergrowth vegetation from the land did not constitute a breach of planning. Whilst the fencing is applied for in retrospect the hedge planting does not require permission and this will form the predominant boundary treatment once it is established. The need for the fencing to be included in the application was established through the Case Officer's application site visit. The application was subsequently amended and the application readvertised.

Representations refer to covenants on the land which, apparently, maintain public accessibility over the land. As Members will be aware, such covenants are not a material planning consideration. It is up to the owner to ensure that any such covenants are either respected or removed and up to affected third parties to take such legal action as they

consider appropriate if they believe covenants are breached. The planning merits were considered both in 2005 and have been explored above.

Conclusion -

It is considered that in view of the planning history and current merits of the case, the proposed use and development are not harmful to the character of the area which is predominantly residential to the south of Cranleigh Road. It is not considered that the use of the land would be harmful to important habitat or to protected species. The development is therefore considered to be in accord with the National Planning Policy Framework and Local Planning Policy.

Recommendation

PERMISSION subject to conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON: To comply with the procedures set out in the Town and Country Planning (Development Management Procedure) Order 2010 and Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Photograph indicating design of proposed shed

Floor plan of Shed with dimensions

1:500 Block Layout Plan

1:1250 Location Plan

Schedule of Key Dimensions of Shed

Application Addendum 11/05/15

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The finished treatment of the proposed hard surfaced areas shall match as closely as possible the existing hard surfacing to the front of the existing dwelling.

REASON: To ensure that the finished appearance of the development blends satisfactorily with its surroundings.

4. The timber shed, hereby approved shall be stained dark green in accordance with the approved details within 3 months of completion, unless otherwise agreed in writing beforehand with the Local Planning Authority. The shed shall subsequently be maintained in that condition.

REASON: To ensure that the finished appearance of the development blends satisfactorily with its surroundings.

5. Two nesting boxes appropriate for use by house sparrows shall be installed on the side (north) elevation of the dwelling within 6 months of the date of this permission. These boxes shall subsequently be retained.

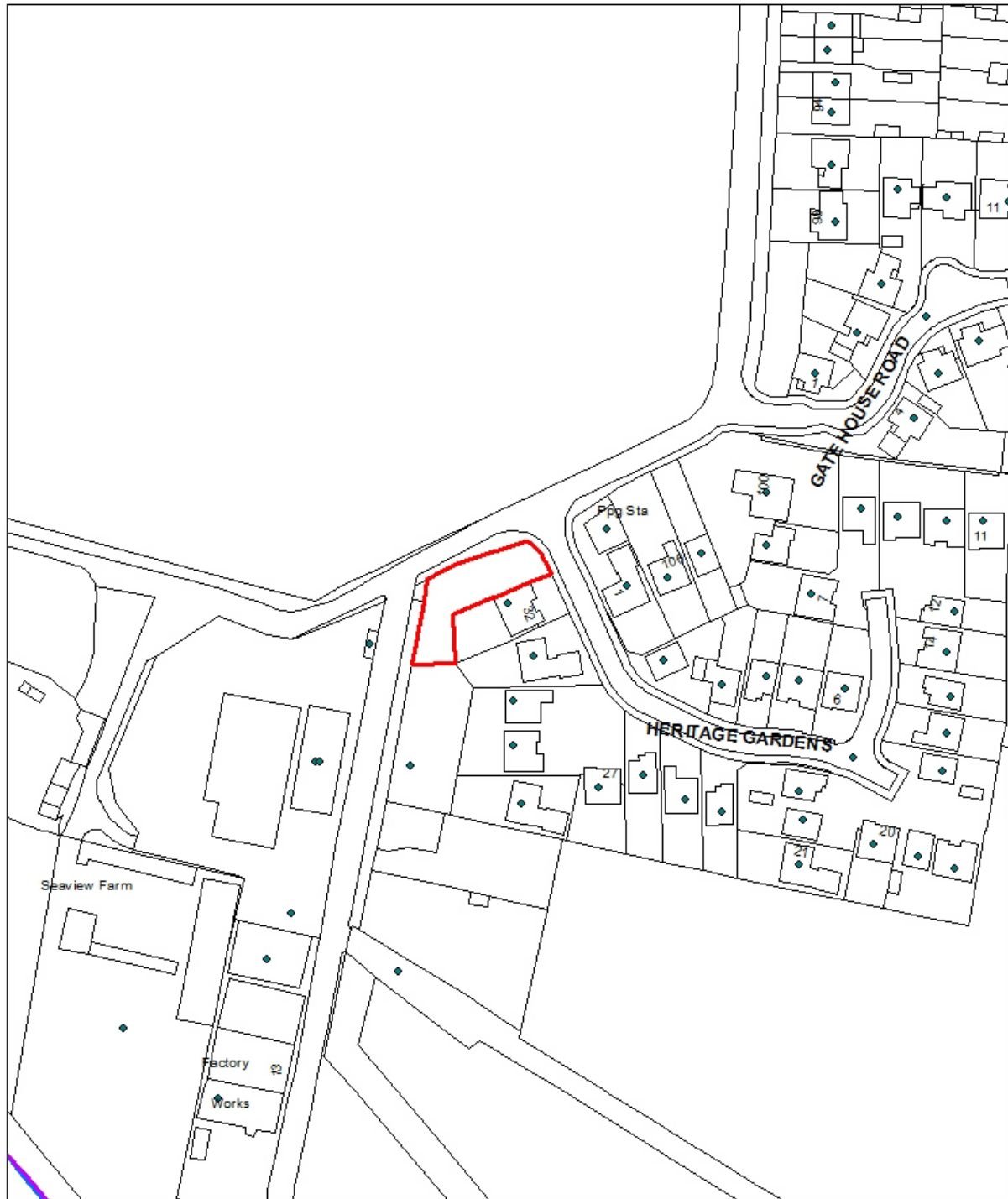
REASON: To enhance the habitat for nesting house sparrows at the site.

Background Papers

P/98/1160/FP; P/15/0324/FP; P/05/0466/CU

FAREHAM

BOROUGH COUNCIL



32 Heritage Gardens
Scale 1:1250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright (and database rights) 2015 OS100019110. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

