

P/15/0409/FP

D J STONE PROPERTY LTD

FAREHAM NORTH-WEST

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AMENDMENT TO PLANNING PERMISSION NO P/14/0741/FP - PROVISION OF ACCESS FROM SUNLIGHT GARDENS TO SERVE REAR PLOT AND INTERNAL BOUNDARY AMENDMENTS

137 GUDGE HEATH LANE FAREHAM HAMPSHIRE PO15 6PR

Report By

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Site Description

The application site comprises the residential property at 137 Gudge Heath Lane and 4B Sunlight Gardens which is a dwelling constructed in the rear garden of that property.

The red edge of the site also includes a section of the adjacent landscaping strip and footpath of Sunlight Gardens.

Description of Proposal

This application seeks to amend the planning permission already granted for alterations to the dwelling at 137 Gudge Heath Lane and the erection of the dwelling at 4B Sunlight Gardens (ref P/14/0741/FP). In actual fact if consent was granted it would be in the form of a whole new permission.

The changes proposed are:

- The formation of a new access from Sunlight Gardens to serve the new dwelling at no. 4B (including new timber gates)
- Alterations to the boundary line between the two properties (to effectively enlarge the rear garden of 137 Gudge Heath Lane)
- Repositioning of car parking spaces within the two properties

The applicant has submitted amended drawings (drawing no. GHL/PL/003 C) on 12th June to show the proposed design of the entrance gates and to confirm that a small section of the driveway immediately inside of the gates is to be tarmac and not gravel.

Policies

The following policies apply to this application:

Fareham Borough Core Strategy (adopted August 2011)

CS2 - Housing Provision

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS7 - Development in Fareham

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

Development Sites and Policies (adopted June 2015)
DSP1 - Sustainable Development
DSP2 - Environmental Impact
DSP3 - Impact on Living Conditions
DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Residential Car & Cycle Parking Standards SPD (adopted November 2009)

Relevant Planning History

The following planning history is relevant:

<u>P/14/0741/FP</u>	ALTERATIONS OF EXISTING DWELLING AND ERECTION OF A 4 BEDROOM DWELLING AND CARPORT AND ASSOCIATED WORKS
APPROVE	25/09/2014

Representations

Nine letters of objection have been received, with at least seven of those being from residents living in Sunlight Gardens, raising the following planning issues:

- The new access will be dangerous to highway safety because of poor visibility from new access / narrowness of road / proximity to junction and bend in Sunlight Gardens
- The applicant does not own / has no right of access over the adjacent strip of land
- Parking on the street will be reduced
- Loss of a section of landscaping

Consultations

Director of Planning & Development (Highways) -

No highway objection is raised to this application subject to the initial 5 metres of the access from the kerb line of Sunlight Gardens being hardsurfaced to reduce the risk of gravel spreading onto the highway, and the following conditions: vehicular access constructed before dwelling is occupied; car parking and turning space provided and retained on site; bin/cycle storage provided and retained on site.

Planning Considerations - Key Issues

a) Ownership of the adjacent landscaping strip

A number of residents have written in to voice their concerns over the proposal. One consistent point of objection is that the applicant does not own the land which forms the landscaping strip along the south-eastern boundary of the site and over which vehicular access to 4B Sunlight Gardens is proposed. Officers understand that the landscaping strip in question is in two separate ownerships, a strip belonging to the Highwood Construction Group and land in the ownership of Taylor Wimpey Homes.

Members will be aware that a planning application may be made in relation to land owned by another party provided the requisite notice is served on that party and the relevant Certificate of Ownership is submitted at the time of the application. Section 24 of the completed application form confirms that the applicant has served notice on both other land owners. Members will also understand that in such cases planning permission may be granted on land belonging to others.

Notwithstanding the legality of applying for and granting permission on third party land,

Officers have sought clarification from the applicant's agent as to how his client intends to implement the planning permission should it be forthcoming. The agent has responded to explain that his client has purchased an option agreement relating to the land owned by the Highwood Construction Group. The land benefits from a right of way over the owner of the accessway (Taylor Wimpey) and so it would be entirely possible for the proposed access to be constructed across that land should planning permission be granted.

b) Effect of the proposed access on highway safety

Planning permission for the alterations to 137 Gudge Heath Lane and the erection of the new house at 4B Sunlight Gardens (ref P/14/0741/FP) was originally granted with access to no. 4B being provided through the curtilage of no. 137 from a shared access from Gudge Heath Lane. Notwithstanding this earlier permission the applicant is entitled to seek an alternative access arrangement from Sunlight Gardens if they so wish. The duty of the planning authority is, regardless of the previously approved access arrangements, to determine whether the alternative being proposed would have adverse implications so that such a proposal would be refused planning permission.

The Council's Highways Officer (Director of Planning & Development - Highways) has advised on the proposed new access. It is considered that there would no reason to resist the proposal on highway safety grounds subject to a number of planning conditions and the proposed surfacing being amended. The submitted site plan demonstrates that sufficient visibility splays in either direction along Sunlight Gardens can be provided as expected for an access of this kind and in a residential street of this nature. The position of the access is considered to be sufficiently far away from the junction with Gudge Heath Lane so as not to create conflict between vehicles turning into Sunlight Gardens and vehicles leaving the application site. Similarly the distance between the proposed access and that which already exists to serve nos 17, 19 & 21 Sunlight Gardens is deemed adequate.

c) Loss of on-street parking

Shortly after the homes in Sunlight Gardens were built and occupied concerns were raised by local residents and ward Members in respect of parking in the road close to the junction with Gudge Heath Lane. A traffic regulation order (TRO) was subsequently introduced following a decision by the Executive Member for Public Protection in November 2012.

As a result of the TRO the entrance to Sunlight Gardens has double-yellow lines on either side of the road until approximately the frontage of no. 10 in order to prohibit parking. Beyond this point the lines continue on that side of the road but not on the opposite kerbside allowing cars to park along the section adjacent to the application site up until the bend in the road. There is sufficient space for approximately five average sized vehicles to park in this stretch of the road up until and without blocking access to the driveway to nos. 17, 19 & 21.

The submitted site plan shows the vehicular crossover (dropped kerb) associated with the proposed access would be 7 metres wide meaning over that stretch of roadside parking would no longer be possible without obstructing the new access. This would in effect lead to the loss of at least one parking space and reduce the available space for parking on that side of the road to a length equivalent to three or four vehicles.

Officers acknowledge that this is a particularly sensitive issue for residents of Sunlight Gardens and the letters received in response to the consultation on this application reflect

the strength of feeling on the matter. However, in itself the loss of this short section of roadside for parking would have no materially harmful effect on the availability of parking in the area.

d) Loss of section of landscaping strip

The landscaping strip is planted with a hedgerow approximately 1.7 metres high at present with another lower hedgerow between it and the back edge of the adjacent highway footpath. The new access would result in the loss of a four metre section of this planting, however this would not harm the appearance of the street provided the timber gates proposed to be inserted were of a suitably sympathetic design.

e) Changes to parking layout and boundary between 137 Gudge Heath Lane and 4B Sunlight Gardens

If the proposed entrance to 4B Sunlight Gardens was constructed there would be no need to provide vehicular access from Gudge Heath Lane through the curtilage of no. 137. The amended parking arrangements are considered appropriate for each of the dwellings they serve. The changes to the boundary between the two properties are beneficial in that a larger section of rear garden is retained by no. 137 without compromising the rear garden space at no. 4B.

Conclusion

Officers have considered all of the relevant planning issues presented in this application and have taken into account the representations received from local residents and the advice of the Director of Planning & Development (Highways). The proposal is considered acceptable in that it would have no demonstrable harmful effect on the availability of on-street parking in the area, no adverse implications for highway safety, and the loss of a section of planting adjacent the highway would not be sufficient reason to refuse to grant planning permission.

The proposal is found to accord with the relevant policies of the adopted Fareham Borough Core Strategy and Local Plan Part 2: Development Sites and Policies as set out above.

Since a new permission would be granted it is recommended that various conditions pertaining to the whole development approved under the previous consent (ref P/14/0741/FP) be imposed where relevant. The recommended conditions are set out in full below.

Recommendation

PERMISSION:

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

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 hereby permitted shall be carried out in accordance with the following approved plans and details:

- Proposed site plan - drawing no. GHL/PL/003 C
- Drawing "Carport GHL.PL008" as previously approved by reference P/14/0741/FP

- Drawing "GHL.PL0004" as previously approved by reference P/14/0741/FP
 - Drawing "GHL.PL0006" as previously approved by reference P/14/0741/FP
 - Drawing "GHL.PL0010" as previously approved by reference P/14/0741/FP
 - Drawing "GHL/C/100 - Proposed Landscaping, External Works and Enclosures Plan" as previously approved by reference P/14/0741/DP/A
 - Samples submitted and details contained in the letter dated 26th September 2014 from Ian Sullivan Architects as previously approved by reference P/14/0741/DP/A
- REASON: To avoid any doubt over what has been permitted.

3. The new dwelling hereby permitted shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

3. The new dwelling hereby permitted shall not be occupied and the alterations to the existing dwelling shall not be brought into use until the approved parking and turning areas for those properties (including the car port) have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the local planning authority following the submission of a planning application made for that purpose.

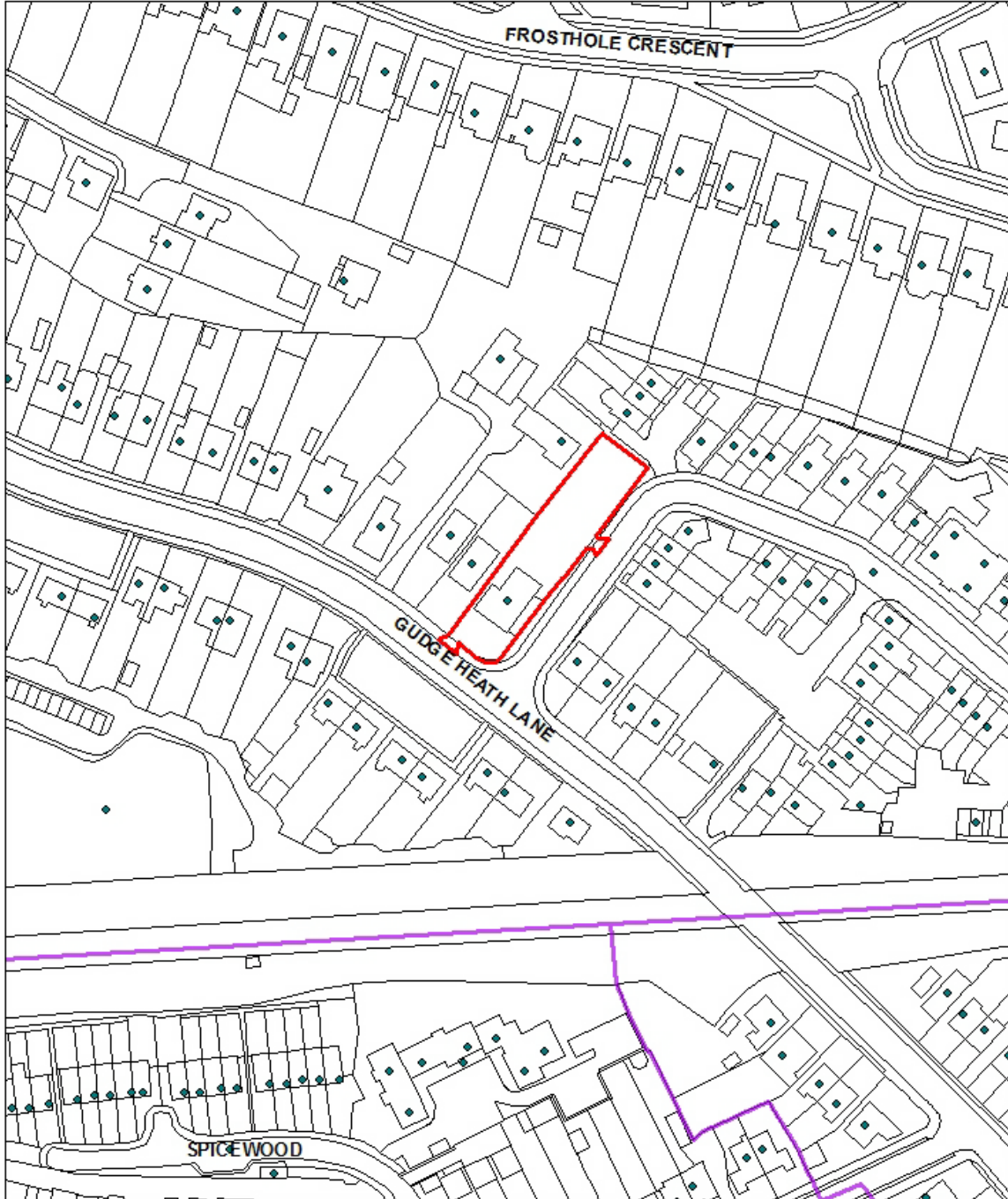
REASON: In the interests of highway safety and to ensure that adequate parking space is provided.

4. The new dwelling hereby permitted shall not be occupied and until bin/cycle storage has been made available in accordance with the approved plans. The designated areas shall thereafter be kept available and retained at all times for the purpose of bin and cycle storage.

REASON: To ensure a satisfactory appearance to the development; in order to facilitate sustainable modes of transport as an alternative to the motorcar.

FAREHAM

BOROUGH COUNCIL



137 GUDGE HEATH LANE
SCALE: 1:1,250

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