

**P/18/0182/VC**

MR RAY GUSTAR

**WARSASH**

AGENT: ROBERT TUTTON  
TOWN PLANNING  
CONSULTANTS

VARIATION OF CONDITION 2 OF APPLICATION FBC.2369/7 (CHANGE OF USE OF VACANT LAND TO PRIVATE GARDEN) TO ENABLE PERMITTED DEVELOPMENT RIGHTS ON THE LAND

44 THORNTON AVENUE WARSASH SOUTHAMPTON SO31 9FJ

***Report By***

Peter Kneen - direct dial 01329 824363

***Introduction***

The application is presented to the planning committee following the receipt of four letters of support and one letter of objection to the planning application.

***Site Description***

The application site is located partially within the designated urban settlement boundary of Warsash, and partly within the countryside. The site forms part of the garden area of 44 Thornton Avenue, which runs down from Thornton Avenue to the River Hamble and footpath 181, which forms part of the coastal path. Passage Lane Open Space is located to the south of the site and a public footpath (PROW 11144) runs between the site and the area of public open space. The public footpath runs for approximately 115 metres along the southern boundary. 55 metres of the northern boundary of the footpath comprises timber screen fencing to the application site, with a further 30 metres (approximately) comprising conifer hedging, and more open vegetation along the remaining 30 metres of the footpath. The eastern boundary with Thornton Avenue is defined by screen walls, and the western and part of the northern boundaries are defined by wire mesh fencing and hedging.

To the north of the site lies the neighbouring property at 42 Thornton Avenue and to the north and west a Local Nature Reserve, which also includes a SSSI, and the Solent and Southampton Waters Special Protection Area (SPA), Special Area of Conservation (SAC) and RAMSAR site.

The site and wider garden area of 44 Thornton Avenue contains a number of outbuildings, including a large detached garage building towards the frontage of the site and a pitched roof pergola and other sheds and greenhouses, some of which appear to have been in situ for a considerable period of time.

The application site and the northern area of the Passage Lane Open Space comprise a number of mature trees, running down towards the River, providing a good level of screening of the site from the adjoining open space. The lower, western part of the site (which has been excluded from this application) comprises less vegetation, and provides more open views towards the River Hamble.

***Description of Proposal***

This application for variation of condition seeks to partially remove a restriction imposed on the site under application FBC.2369/7, permitted in June 1987 for 'the change of use of vacant land to private garden'. The restriction removed permitted development rights regarding the construction of outbuildings within the residential curtilage of this part of 44 Thornton Avenue without the necessary planning permission. The condition was imposed in order to secure the satisfactory appearance of the development and states:

Notwithstanding the provisions of the Town and Country Planning General Development Order 1977/87, no building, structure, walls or fences or engineering operations of any kind shall be erected or carried out on the land since hatched blue on the approved plan, without the prior written consent of the Local Planning Authority.

### ***Policies***

The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS14 - Development Outside Settlements

CS17 - High Quality Design

#### **Development Sites and Policies**

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

### ***Relevant Planning History***

The following planning history is relevant:

<b>FBC.2369/7</b>	<b>The Change of Use of Vacant Land to Private Garden. PERMISSION</b>	<b>14/06/1987</b>
<b><u>P/98/0660/VC</u></b>	<b>Variation of Condition 2 of F.B.C.2369/7 (to enable the erection of 1.8 metre high fence) PERMISSION</b>	<b>09/09/1998</b>
<b><u>P/00/0139/FP</u></b>	<b>Installation of Dormer Window to Side Elevation of Existing Garage to form Hobbies Room PERMISSION</b>	<b>06/04/2000</b>
<b><u>P/16/0662/FP</u></b>	<b>ERECTION OF FRONT BOUNDARY WALL (MAXIMUM HEIGHT 1.5 METRES) AND DETACHED DOUBLE GARAGE APPROVE</b>	<b>13/07/2016</b>
<b><u>P/16/1306/FP</u></b>	<b>Increase height of front boundary wall from 1.5 metres to 1.8 metres APPROVE</b>	<b>07/12/2016</b>

### ***Representations***

Five letters have been received regarding the application, comprising four letters of support for the proposal and one letter of objection.

The letter of objection raised concern that further development to the west, beyond the existing building line would impair views of the river Hamble.

### ***Consultations***

Parks and Open Spaces Manager: No objections to the proposal.

### ***Planning Considerations - Key Issues***

The following matter represents the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issue

comprises the potential impact on the character of the area.

#### Impact on the character of the area:

The site has changed significantly since the original planning permission for the change of use of the land was granted. From a review of the planning records, it appears that prior to the change of the land to private garden, the width of the land formed a wide open footpath running down from Crofton Way to the rivers edge. Since that time, planning permission has been granted to enclose this land within the defined residential curtilage of 44 Thornton Avenue.

Most notably, permission was granted at the end of 1987 for a large, detached, pitched roof double garage which extends across much of the width of the site. Then in 1998, planning permission was granted to allow the provision of a 1.8 metre high timber fence to be constructed along the southern boundary of the site, adjacent to the public footpath. The fence extends from Thornton Avenue for approximately 55 metres along the length of the public footpath, and along this part of the boundary replaced a permitted chain link fence. The remainder of the rear garden is bounded by the chain link fence.

In 2016 planning permission was granted for a replacement garage building and front boundary wall along the Thornton Avenue road frontage. The wall, originally permitted at 1.5 metres was later revised and approved at 1.8 metres.

There are a number of other ancillary outbuildings within the rear garden which would appear to have been sited on the land for a considerable period of time.

The western 35 metres of the boundary and the narrower, western part of the site would remain except from this variation of condition, whereby planning permission for outbuildings would require consent. However, the area that is the subject of this application has already been largely enclosed by fencing, walls and large permanent structures, which has altered its character since the original imposition of the condition in 1987. The permitted structures, together with the level of vegetation along the boundary and within the area of open space means any structure that could be constructed on the site under permitted development rights would not result in an adverse impact on the character and appearance of the area. The permitted development rights would only allow for structures up to 2.5 metres in height within 2 metres of the site's boundary, and up to 4 metres in height with a pitched roof elsewhere. These limitations, together with the general topography of the site and adjoining open space would enable any views of the Hamble at this point to be retained. Further, the southern area, which contains the viewing seating area would be unaffected by the variation of this condition.

In summary, it is considered that the proposed variation of this condition to enable the provision of Class E (buildings etc incidental to the enjoyment of a dwellinghouse) and Class F (hard surfaces incidental to the enjoyment of a dwellinghouse) development on the site would not have a significant impact on the character and appearance of the site or wider area.

Based on the above it is considered the proposal complies with development plan policies and therefore the application is recommended for approval.

#### ***Recommendation***

PERMISSION

Conditions

1. The development hereby permitted shall be implemented in accordance with the following approved documents:

a) Site Layout Variation Application (Drawing: 7)

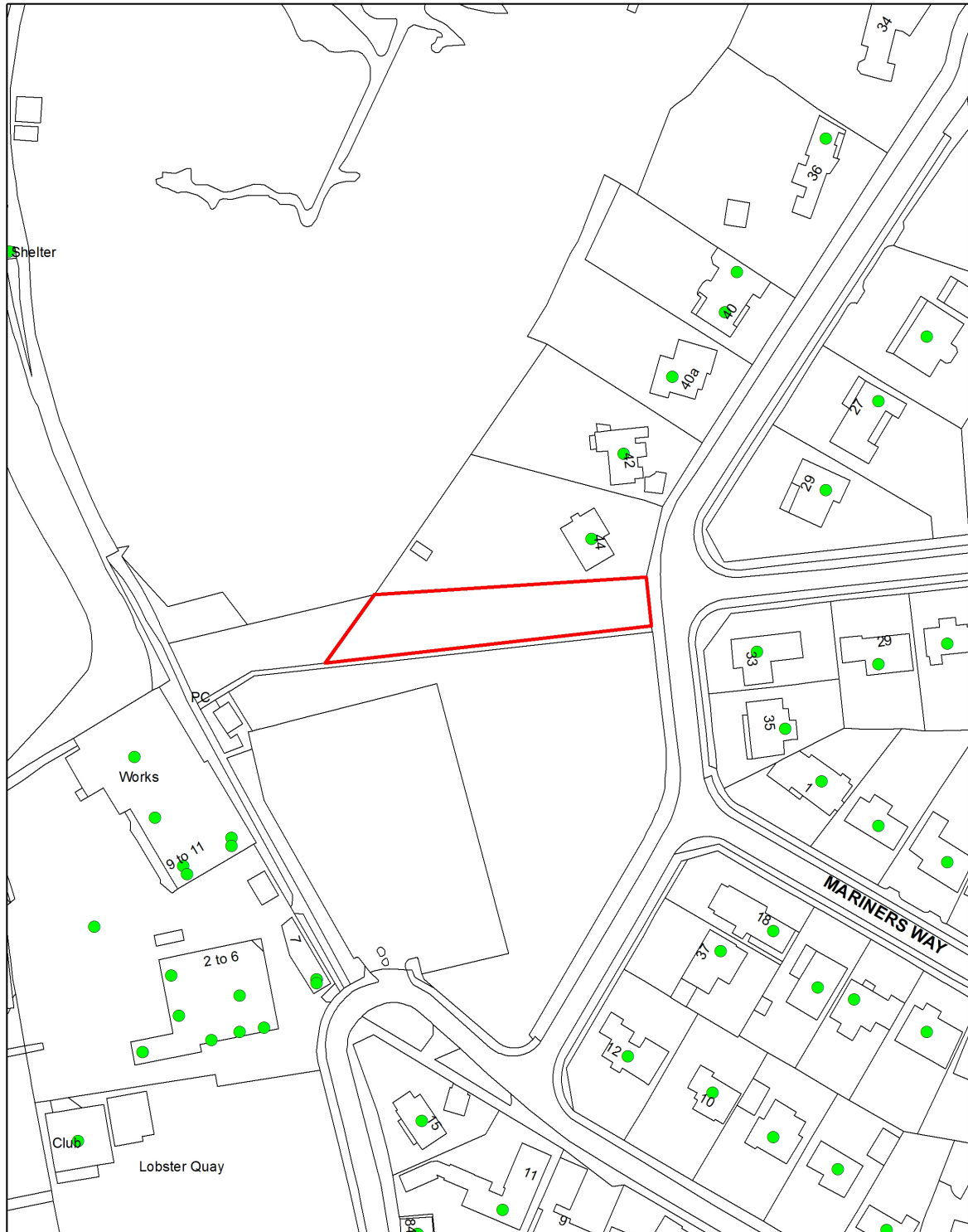
REASON: To avoid any doubt over what has been permitted.

***Background Papers***

Application file: P/18/0182/VC

# FAREHAM

BOROUGH COUNCIL



44 Thornton Avenue  
1:1,250



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