

**OFFICER REPORT FOR COMMITTEE**

**DATE: 13/12/2023**

**P/23/1445/VC  
MRS ANGELA BURD**

**HILL HEAD**

**VARIATION OF CONDITION (P/07/0742/FP) FOR VEHICULAR ACCESS TO  
FRONT OF PROPERTY**

**53 OLD STREET, HILL HEAD, FAREHAM, PO14 3HQ**

***Report By***

Jenna Flanagan – 01329 824815

**1.0 *Introduction***

- 1.1 This application is reported to the Planning Committee in accordance with the Council's Scheme of Delegation due to the number of third-party letters received.
- 1.2 The Local Planning Authority has received a total of eight representations regarding this planning application including three letters of support which oppose the recommendation of the Planning Officer.

**2.0 *Site Description***

- 2.1 The application relates to a detached dwellinghouse, located on the west side of Old Street, with an enclosed front garden. The property benefits from pedestrian access, a garage and parking to the rear of the property via an access road to the north.
- 2.2 The western side of Old Street in this location is designated in the adopted local plan as being outside of the urban area and so within the countryside. The eastern side of the road is however within the urban settlement boundary.

**3.0 *Description of Proposal***

- 3.1 Planning permission was approved on 18<sup>th</sup> July 2007 (our reference P/07/0742/FP) for the erection of a detached dwelling and garage at the application site. Planning condition (no. 4) of that planning permission states:

*“The planting as since hatched on the approved plan shall be retained at all times in accordance with a scheme which is to be submitted to the local planning authority within 4 weeks of the date of this decision notice. At no time shall vehicular or pedestrian access/egress be created through the planting hatched on the plan unless first agreed in*

*writing with the local planning authority following the submission of an appropriate planning application.*

*REASON: In the interests of residential amenity; in the interests of the visual amenity of the area; in accordance with Policies DG3 and DG5 of the Fareham Borough Local Plan Review.”*

3.2 The planting along the eastern boundary has been removed by the applicant in preparation to install a dropped kerb. The removal of the planting is contrary to condition 4; and the applicant retrospectively seeks planning permission to vary condition 4 of P/07/0742/FP to regularise the removal of the planting, and to enable the creation of a vehicular access from Old Street into the front garden of the property.

3.3 In 2012, an application was refused by this Council to vary the condition to allow the creation of a pedestrian/disabled access through the front boundary from Old Street. A similar application to that was also refused and a subsequent appeal dismissed in 2008.

#### **4.0 Policies**

4.1 The following policies apply to this application:

##### **Adopted Fareham Local Plan 2037**

- TIN2 – Highway Safety and Road Network
- D1 - High Quality Design and Placemaking
- D2 - Ensuring Good Environmental Conditions

##### **Other Documents:**

National Planning Policy Framework (NPPF) 2023

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

Residential Car & Cycle Parking Standards 2009 Supplementary Planning Document

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

5.1 The following planning history is relevant:

<b>P/12/0665/VC</b>	Variation of Condition 4 of P/07/0742/FP (To Enable Pedestrian Access Through Planting Area for a Disabled Person)
Refused	19/09/2012

**P/07/1208/VC** Vary Condition 4 of P/07/0742/FP (To Enable Provision of New Pedestrian Access Gate in Existing Gap in Hedgerow)

Refused 05/11/2007

Appeal Dismissed 18/08/2008

**P/07/0742/DP/A** Erection of Detached Dwelling and Garage (Alternative to P/06/1418/FP): Details Pursuant – Conditions 4 and 5 (Landscaping)

Approval 21/08/2007

**P/07/0724/FP** Erection of Detached Dwelling and Garage (Alternative to P/06/1618/FP)

Approval 18/07/2007

## **6.0 Representations**

6.1 During the 21 day notification period, seven representations were received. Of these representations, 5 are letters of objection, and 2 are letters of support (a third letter of support was received from a household who has already commented). The following points have been raised:

### Objections:

- Safety and convenience of other road users and pedestrians
- Proposed access not visible when approaching from south
- Narrowest part of the road
- Four new properties approved nearby – will cause an increase in traffic volume
- The driveway will be inaccessible/restricts access to properties on eastern side if car park nearby
- Will encourage parking on dropped kerbs of eastern side of the highway
- Already adequate parking at rear of property
- Property is much closer to the road than other properties
- Lack of privacy now planting removed - planting should be reinstated
- Pedestrian access already refused (P/12/0665/VC)
- Nothing has materially changed since previous decision

### Support

- Good visibility from either side
- Advantageous to remove/reduce parked vehicles from the road
- Will bring property in line with all others in the road
- Will improve visibility turning out of Meon View Farm
- Reduce number of vehicles using dirt track to the farm - less mud on the highway

## **7.0 Consultations**

EXTERNAL

### **Hampshire County Council - Transport**

- 7.1 The application site comprises a detached house which fronts onto Old Street. Old Street is an unclassified road subject to a 30mph speed limit. Based on the records available, there is a narrow strip of highway verge between the property boundary and the carriageway. There is a footway available on the eastern side of the carriageway.
- 7.2 Although not shown on the application drawings, there is a parking area/garage to the rear of the property accessed via the shared private driveway adjacent to No. 57. This shared driveway is of suitable geometry and has satisfactory visibility where it joins Old Street.
- 7.3 The application proposal is for the formation of a vehicular access onto Old Street. Planting/vegetation within the highway verge has been removed in preparation for the construction of the vehicle crossover (dropped kerb). The drawing entitled Frontage Existing & Proposed Vehicle Access indicates that a parking area will be laid out to accommodate three cars (without space to turn around). The surface details have not been provided. The parking area/driveway should be designed to prevent surface water from the site draining onto the public highway and designed to prevent loose material (such as gravel) being deposited onto the public highway.
- 7.4 Visibility splays of 2m ('x' distance) by 43m ('y' distance) are necessary in both directions from the proposed access to ensure that a driver of a vehicle emerging from the access can see an oncoming vehicle travelling at 30mph in sufficient time to allow them to make their manoeuvre safely. Correspondingly, the visibility splays allow the driver of an oncoming vehicle to be aware of the exiting vehicle to be able to slow down and stop safely if necessary (the Highway Authority's publication Technical Guidance Note 3: TG3 - Stopping Sight Distances and Visibility Splays refers). Visibility to the south of the access (right on exit) is significantly reduced to below this requirement by the adjoining property's boundary hedge. A driver of an emerging vehicle will not be able to see an oncoming vehicle until the exiting vehicle has significantly protruded into the carriageway, which would be detrimental to highway safety.
- 7.5 The Highway Authority recommends refusal as the proposed access from the application site onto Old Street is substandard in terms of visibility and egressing vehicles could cause danger and inconvenience to other highway users.

## **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:

- a) Planning history
- b) Highway safety;
- c) Visual amenity;

### **a) Planning history**

- 8.2 Planning permission was approved on 18<sup>th</sup> July 2007 (our reference P/07/0742/FP) for the erection of a detached dwelling and garage at the application site with Planning condition (no. 4) secured the retention of the planting along the eastern boundary at all times and prevents the creation of a vehicular or pedestrian access/egress through the planted area, unless first approved by the Council.
- 8.3 Shortly after planning permission was granted, a further application was submitted seeking approval for a new pedestrian access gate to be installed in an existing gap in the boundary hedgerow (our reference P/07/1208/VC). That application was refused, and an appeal was subsequently lodged. The appeal was dismissed as the Planning Inspector was unable to conclude categorically that no harm to the character and appearance of the locality or unacceptable highway dangers would arise from the appeal proposal.
- 8.4 A further application was then submitted in 2012 (P/12/0665/VC), again requesting the variation of condition 4 of P/07/0742/FP, to enable pedestrian access through the planted area for a disabled person. The application was refused and considered unacceptable on the following grounds:
- (i) *the available length of frontage to Old Street is insufficient to enable a satisfactory pedestrian access, with adequate visibility splays, to be provided. Use of the access would be hazardous for pedestrians and would cause undue interference with the safety and convenience of the users of the adjoining highway.*
  - (ii) *the proposed access would encourage the parking of vehicles on the adjacent section of Old Street thereby causing an obstruction and adding to the hazards of highway users at this point.*
- 8.5 This current application seeks permission to again vary Condition 4, to create a vehicular access/egress from Old Street, through the eastern boundary into a driveway, which will be laid in the front garden.

**b) Highway safety**

- 8.6 The property already benefits from a vehicular and pedestrian access at the rear of the property via an access road to the north of the site. A double garage and a hard standing with off road parking for at least 2 vehicles is available to the rear of the property.
- 8.7 The applicant has sought permission from Hampshire County Council for the installation of a dropped kerb and this was approved on 31<sup>st</sup> May 2023. The applicant was of the belief that only the permission from Hampshire County Council was required and therefore planning permission was overlooked.
- 8.8 Preparations to install the dropped kerb commenced in June 2023 by removing planting along the eastern boundary, contrary to Condition 4 of planning reference P/07/0742/FP. Therefore, the Council approached the homeowner to resolve the breach of Condition 4, and an application was submitted to regularise the unauthorised removal of the planting and to seek permission for the installation of the dropped kerb to create a vehicular access through the eastern boundary.
- 8.9 Policy TIN2 of the adopted local plan states that development will be permitted where there is no unacceptable impact on highway safety. Despite Hampshire County Council approving the applicant's request to install a dropped kerb, during consultation with Hampshire County Council, the Highway Authority have objected to the application and a recommendation for refusal has been made on the grounds of highway safety.
- 8.10 Old Street is an unclassified road subject to a 30 mph speed limit. The road is narrow, with a footpath on the eastern side of the highway. No footpath is available on the western side of the highway where no. 53 is located. The required visibility splays for the speed limit of the road cannot be achieved across the land within the applicant's ownership or the adopted highway. Due to the substandard visibility for egressing vehicles, which could cause danger and inconvenience to other highway users, the development is not considered to comply with Policy TIN2.
- 8.11 Improvements to the poor visibility for egressing vehicles cannot be achieved to meet the visibility splay requirements within the land outlined within the red edge of the application site shown on the submitted location plan. Although the hedgerow planting at the adjoining property to the south (51 Old Street) has been cut back to improve visibility, that visibility crosses land owned by a third party which is not part of the adopted highway and which is outside of the applicant's control. It would not be acceptable to rely on this visibility since the applicant has no control over it being retained in perpetuity as required.

8.12 The application has also raised the prospect of installing traffic/safety mirrors to help driver's see one another, however, the installation of a mirror would not mitigate the poor visibility as it is difficult to judge speed and distance of approaching vehicles and can reflect light and dazzle drivers. In any case, Hampshire County Council will not permit the erection of a mirror on the highway.

**c) Visual amenity**

8.13 The application site is permitted infill development within the countryside. The aforementioned condition 4 of planning reference P/07/0742/FP was imposed in the interests of residential amenity and in the interests of the visual amenity of the area.

8.14 Policy D1 of the adopted local plan states, amongst other things:

*“Development proposals will be permitted where compliance with the following key characteristics of high quality design, has been demonstrated:*

*i. Context – where proposals appropriately respond to the positive elements of local character, ecology, history, culture and heritage;...”*

8.15 The boundaries along the western side of Old Street mostly consist of mature hedgerows, planting and low fences. The property to the north of the site has removed planting along the eastern boundary, and erected a low picket fence, however, other properties have maintained planting alongside other boundary treatments. The character of the western side of Old Street is of a rural lane which reflects its countryside designation on the edge of the urban settlement area. Meanwhile, properties sited on the eastern side of Old Street sit within the urban settlement and display characteristics of a residential estate. The eastern side of the street is more urbanised, and many properties have open frontages with hardsurfaced driveways and relatively sparse boundary treatment.

8.16 The removal of the planting at the application site, and creation of a hard standing driveway will have a harmful urbanising effect on the more rural character of the western side of the road. The proposed dropped kerb and opening in the planting along the eastern boundary is not considered to respond to the positive elements of local character, despite the proposal to plant of native shrubs either end of the eastern boundary. Therefore, the development is contrary to Policy D1.

- 8.17 In summary, the removal of the planting and creation of the dropped kerb to allow vehicular access to a hardstanding area at the front of the property does not respond positively to the local character of the area, and the visibility to the south of the site is significantly reduced, and cannot meet the required visibility splays, therefore, the vehicular access would be detrimental to highway safety. Officers acknowledge comments supporting the additional off road parking, however, the property already benefits from a garage and off road parking to the rear of the property, providing adequate off road parking.
- 8.18 Having carefully considered all the relevant planning matters, Officers consider the proposal contrary to the policies of the adopted Local Plan and recommend that planning permission be refused.

## **9.0 Recommendation**

- 9.1 REFUSE PLANNING PERMISSION, on the following grounds:

The proposed development is contrary to Policy D1 and TIN2 of the Fareham Local Plan 2037 and is unacceptable in that:

- i) the removal of planting to support the development of the proposed vehicular access would fail to respond positively to the character of the western side of Old Street;
- ii) the visibility (within the control of the applicant), available south of the proposed vehicular access, would be very limited for vehicles leaving the application site. The use of the access would have an unacceptable impact upon highway safety.

## **10.0 Background Papers**

- 11.1 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.



# FAREHAM

BOROUGH COUNCIL



53 Old Street  
Hill Head, Fareham

Scale 1:1,250



© Crown copyright and database rights 2023 OS AC0000814042. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.