

Hedge End, West End and Botley Local Area Committee – 13 June 2022

Application Number: F/22/92879
Case Officer: Summer Sharpe
Received Date: 12 April 2022
Site Address: 88 Hindmarch Crescent, Hedge End, Southampton, S030 0AP
Applicant: Craig Yellott
Proposal: Change of use of amenity land adjacent to 88 Hindmarch Crescent to be used as domestic garden. Removal of existing fencing, to erect 1m high railings. Retention of hard surfaced extension to parking area.
Recommendation: Permit

CONDITIONS AND REASONS:

1. Within 3 months of the date of this decision the existing unauthorised fencing shall be removed.

Reason: In the interests of safeguarding the visual amenities of the streetscene.

2. The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be implemented in accordance with the following plans numbered:

- Ownership Location Plan
- Proposed Fence Elevations
- Existing Fence Elevations
- Landscape & Planting Scheme

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no development permitted by Class E of Part 1, Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of safeguarding the visual amenities of the streetscene.

Informatives:

1. In accordance with paragraph 38 of the National Planning Policy Framework (July 2021), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

1. Report:

2. This application has been referred to Committee by Councillors.

3. Site Characteristics and Character of the Locality

4. The application site comprises a two-storey semi-detached property located to the west of Hindmarch Crescent. The dwellinghouse itself is finished in facing brick work with white upvc fenestration and has an attached garage to the northern elevation. The surrounding area is characterised by similar residential dwellinghouses, thus resulting in a sense of uniformity.

5. The subject of this application relates to a triangular piece of land located to the north of application site. Previously this was 'scrubland', with low level post and rail fencing. To the east of this is informal on-street parking provisions, denoted by grey brick work, contrasting with the tarmacked road.

6. Description of Application

7. Change of use of amenity land adjacent to 88 Hindmarch Crescent to be used as domestic garden. Removal of existing fencing, to erect 1m high railings. Retention of hard surfaced extension to parking area.

8. This application follows a previously refused planning application which arose as a result of enforcement investigations. The previous application sought retrospective permission to retain a section of hardstanding and 1.8m close board fencing around a triangular plot of land, located to the north of the application site. The fencing measured approx. 11m in length, located to the immediate west of Hindmarch Crescent, alongside the on-street parking provisions. Since the decision of the previous application the fencing has been altered in terms of its height. Part of the fencing now measures approx. 1.8m and the main expanse adjacent the on-street parking provisions of Hindmarch Crescent measures approx. 1m in height.

9. This application seeks to remove the existing unlawful close board fencing and replace this with black railings measuring 1m in height. This would enclose the whole of the triangular piece of land to the north of 88 Hindmarch Crescent. As well as this, the application proposes the change of use of land and retention of hard surfaced area for parking provisions.

10. Relevant Planning History

11. Previous planning application referenced “F/21/91451” proposed “Enclosure of amenity land adjacent to 88 Hindmarch Crescent and its use as a domestic garden. Erection of 1.8m high close board fence between the existing garage and existing boundary fence. Construction of hard surfaced extension to parking area.” This was refused October 2021 with the reason for refusal reading:

The fencing by reason of its height, siting and length; abutting the visitor parking provisions fronting Hindmarch Crescent, results in a visually oppressive and intrusive form of development, that is incongruous and has an adverse impact upon the character of the surrounding streetscene. The fencing is therefore contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011), Draft Policy DM1 of the Submitted Eastleigh Borough Local Plan (2016-2036), Quality Places SPD (2011), and the contents of the National Planning Policy Framework (2021).

11. Representations Received

12. 1no. comment has been received:

- a) *This plot appeared to be shown as open area when original planning permission for the whole development was approved about 12 years ago. I am not sure why this plot of land was not dealt with in the same way as other open areas being accessible to all.*
- b) *As it looked like it was to be open access area this maybe why there are access manways to drainage systems and a main vent within the plot (I think they relate to both main sewer and the underground stream that are within this area).*
- c) *There is also control equipment located at the North end of the plot.*
- d) *My only concern is that approval of work may detrimentally effect these key drainage system and that emergency access to the manways and unground drainage system could be impeded. Consultation with bodies that are responsible for foul water and storm water drainage may be desirable.*

13. The applicant has responded to this comment online accordingly:

- a) *The plot was included within the sale of the original property (please see the ownership document within the planning application for confirmation).*
- b) *My understanding is that there are small chambers and drainage pipework for an underground stream and local highway drainage within the plot (there is no fowl sewer chambers within the plot). The highway drainage is vented via the u-bended brown pipe. I also believe that the underground stream system also encroaches into other properties gardens along is route, so this is not unusual.*
- c) *I have lifted all lids and can confirm that there is no electrical or mechanical controls or mechanisms within any of the chambers / man ways. The White box at the North end of the plot is a Virgin Media connection cabinet. (Which will remain outside of any fencing and with 24/7 access if required).*

- d) *There will continue to be no detrimental effects to the current drainage and manways systems within the plot, ready access will be afforded to anyone that requires access through an openable gate. I have confirmed with site engineers that visited the chambers in the past that letters will be sent to me if access is required in the future for maintenance, and I have verbally agreed that in an emergency that access is granted by any means necessary.*

14. Consultation Responses

15. Eastleigh Borough Council Ecologist

16. I have no ecological objections to this application. It is an improvement on the previous proposals in F/21/91451. The planting scheme lists shrubs such as *Berberis x stenophylla*, *Crataegus monogyna*, *Ilex aquifolium* and *Pyracantha* which have benefit to wildlife if they are managed so as to retain their flowers to produce fruit and to retain their fruit throughout the winter. The addition of flowering plants from the RHS plants for pollinators list will further enhance the biodiversity of this plot. The railings proposed will allow free passage of small mammals.

17. Hampshire County Council Highways

18. A highway adoption search indicates that no highway land has been enclosed by the proposed fencing. Onwards, the fence itself does not impact upon the visibility splays of Hindmarch Crescent, and the additional parking for plot 88 will reduce the need for roadside parking to occur, whilst retaining the adjacent visitor parking bays without impact. Therefore, no objection from a highways perspective.

19. Policy Context and Designations Applicable to Site

- Within urban edge
- Flood Zone 2 & 3

20 Development Plan Policies

21. Submitted Eastleigh Borough Local Plan 2016-2036

Strategic policies:

- S1 (Sustainable Development);

Development Management policies:

- DM1 (General Development Criteria);
- DM11 (Nature Conservation);
- DM13 (Transport);
- DM14 (Car Parking);

22. Hampshire Minerals and Waste Plan

23. Policy 15 – Safeguarding of Mineral Resources.

24. Supplementary Planning Documents

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Biodiversity (December 2009);

25. National Planning Policy Framework

26. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise.

27. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.

28. National Planning Practice Guidance

29. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

30. Assessment of Proposal: Development Plan and / or Legislative Background

31. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

32. The Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

33. Principle:

34. The application site falls within the urban edge, whereby alterations or extensions to, or within the curtilage of residential dwellinghouses are considered to be acceptable in principle, however, would be subject to the following considerations.

35. Background

36. As noted above, previous planning application referenced F/21/91451 proposed 1.8m close board fencing enclosing the triangular plot of land located to the north of 88 Hindmarch Crescent. This application was refused on the basis of the adverse impact it had upon the streetscene.

37. Since the refusal of this application, the Applicant has sought to engage with the Local Planning Authority, and has subsequently amended the proposals accordingly, whereby the application now proposes 1m high black railings.

38. It was noted that there were some concerns with regard to land ownership. A review of the originally approved scheme (O/05/54780) denoted the triangular piece of land to be amenity space, contributing towards the landscaping plan. However, following discussions with Applicant it was understood that the Applicant acquired this land when purchasing 88 Hindmarch Crescent. A Land Registry Plan has been submitted to support this, thus confirming the ownership.

39. Design and Appearance:

40. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

41. The application proposes to remove the existing unlawful close board fencing boundary treatment, and to replace this with black railings. As noted above the existing fencing is currently unlawful and has been reduced in height in part as a result of the refusal of F/21/91451. Therefore, its complete removal is welcomed. A condition is recommended to be imposed to ensure the existing fencing would be removed within a specified (3 month) timeframe. Its replacement with 1m high black railings is considered to be an appropriate form of boundary treatment, given its low level, permeability and its existing presence within the wider surroundings. This is also supported within the Quality Places SPD.

42. The application also includes the change of use of amenity land to private garden relating the residential unit of 88 Hindmarch Crescent. Principally the change of use of land is considered to be acceptable, and also in combination with the introduction of 1m high railings. It should be noted that the Applicant does already own the land and therefore including

this formally within their residential curtilage is not unreasonable, however given the prominence of the piece of land it is recommended that permitted development rights be removed in relation to Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended) (GPDO).

43. Removing permitted development rights (in relation to Schedule 2, Part 1, Class E of the abovementioned Order) would mean that no outbuildings, swimming pools, or containers could be sited within this land without formal permission of the Local Planning Authority (LPA). This is considered to be appropriate and proportionate, given that any building contained within the piece of land would have an impact upon the streetscene, as a result of its prominent location, and therefore details should be submitted to the LPA to assess separately so that there can be suitable controls to maintain the key qualities and characteristics of the Crescent.

44. The last element of the proposal relates to the retention of hard standing which provides an additional off-street parking provision. This type of development is considered to be characteristic of residential estates, therefore this element of the proposal is also considered to be acceptable.

45. Overall and to conclude, the proposed 1m high black railings are considered to be an appropriate form of boundary treatment. It is noted that there are existing examples within the streetscene, and therefore the proposal is considered to respect and blend with the existing boundary treatments within the vicinity. The 3year timeframe for development to be implemented is recommended to be imposed for the proposed fencing, however it should be noted that there would not be an issue in planning terms if there were no fencing around this piece of land. In terms of the change of use of the land, whilst this is considered to be acceptable, it is recommended that this be controlled and permitted development rights relating to Schedule 2, Part 1, Class E of the GPDO be removed. The retention of the hardstanding is considered to be acceptable given that this type of development is generally characteristic of residential sites. The proposals are therefore considered to be in accordance with the abovementioned policy.

46. Residential Amenity:

47. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

48. Due to the location and type of development, the physical structure of the fencing, change of use of land and retention of hard standing is not considered to have an adverse impact upon the amenities of the neighbouring properties. As such, the proposal is considered to be acceptable in this regard.

49. Highways Safety & Parking

50. Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires residential development to provide off-highway parking which is adequate in terms of highway safety / traffic management. The Residential Parking SPD sets out that for a property of this size, that 2 no. off-street parking provisions are required.

51. Due to the nature of the proposals, Highways have been consulted. Highways advised that the fencing does not encroach upon highways land, nor does the proposal impact upon the visibility splays of Hindmarch Crescent.

52. In terms of parking, it is noted that the site previously benefitted from 2 no. off-street parking provisions in the form of a driveway and garage. This application has increased the amount of parking, by creation of hardstanding. The application has not extended the dropped kerb, with the existing access remaining unchanged, therefore in theory, the on-street parking provisions should not be adversely impacted upon.

53. Overall, in terms of highways safety and parking, Highways have raised no objection, therefore the proposal is not considered to result in an adverse impact and would therefore not warrant reason for refusal.

54. Climate Impact and Sustainability

55. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other this, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Councils procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020-2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

56. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF and development plan do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and adopted plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.

57. The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2, and DM3 of the Adopted Local Plan and energy

and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to limit impacts on climate emissions as a result of the development or its use.

58. Equalities Implications:

59. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

60. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

61. Conclusion

62. The proposals are considered to be acceptable and are therefore recommended for approval subject to conditions laid out above.

F/22/92879



EASTLEIGH
BOROUGH COUNCIL



Address: 88 Hindmarsh Crescent
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Date: 12/05/2022 Scale: 1:1250