
Site Address: 39 Portsdown Hill Road, Havant, PO9 3JU
Proposal: Proposed front brick boundary wall at 1.8m high and two gates facing the highway.
Application Type: Full Planning Permission
Application No: APP/23/00147 Expiry Date: 19/04/2023
Applicant: Tim Gardener
Agent: Mr Choudhury Case Officer: Joseph Toole
 MC Architectural Design Ltd
Ward: Bedhampton

Recommendation: **GRANT PERMISSION**

1 Site Description

39 Portsdown Hill Road, Havant, is located to the south side of Portsdown Hill Road. The application site is a detached two storey property comprising brickwork and tile hanging with concrete roof tiles. Vehicular access is from Portsdown Hill Road with parking to the front.

The property is located within a residential area with surrounding properties differing in style and design.

There is a TPO Cedar Tree to the front of the property.

2 Planning History

No relevant planning history.

3 Proposal

The proposal involves the erection of a front brick boundary wall at 1.8m high facing the highway with 2 gates. The existing 1 metre high fencing would be removed and the proposed brickwall would use the existing brick piers.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS19	(Effective Provision of Infrastructure)
CS9	(Housing)
DM10	(Pollution)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturist

Approval, subject to conditions

Reasons for Recommendation

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of a scheme, including measures to ensure their continued survival.

The proposed development is for a brick boundary wall at the front of the property within the Root Protection Area (RPA) of a mature cedar tree that is subject to a Tree Preservation Order (2128). The tree is clearly visible from the surrounding public areas and has a high amenity value.

The supporting information outlines the tree protection measures and the construction techniques, reusing the existing footings of a wall where possible, to reduce the potential detrimental impact of the development on the tree. Excavations, if required, are to be undertaken by hand in accordance with the British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations and detailed in the supporting report Arboricultural Impact Appraisal and Method Statement Reference AIA/AMS-KC/39PORTSDOWN/001.

The proposed works, when undertaken with the conditions listed below would ensure the protection of the cedar tree and would be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Recommended Conditions:

Approval subject to the following conditions:-

Tree protection measures:

No development, including site clearance, shall commence on the site until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction Recommendations' as shown on approved drawing TPP-KC/39PORTSDOWN/001 and detailed in the Arboricultural Impact Appraisal and Method Statement Reference AIA/AMS-KC/39PORTSDOWN/001. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Foundations - Hand digging excavations:

Any excavation work, including foundations, within the existing crown spread of the tree covered by TPO 2128 shall be carried out only by hand in accordance with the Arboricultural Impact Appraisal and Method Statement Reference AIA/AMS-KC/39PORTSDOWN/001. Any roots over 25mm in diameter shall not be severed and if exposed should be packed with sphagnum moss and wrapped with hessian to prevent the entry of rot causing fungi and micro-organisms. No roots shall be left exposed to the air, water, snow or frost for more than two hours without appropriate protection.

Reason: To ensure the tree is not adversely affected by the construction of the development and having due regard to policies CS16 and DM8 of the Havant Core Strategy (2011) and the National Planning Policy Framework.

Councillor D Guest

No Comment.

Councillor Liz Fairhurst - Bedhampton

No Comment.

Councillor Mark Inkster

No Comment.

Developer Services, Southern Water

It appears that the developer is intending to build close to a public foul sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building close to the sewer.

The length of sewer to be built over under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker, which in this case is Southern Water. The conditions and application associated with the build close to a public sewer are available at Southern Water's Get Connected service: developerservices.southernwater.co.uk

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; prior to the commencement of development, the developer must advise the local authority, in consultation with Southern Water, of measures which will be undertaken to protect the public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Hampshire Highways

I refer to the consultation on the above planning application and would make the following comments.

The property is served by two dropped kerb driveways to Portsdown Hill Road (B2177), with both entrance pillars located away from the highway. At the time of a site visit no gates were visible at either location.

The proposal contains a number of elements which relate to changes to the existing access arrangements including visibility. The removal of an existing picket fence located directly at the back edge of the footway with the existing planting retained with some trimming to ensure no overhanging of the footway between that location and the proposed new boundary wall at 1.8 metres in height. This wall is located some 1.7 metres from the back edge of the footway and this wall does not therefore compromise safety for vehicles or pedestrians over what is already available.

The two accesses are shown to operate as separate in and out on drawing 2133-01.01 REV E. With the western entrance (IN) now being provided with electric gates, opening inwards, and set back over 6 metres from the edge of carriageway, which would enable a vehicle to wait off of the running carriageway should gates be closed on arrival. It is noted that a 2m x 2m pedestrian splay is included to one side of this inbound access which gives benefit particularly should vehicles be exiting from the inbound entrance. That splay should be maintained to ensure there is no obstruction to view to/from pedestrians to/from that access above 0.6 metres. Pedestrian visibility is provided to the eastern access by the existing splayed boundary treatment. The eastern access is shown as an egress (OUT) with electric gates, opening inwards, set back some 4 metres from the edge of carriageway. There is no way of enforcing the in/out only arrangement and this gives rise to concerns relating to the failure for any vehicle turning into the eastern access to wait off highway when the gates are closed.

To ensure that both accesses can operate in a safe manner, both should be provided with gates set back a minimum of 6 metres to ensure no vehicles will be required to wait partially on the highway to the detriment of highway safety. Also providing an exiting vehicle to wait clear of the gates before entering the carriageway.

Subject to the above change regarding the eastern gate location the Highway Authority are satisfied that the proposed new boundary wall does offer the opportunity to improve visibility from that currently available existing access provisions and would therefore be acceptable.

Subject to the above comments the Highway Authority would recommend -
No objection subject to following conditions:

GATES SET BACK PROVISION

Any gates provided shall be set back a distance of 6m from the edge of the carriageway of the adjoining highway.

Reason - In the interests of highway safety.

PEDESTRIAN VISIBILITY SPLAYS

The pedestrian visibility splays as shown on the submitted drawing 2133-01.01 REV E shall be provided and maintained to ensure no obstruction to vision above 0.6m

Reason - In the interests of pedestrian safety.

Officer Comment

Emailed Hampshire Highways regarding the potential of the erection of a 'no entry' signage to the front of the out gate to prevent vehicles accessing the way out.

Hampshire Highways (2)

If the setting back of gates 6m from the kerb line is not achievable then I would advise as below.

The inclusion of no entry signage would no doubt reduce the likelihood of vehicles entering through the exit.

However, as private signage these would not be enforceable.

Any proposed signage should be placed outside of the highway boundary and located to ensure signs are visible when approaching from both direction.

On balance, as serving a single dwelling this approach would be acceptable.

I will await the landscape plans to ensure the pedestrian splays are not compromised.

Hampshire Highways (3)

I refer to the further consultation relating to the above application and would make the following comments. A revised plan has now been submitted referenced 2133.01.01 Rev E which confirms landscaping and proposed no entry signing for the site egress to Portsdown Hill. The Highway Authority are satisfied that the proposals do not result in a reduction in the available visibility as the current access. The Highway Authority are satisfied that subject to the following comments the proposals are acceptable.

The proposed no entry signage should not be located within the extent of highway and the signs adjacent to the landscaped area should have a maximum height of 1 metre above the adjoining carriageway with the landscaped area maintained so as not obstruct clear vision of those signs. Reason - In the interest of highway safety. to ensure visibility is not compromised.

The landscaped area along the frontage of the site shall be trimmed/maintained to ensure there is no growth of that landscaping obstructing the footway. Reason - in the interests of maintaining the full footway width is available to pedestrians and visibility is not compromised.

Southern Gas Network

No Comment.

Landscape Team

There is no precedent for 1.8m high boundary walls to the frontage of properties within the local vicinity to 39 Portsdown Road. However, given the applicant is seeking to offset from the highway and provide screening planting we raise no landscape objection. We would not support the 1.8 brick wall should this abut the footway.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 3

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Highway safety
- (v) Impact on trees
- (vi) Drainage implications

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area

7.3 Within the immediate street scene most boundary treatments to the front of properties are approximately 1 metre. It is worth noting the proposed brickwall would be set back from the pavement where the ground levels drops. Therefore, the proposed brickwall is not considered to appear imposing in nature when viewed from the street scene. Furthermore, views of the house would remain in place.

7.4 The proposed works would also involve maintaining the vegetation to the front with some trimming back. This is considered to preserve the rural feel along Portsdown Hill Road. A condition regarding maintaining the vegetation has been recommended to the decision.

7.5 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

7.6 Due to the position of the proposed brickwall, it is not considered to have a negative impact upon any surrounding neighbouring properties.

- 7.7 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(iv) Highway safety

- 7.8 Hampshire Highways originally commented on the application stating the eastern gate (out) should be set back by distance of 6 metres from the edge of the carriageway of the adjoining highway to ensure no vehicles will be required to wait partially on the highway to the detriment of highway safety. This was not considered achievable by the applicant's agent due to the TPO tree to the front, and suggested the erection of 'no entry' signs to the front out gate to prevent vehicles entering the way out. Hampshire Highways said on balance this was acceptable subject to conditions. These conditions have been recommended to the decision notice.

(v) Impact on trees

- 7.9 There is a TPO Cedar Tree to the front of the property, close to where the proposed brickwall would be placed. The Council's Arboriculturist commented on the application raising no objection subject to conditions. These conditions have been recommended to the decision.

(vi) Drainage implications

- 7.10 Southern Water commented on the application raising no objection subject to a prior commencement condition for the protection of the public sewers. This condition has been recommended and agreed by the applicant's agent.

8 Conclusion

- 8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, and would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/23/00147

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan, Block Plan, Elevations and Sections - 01.01 REV E
Tree Protection Plan - TPP-KC/39PORTSDOWN/001
Arboricultural Impact Assessment - AIA and AMS
Planting Details

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The pedestrian visibility splays as shown on the submitted drawing 2133-01.01 REV E shall be provided and maintained to ensure no obstruction to vision above 0.6 metres.

Reason: To provide satisfactory access and in the interests of pedestrian safety in accordance with CS16 of the Havant Borough Local Plan Core Strategy (2011) and the National Planning Policy Framework.

- 5 Prior to the commencement of the development hereby permitted measures shall be undertaken to protect public sewers which shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall thereafter be carried out in accordance with the approved measures.

Reason: In the interests of protecting public utility infrastructure and having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The existing vegetation to the front shall be maintained to the level shown in the approved details 01.01 REV E. Any trees or shrubs retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 No development, including site clearance, shall commence on the site until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction Recommendations' as shown on approved drawing TPP-KC/39PORTSDOWN/001 and detailed in the Arboricultural Impact Appraisal and Method Statement Reference AIA/AMS-KC/39PORTSDOWN/001. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Any excavation work, including foundations, within the existing crown spread of the tree covered by TPO 2128 shall be carried out only by hand in accordance with the Arboricultural Impact Appraisal and Method Statement Reference AIA/AMS-KC/39PORTSDOWN/001. Any roots over 25mm in diameter shall not be severed and if exposed should be packed with sphagnum moss and wrapped with hessian to prevent the entry of rot causing fungi and micro-organisms. No roots shall be left exposed to the air, water, snow or frost for more than two hours without appropriate protection.

Reason: To ensure the tree is not adversely affected by the construction of the development and having due regard to policies CS16 and DM8 of the Havant Core Strategy (2011) and the National Planning Policy Framework.

- 9 The proposed no entry signage should not be located within the extent of highway and the signs adjacent to the landscaped area should have a maximum height of 1 metre above the adjoining carriageway with the landscaped area maintained so as to not obstruct clear vision of those signs.

Reason: In the interest of highway safety to ensure visibility is not compromised and in accordance with CS16 of the Havant Borough Local Plan Core Strategy (2011) and the National Planning Policy Framework.