
Site Address:	2 Ash Copse, Waterloooville, PO8 9US		
Proposal:	Retention of side boundary wall.		
Application No:	APP/21/00196	Expiry Date:	10/05/2021
Applicant:	Mr Puthussery		
Agent:		Case Officer:	Tina Pickup
Ward:	Hart Plain		

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

The application site relates to a relatively modern detached two storey dwelling located on the southern corner of Ash Copse, a cul-de-sac. Ash Copse is adopted highway but not a classified road. As originally constructed the dwelling benefited from a detached garage set at the end of the rear garden. There is a 2m high side brick wall along the highway edge enclosing the rear garden, and previously the dwelling had an open plan frontage. The red lined location plan confirms the rear garage remains part of the application site.

Works were carried out in 2020 to construct a boundary wall to the north side of the frontage area, increasing the height of the southern dividing wall between number 2 and 3, as well as dropping the kerb and providing frontage hard surfacing for the parking of cars. Most of these works did not require planning permission and benefited from permitted development rights. However the northern frontage side wall, in places exceeds 1m high and as a result needs planning permission - this application seeks retrospective permission for this side wall.

2 Planning History

03/68378/000 - Replacement of part of the existing fencing to the south western boundary with 1.8m high brick wall., PERM,22/07/2003
06/68378/001 - Replace boundary fence with brick wall. (Height 2m)., PERM,08/06/2006

3 Proposal

Retention of side boundary wall.

This abuts a highway and due to the gentle slope of ground and feature pillars, a section of the wall varies in height between 1.10m and 1.23m. This application seeks to regularise that wall which exceeds the permitted height of 1m. Planning permission is not required for the dropping of a kerb on a non-classified road, and the height of the southern wall between 2 properties is lower than 2m. Therefore the only element of development undertaken that requires permission is the side boundary wall.

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

CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E1* (High quality design)
IN3 (Transport and parking in new development)

Emsworth Neighbourhood Plan Post Examination Version 2020

n/a

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

None necessary

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: 11

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
There are several Issues. Firstly the property had no vehicle access by obvious design as the external corner means it is near impossible to access the drive without either driving along the pavement or entering the drive of the opposite property. In addition, there has been no application to drop the kerbstones and create the access off the highway. Most importantly, the wall is too high and the corner is now blind. For those of us that do not drive 4x4s we are now invisible to vehicles coming in the opposite direction and in the last six months this has been obvious by the head to head of the vehicles on the corner and it is dangerous! There are understandably always vehicles parked on the road and you are always on the wrong side on exit which means that the loss of visibility is unacceptable. Despite the height of the wall, when a vehicle is parked on the property frontage it simply amplifies the issue as the large white Volvo or visiting 4x4s are even higher than the wall. I believe the reason that there was no driveway built when the property was constructed was due to the extremely difficult access and the visibility / safety issues on the corner. Despite this, it appears that you can simply alter the public highway and build a boundary wall with adverse effects to road safety and all is okay with the world, provided that you apply for retrospective permission? Even in a cul-de-sac with an open plan frontage design and no boundary walls or fences on any of the other 15 properties.	Planning permission not required to drop kerbstone Noted - see section 7 Can't control height of parked vehicles that might block visibility Alternative garage and parking was provided at rear of site
A point to make which does not appear on the planning application is a new vehicle access was created. This property never had vehicle access and therefore no application for a dropped kerb may have been applied for.	Planning permission not required for creation of vehicular access on a non classified road

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) Effect on highway

(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 The wall as built is of a high quality design with feature grey top course to match the rear garden wall and includes brick feature piers. Having a maximum height of 1.23m it is not visually intrusive or overly dominant and is considered appropriate to the street scene, 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

7.4 Being a corner site with the wall fronting a highway there would be no direct impact on neighbouring amenity. The wall provides a logical boundary treatment to the adjacent pavement and would not be overbearing to users of the pavement.

7.5 Consequently, it is considered that the proposal 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).

(iv) Effect on highway

7.6 Third party objections relate to the wall blocking visibility on the corner of this cul-de-sac and the restricted access and manoeuvrability into the newly created drive on the corner affecting safety. However, because planning permission is not required for the dropped kerb and new access on this quiet non classified residential road, then the consequences of the associated use of the drive is not for consideration and cannot be taken into account.

- 7.7 The height of the wall and its effect on visibility is a consideration, but this must be considered against the fall back position that a 1m high wall would not require planning permission. The majority of the wall is only 1.1m high with pillars of 1.23m high. The added 10cm and 3 intermittent piers at 23cm over and above the allowed height of 1m is considered very marginal. The wall itself would not be above the average eye height of a driver, or pedestrian on the pavement, and thus would not block visibility sufficient to be considered detrimental to highway safety. It is acknowledged that the wall is more enclosing and restrictive than the previous open plan frontage, but given that a 1m high wall would not require permission, then the minimal extra height is not considered harmful to highway visibility sufficient to substantiate a reason for refusal.

8 Conclusion

- 8.1 The scale, siting and design of the wall has limited and acceptable impact on the neighbours and highway and it is therefore considered appropriate to recommend retrospective permission be granted. No conditions are considered necessary.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/21/00196 with unconditional permission