

Recommendation: **GRANT PERMISSION**

This is a retrospective Section 73 application and seeks to vary conditions 2 and 3 of APP/18/00011 that identified the fence height and alignment on the then approved plans. The proposal seeks to regularise the use of 1.8m high fencing instead of 1.6m high in the alignment as erected on site.

4 Policy Considerations

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

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

CS8 (Community Safety)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

None relevant

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: 17

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

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) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity

- (i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

- (ii) Impact upon the character and appearance of the area

The key consideration is whether the additional 200mm height of solid fence panels and additional side stretch of fencing is materially visually harmful to the street scene. It is noted that the fence has been well implemented and ties in with the return brick wall forming the boundary with 1 Burghclere Road and the slope of the site to the entrance doors. It is also noted that within the vicinity there are other examples of modest stretches of 2m high close boarded fencing against the back edge of the highway (notably around 2 Burghclere and 2-12 Prospect Lane).

It is considered that given the context of the site and the open nature of area, by virtue of the grassed open space directly opposite the site, then the fencing does not result in an overly 'enclosing' or dominant effect on the area. Overall the extra height is not considered visually harmful to the street scene and thus compliant with Policy CS16.

(iii) Impact upon residential amenity

It is noted that no letters of objection have been received and it is submitted by the agents that the extra height is welcomed by residents as it affords greater privacy for the gardens adjacent the highway. The agent also submits that the extra height complies with Policy CS8 in that it maximises the defensible space available to residents and improves security of gardens. This is acknowledged.

Overall it is considered that the additional height of boundary fencing would have no adverse impact on the amenity of neighbouring or occupying residents.

8 **Conclusion**

This is a retrospective Section 73 application and its granting effectively re-issues the original permission and must repeat or amend accordingly the relevant conditions unless they have already been discharged. It is recommended to grant permission to vary conditions 2 and 3 of APP/18/00011 to allow the retention of the 1.8m high fence as erected on site.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/01147

(A) subject to the following conditions

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

Plans approved pursuant to APP/18/00011:

Design & Access Statement December 2017

Site Location and Block Plan DWG No: PLAN AR01

Existing and Proposed Elevations DWG No: PLAN AR02 Rev A

Floor and Boundary Plans DWG No: PLAN ARB11 Rev A - **partly**

superseded by:

Plans approved pursuant to APP/19/01147:

Site and Fencing Plan; Block & Fence Plan DWG No: PL01 Rev 003

Reason: - To ensure provision of a satisfactory development.

2

Materials approved pursuant to APP/18/00011:

The external materials used shall be as specified in the submission as follows:

Front Render - K-render in Limestone White or similar white

Fascia Board - Cembrit Cladding in Pearl

Windows - white UPVC

Fencing - 1.6m dark brown timber panels - ***superseded by:***

Fencing - 1.8m high timber panels

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.