
Site Address: 28 Cornbrook Grove, Waterloooville, PO7 8RD
Proposal: Change of use of public amenity land to private garden and erection of 2.1m timber fencing (retrospective application)
Application No: APP/19/00494 Expiry Date: 08/07/2019
Applicant: Mr B Mott
Agent: Case Officer: John Shaw
Ward: Cowplain

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

The application dwelling is detached two storey pitched roof dwelling to the eastern end of a cul-de-sac, Cornbrook Grove which is located to the eastern edge of Waterloooville. The rear of dwellings is adjacent to a thick line of trees set on a bank of land which screens the residential properties including the application dwelling from the A3 (M).

2 Planning History

Nonrelevant

3 Proposal

Change of use of public amenity land to private garden and erection of 2.1m timber fencing (retrospective application)

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)
CS17 (Concentration and Distribution of Development within the Urban Areas)

Havant Borough Local Plan (Allocations) July 2014

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

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

No objection to the erection of the fence however the soil mound behind the fence may have a negative impact on the trees. This would be a private matter between land owners.

Highways England

No Objection

Highways England

I've has a look over our records here and can confirm that the land in question is not HCC-maintained highway land, nor is it owned by the County Council.

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: 5

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
I feel that if this planning permission was given clearance, the extension of the garden curtilage would mean that a potential house extension could be greater than presently allowed. My current understanding is that a rear extension cannot be greater than 50% of the ground garden area. If the extended garden was allowed then a potentially greater extension could be allowed which could result in an harmful overshadowing impact. Finally we do get a lot of wildlife in the wooded grounds between our property and the motorway. We have had deer, foxes, herons and even a parrot, I have even photographed deer eating berries from the woodland next to my fence. With the garden extension at the property the access for this wildlife has been blocked.	Concerns relating to the potential future developments at the application site do not form a planning consideration and cannot carry weight as part of this application which is solely for the change of use of public amenity land to private garden and the erection of 2m timber fencing. The comment relating to the potential impact on nearby wildlife is noted, however, it is considered that the overall impact on the adjacent wooded area would not be sufficient to raise ecological concerns and no further ecological assessment would be required.

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) Land Ownership

(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 increase in the size of the rear garden of up to 1.8m and the erection of the 2m, rising to 2.1m high timber fence has already occurred and multiple photographs of the works have been provided by the applicant. The case officer has also visited the site and taken photographs of the fence. The fence has limited visibility in the wider area due to its position to the rear of the application dwelling which itself is set to the eastern end of the cul-de-sac. The fence is set at the base of the bank upon which a thick collection of trees are located and which screen the A3 (M) to the east. The fence would in its visual appearance display little difference from other nearby rear boundary fences. The Arboculturalist has assessed the application and expressed no objection in regard to the potential impact on the nearby trees (though concern was raised in regard to the mound of earth which was formed to the rear of the new fence during its erection). Overall, it is considered that the small increase in the size of the rear garden area or the erection of a 2m high rear boundary fence would not unduly harm the character of the wider area.

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

7.4 The timber fence would be set further away from the nearest neighbouring property, 29 Cornbrook Grove, by up to 1.8m than the previous rear boundary fence. It is considered that the increase in the garden area of the application dwelling and the timber boundary fence would not unduly impact on the residential amenity of adjacent properties.

7.5 Consequently, it is considered that the proposal would not appear overbearing or lead to overlooking 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).

(iv) Land Ownership

7.6 Though not technically a planning consideration, the question of the ownership of the land which the applicant has enclosed and which extends up to 1.8m to the east was

examined. A land registry search indicated the land was not within the ownership of any individual or any individual body. Hampshire Highways and Highways England were consulted on this issue due to proximity of the works to the A3 (M) but both bodies confirmed the land was not within their ownership. It is therefore concluded that there is no ownership issue which would prevent the change to the curtilage of the application dwelling which has been undertaken. The grant of planning permission does not establish any ownership rights.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/19/00494

(A) subject to the following conditions

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

Location Plan (Scale 1:1250) Date Produced: 13 May 2019

Site Plan (Scale: 1: 500) Date Produced: 13 May 2019

Reason: - To ensure provision of a satisfactory development.