

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

5 Statutory and Non Statutory Consultations

None

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: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3-. 2 are from No 45

Comment	Officer Comment
Comments from No 45 Chestnut Avenue regarding: * higher section of fence shall create privacy. * Noise generated from the children is too loud * Fence shall improve our view towards the property, can it be made higher? * The eastern flank of the platform has had no form of edge protection so this a relief to see. * No 43 have not addressed more pressing issues with their property such as Fascias and soffits rotten and falling to pieces, disconnected and damaged guttering causing brickwork and mortar to crumble away due to running rainwater. * I have no doubt whatsoever were a fence added to the decking to act as a privacy/noise screen it would probably never be maintained or looked after so the decking on the southern and northern boundaries of their garden should be lowered to the legally required height unless legally binding guarantees can be made regarding the quality of the workmanship and materials use and the regular up keep	See section 7 Not a material planning consideration. Not part of this application. Legal agreements in regards to boundary fences are a civil matter

and maintenance of the proposed new screen/ fence.	
Comments from No 47 Chestnut Avenue regarding: * The present situation where the raised decking allows these tenants to look across several properties is unsatisfactory. * The raised decking also allows the considerable noise that is generated here to travel more easily across the neighbourhood annoying neighbours. * Removal of the decking so that noise is contained at ground level by existing fencing or the provision of a substantial 2.6m high fence may be appropriate.	See section 7

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

(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 development subject of this application has sought formal planning permission on a retrospective basis, following an investigation by the Councils Enforcement Team. As such, it is important to note that the decking was partially constructed at the time of the officer site visit albeit not completed.

7.4 The decking is positioned to the rear of the property and as such is not readily visible within the existing streetscene of Chestnut Avenue. The fencing also subject of this application runs along the south boundary of the property (adjacent to No.'s 45, 47, 49, 51 and 53) and is not considered to be out of keeping with the surrounding locality, particularly taking into account that there are a number of examples within the immediate vicinity where close boarded timber fencing is utilised as a boundary treatment. On this basis, it is considered that the development would not result in any significant adverse impact on the character and appearance of the area or the visual amenity of the existing streetscene.

7.5 The decking requires the benefit of formal planning permission by virtue of its height which exceeds the 300mm tolerance allowed for under the Permitted Development Criteria. Whilst it is acknowledged that the height of the decking represents a significant increase to this criteria, it is noted that the decking does not cover the extent of the rear garden and is positioned away from the rear boundary (shared with No.22 Littlepark Avenue) by approximately 13.2 metres at the closest point. It is also

acknowledged that the topography of the site slopes significantly with a north south and west east decline and as such in order to establish a level platform, the decking increases in height towards the east.

- 7.6 As the development is positioned to the rear of the application site and would therefore have a very minimal impact when viewed from public vantage points, it is not considered that the development would warrant a refusal of planning permission by virtue of the design and the impact of this on the character and appearance of the area

(iii) Effect on neighbouring properties

- 7.7 The development has the potential to impact the neighbouring dwellings No 41, 45, 47, 49, 51 and 53 Chestnut Avenue and the neighbouring dwellings to the south No 45 and No 47 have made comments in relation to the application.
- 7.8 No 45 Chestnut Avenue has made comments that the decking should be lowered to the legally required height in order to reduce the noise and over-looking caused as a result. It is acknowledged that due to the position of the decking on No 43 and the varying land levels that the decking in its current form and height leads to over-looking and a loss of privacy to the properties to the south. The application proposes to install a timber boundary fence between the decking to the south and these neighbouring dwellings to a height above the decking of 1.8m. This is considered to be a sufficient measure which would reduce any over-looking caused as a result of the development and is therefore considered to mitigate the harm caused. The screening height of the boundary would be 2.6m from the ground floor level and a condition shall be included to ensure that the erection of this timber fence is carried out within one month of this decision to ensure the un-neighbourly impact caused is removed.
- 7.9 An additional concern has been raised by No 45 that the proposed fence would not be maintained or retained in its current form. A condition shall be included with the decision to ensure that the proposed fence is maintained and retained in its current form hereafter which is considered to satisfactorily address this concern.
- 7.10 No 41 is the dwellinghouse to the north of the application site and no comments have been made against the proposal. The decking along the north boundary is of a high nature but the screening between the dwellings is increased to approximately 2.5m by a single storey extension to the rear of No 41. Although the decking does extend past this extension to the east the screening between the dwellings is sufficient at 2m high close boarded fencing and as such no significant over-looking occurs as a result and the works are considered to not result in an un-neighbourly impact.
- 7.11 Due to the position of No 43 multiple dwellings to the south have the potential to be impacted by the development and No 47 has submitted comments raising concern with the over-looking and noise that travels. The comments reference that the provision of a 2.6m timber fence may be appropriate to reduce this impact and this is agreed with. The proposed timber fencing proposed along the south side of No 43 would be 2.6m in height from ground level and 1.8m in height from the top of the decking. This is considered to satisfactorily address the concern raised and would ensure that the neighbouring dwellings have privacy levels protected as a result. The development is therefore considered to result in a limited and acceptable impact.

- 7.12 Consequently, whilst it is acknowledged that concerns have been raised in respect of the development subject of this application, it is considered that the proposal is acceptable and would not result in any significant adverse impact on the amenity of the adjacent neighbouring properties which would warrant a refusal of planning permission on this basis.

8 Conclusion

- 8.1 It is considered that following an assessment of the application that the development would not result in a significant adverse impact which would justify a reason for refusal on this basis. Therefore, the development, subject to conditions, is considered to be acceptable and is recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00311 subject to the following conditions:-

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

Block Plan showing position of boundary fence to a height of 2.6m: Received via email 14.06.2018

Location Plan: Plan Reference TQRQM18108141331834

Block Plan showing decked area: Plan Reference TQRQM18108141932797

Photographs of the site: Received 28.03.2018

Supporting Statement including plans and detail: Received 28.03.2018

Reason: - To ensure provision of a satisfactory development.

- 2 Within one month of the date of this decision, the proposed fence panels to the south boundary shall be erected in accordance with the approved plans (Block Plan showing position of boundary fence to a height of 2.6m: Received via email 14.06.2018) and shall be at a height of 1.8 metres, as shown, above the decking level, and 2.6 metres in height from the ground floor. The structures shall thereafter be retained at all times in accordance with the approved details.

Reason: To safeguard the amenities of the locality occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.