
Site Address:	Land to rear of, 17 and 19 Third Avenue Havant PO9 2QR		
Proposal:	Change of use of verge to private garden (retrospective).		
Application No:	APP/16/00116	Expiry Date:	29/03/2016
Applicant:	Mr P Dessent	Team:	Team 1
Agent:		Case Officer:	Stephen Andrews
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is made up of a small parcel of land to the rear of 17 and 19 Third Avenue.

The land originally formed part of a private highway verge that has since been purchased by the owners of 17 and 19 and enclosed by 2m high timber fencing; extending the rear gardens of both properties.

The immediate area is residential in nature, with the private drive adjacent to the application site serving three dwellings. It is understood that the private drive is for access only, with no rights to park their, and is within the ownership of the applicants'.

2 Planning History

None

3 Proposal

Retrospective change of use of verge to private garden (retrospective) and erection of 2m high fencing.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011
CS16 (High Quality Design)

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

FAO Mr P Marshall, Development Engineer - No objection

An initial objection was received by the Highways Authority regarding the double gates opening out over the adopted highway. However, the gates have since been removed and replaced with fencing.

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 6

Summary:

5 letters of objection:

- Adverse effect on public highway
- Fencing straddles highway denying public rights of way
- New vehicular access created
- Double gates open over highway
- Danger and nuisance to residents and highway users
- Encroachment on to highway
- Impact on resident and visitor parking
- Increased traffic
- Devaluation of property prices

Comment:

The double gates have been removed and replaced with fencing as such there is no impact on highway safety from the opening and closing of gates over highway land. The fencing abuts a private driveway within the applicants' ownership. The applicants' have stated that there is a right of way over this land by residents to the south of the site only with no right to park in this area.

The enclosure of the land and erection of the fencing would not result in additional vehicular movement that would be considered unacceptable or harmful to neighbour amenity or highway safety.

Land and property value is not a material planning consideration.

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 streetscene

- (iii) Impact upon residential amenity
- (iv) Highway safety

(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 streetscene

The change of use of the highway verge to private garden land and the erection of 2m high timber fencing in this location is not considered to be unacceptably harmful to the character and appearance of the area. The land is adjacent to a private driveway that affords access rights to three dwellings at the end of a cul-de-sac.

Although the fencing extends further south the boundary treatment would be comparable to other examples of timber fencing found along the southern boundaries of neighbouring properties along Third Avenue and within the cul-de-sac of Grange Close.

The development would therefore be appropriate to the residential area, in terms of its use, design, height and materials used.

(iii) Impact upon residential amenity

The change of use from private highway verge to private garden, with the erection of 2m high boundary fencing would not result in harm to neighbour amenity, by reason of its height and separation distance from immediate neighbours. The fencing runs adjacent to a private driveway, within the applicants' ownership, and affords access rights only to neighbours.

(iv) Highway Safety

The double gates originally included in the development have since been removed and replaced with fencing as such there is no longer an impact on highway safety from the opening and closing of gates over highway land. This has been confirmed by the County Highways team.

The fencing abuts a private driveway within the applicants' ownership. The applicants' have stated that there is a right of way over this land by residents to the south of the site only with no right to park in this area.

It is not considered that the enclosure of the land and erection of the fencing would result in additional vehicular movement or matters that would be considered unacceptable or harmful to neighbour amenity or highway safety.

8 Conclusion

The change of use from private highway verge to private garden land and the erection of 2m high fencing is not considered to be harmful to the character and appearance of the area, neighbour amenity or highway safety. The application is therefore recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00116 subject to the following conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan (1:1250) ID: HMC-00498568
Revised Garden Extension Plan received 25 February 2016
Reason: - To ensure provision of a satisfactory development.