
Site Address:	34 Edgefield Grove, Waterloooville, PO7 8NX		
Proposal:	Change of use from amenity land to residential and erection of fencing around curtilage.		
Application No:	APP/14/00822	Expiry Date:	21/10/2014
Applicant:	Mr A Sharp	Team:	Team 2
Agent:		Case Officer:	Tina Pickup
Ward:	Cowplain		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site relates to a semi detached dwelling located at the head of the cul-de-sac in Edgefield Grove. The residential estate within which it is located is served by a network of footpaths to enable pedestrian ease of movement. One such footpath runs the length of the application site, immediately to the east of the house. The properties in Edgefield Grove are characterised by open plan frontages and this is the case at the application site. The frontage is an open grassed area and whilst the applicant owns the land up to the back edge of the adjacent footpath, the boundary fence is set in such that a grass verge runs adjacent the footpath. This verge varies in width - to the rear the fence is stepped in such that the verge has a maximum width of nearly 4m and then pinches in to 1m wide where it is adjacent the rear corner of the side elevation of the attached garage. There is a street light located within the grass verge just marginally to the north of the application site.

The property on the other side of the footpath, No 15, is set at an angle of 45 degrees to the footpath. The rear/side boundary fence to this property has in the past (owner has advised that planning permission was sought and granted at first occupation following construction in 1988) been constructed parallel to and close to the footpath edge - a hedge is planted between the fence and footpath. Beyond, to the north of the curtilage of No 15, the grass verge returns and opens up the footpath again. Further north again, a 2m fence abuts the footpath where it bounds the curtilage of 33 Cornbrook Grove.

2 Planning History

None at application site

but of relevance is 5 Thresher Close which is to the south west and is the extension of this same footpath:

90/50250/002 - change of use of open amenity land to domestic garden and erection of 1.8m high fence Refused 29/11/90

02/50250/003 - change of use of land including relocation of existing fencing Refused 30/4/02

04/50250/004 - resubmission - also refused for 2 reasons:

1. The proposed change of use and resultant fence alignment position would result in an unacceptable closing of the visual gap between this property and the next property and the public footpath between, thus having an adverse impact on the streetscene and be detrimental to the landscaped treatment of the locality. The development

would therefore be contrary to policies UB3 of the Hampshire County Structure Plan 1996-2011 (Review), ODDI of the Havant Borough Local Plan 1994 and D4 of the . Havant Borough District Wide Local Plan 1996-2011.

2. The proposed change of use and resultant fence alignment position would result in the narrowing of the effective area available for persons to transit the path and the creation of a place in which a person might hide. As such the development is likely to result in an increase in the perception locally of the risk of crime occurring and consequently a loss of amenity to the surrounding residential area. The development would therefore be contrary to the objectives of Circular 5194 - Planning Out Crime, and UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and policies ODDI of the Havant Borough Local Plan 1994 and D4 of the Havant Borough District Wide Local Plan 1996-2011.

Appeal Dismissed 11/1/05

also of relevance a similar application at 33 Cornbrook Grove which is north of the same footpath link:

APP/11/01340 - change of use from public amenity land to private amenity land.
Conditional permission 14/12/11

This application conditioned the submission of boundary treatments which in turn agreed the re-siting of the fence right up to the back edge of the footpath

3 Proposal

The application seeks a change of use of the grass verge (amenity land) to be included within the private rear garden of No 34 Edgefield Grove, with the associated erection of 1.8m high close boarded fencing.

As originally submitted it was not clear precisely where the fence was to be erected. Following a site meeting with the applicant explaining problems with corridor effect and pinch points, he submitted revised plans indicating the exact location of the fencing. This would extend 900mm out from the side of the garage at a point 2.15m back from the rear of the garage, leaving a 200mm gap to the back edge of the footpath. Because the footpath angles away it is proposed to step out the fence some 5.5m back from the rear of the garage, for the remainder of the garden depth. This would result in 2.9m of the grass verge being contained within the rear garden, and the verge reduced to 1m.

4 Policy Considerations

National Policies
NPPF

Core Strategies 2011 forming part of the HBLDF
CS16 (High Quality Design)

Havant Borough Local Plan (Allocations), adopted July 2014
AL1 - Presumption in Favour of Sustainable Development

The Borough Design Guide SPD, Dec 2011

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

5 Statutory and Non Statutory Consultations

Development Engineer - no adverse comments

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: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: **2** from residents to original plans; **1** phonecall following amended plans;
and **1** countering letter from applicant

Summary: well used path; would ruin open nature of estate by making spacious path narrow and hemmed in giving corridor effect; visually un-inviting to walk down; high fencing overbearing; path extends across front of joint driveway between No 13 & 15 & current open plan nature enables full view of persons using path including children on scooters, bikes etc; fence will obstruct view and make dangerous.

1 letter from applicant comments that fence of No 15 has been repositioned hard up to footpath edge for entire length of side elevation; no planning record found on website for such; hedgerow to side of No 15 overhangs path; proposed fence lower than hedge so less overbearing and less than 2m high so does not planning permission in itself; path used by dog walkers and land ends up dog toilet
Following amended plans and applicants letter, the neighbour phoned to express her continued objection to the proposal

Comment: these issues will be discussed below;

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 on footpath and visual amenity of area
- (iii) Planning history of nearby site

- (i) Principle of development

The application site is located within a defined urban area for development plan purposes where the change of use to residential land is considered appropriate in principle, subject to policy and other material considerations.

(ii) Impact on footpath and visual amenity of area

The revised plans indicate that the fence would be positioned to the rear of the house only - it would not be to the front at all and would not therefore be visible from the street scene within Edgefield Grove and would not impact on the open plan nature of the frontage and the character of the area at all. Similarly the absence of any fence in this forward area cannot cause any loss of visibility to the users of the drives of No 13 and 15.

In terms of the impact on the footpath itself, the plans retain a grass verge of between 200mm and 1m wide. This should be sufficient to retain a visual break and avoid a corridor effect. The setting back of the fence will ensure that it is not too overbearing and imposing on users of the footpath. The fear of using a dark narrow footpath and potential crime spots is a consideration, but significantly there is a street light immediately to the north of the proposed fence. This would reduce hiding areas and ensure users of the path have full vision, maintaining their amenity.

It is also noteworthy that the hedge and fence of No 15 opposite ends just after the proposed fence would start - hence there would be a very marginal overlap where the 2 boundary treatments are close reducing the width of the footpath - the pinch point would be small before the grass verge opens up again on the west side returning the sense of openness. When approaching from the north, the fence of 33 Cornbrook Grove abuts and narrows the footpath which then widens out with a substantial grass verge to the east. The existing fence line of the application site includes a stagger/step out and the proposed relocation of the fence would result in a similar step out, just further north and closer to the footpath edge. However the presence of a large bush/small tree in the verge to the north, and the fact that the fence at this point would still be 1m from the footpath edge, would soften the visual impact on approach and as one passed, which would be momentary.

(iii) Planning history of nearby site

As noted above there is a history of refusals and a dismissed appeal for a similar proposal at 5 Thresher Close. Whilst this is very close with similar issues, there are however differences between the two sites. The two dwellings are sited at the same angle i.e. parallel to each other, albeit not immediately adjacent. The footpath between No 5 Threshers and No 9 Edgefield Grove is therefore straight and narrower with the side fence of No 9 Edgefield already located close to the footpath edge (between 0.4 and 0.9m). The proposal resulted in the fence of No 5 being set back from the verge by between 1m and 1.4m but in a straight line narrowing the footpath for its entire length between the 2 properties. The Inspector dismissed the appeal in Jan 2005, considering 2 issues: firstly the character and appearance of the area which was concluded that the footpath would be enclosed to a degree that would materially harm the present feeling of spaciousness; however the second issue, the risk of crime and fear of crime, it was concluded that since the path was overlooked by neighbouring houses this would not be the case. The appeal was therefore dismissed for just the first reason.

It is considered that the current proposal differs materially from the situation at 5 Thresher Close due to the fact that the proposed fence would not be opposite another similar fence - it overlaps a hedge by a short distance and this would be the only 'pinch point'. Furthermore the siting of No 15 at an angle to No 34 creates a sense of space between the dwellings. It is considered that the proposed fence line would not harm this overall sense of spaciousness and character of area. It is also noteworthy

that in August 2011 planning permission was granted for a similar change of use of land with relocated fence immediately abutting the footpath at 33 Cornbrook Grove north of the same footpath.

8 Conclusion

It is considered that, on balance, the change of use of the land is acceptable in principle and the precise location of the fence as proposed by the revised plans ensures that a sense of space is retained and the character of the area unharmed. It is therefore recommended to grant planning permission, subject to the imposition of a condition preventing any shed or outbuilding being erected in the land the subject of this application ie close to the boundary fence, which could otherwise be of a height and location to be imposing on users of the footpath above the fence.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00822

(A)

(B) subject to the following conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no shed, outbuilding or structure permitted by Part 1, Class E of the 1995 Order, as amended, shall be erected within the land to which the change of use to residential curtilage hereby permitted relates, (i.e the particular area of land which was previously outside the fence), without the prior written approval of the Local Planning Authority.
Reason: To prevent the erection of sheds and structures immediately adjacent the hereby approved fence line which could have an overbearing effect on users of the footpath to the detriment of their amenity, and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

1:1250 location plan
Proposed fence line plan with dimensions
Photograph of proposed fence

Reason: - To ensure provision of a satisfactory development.

