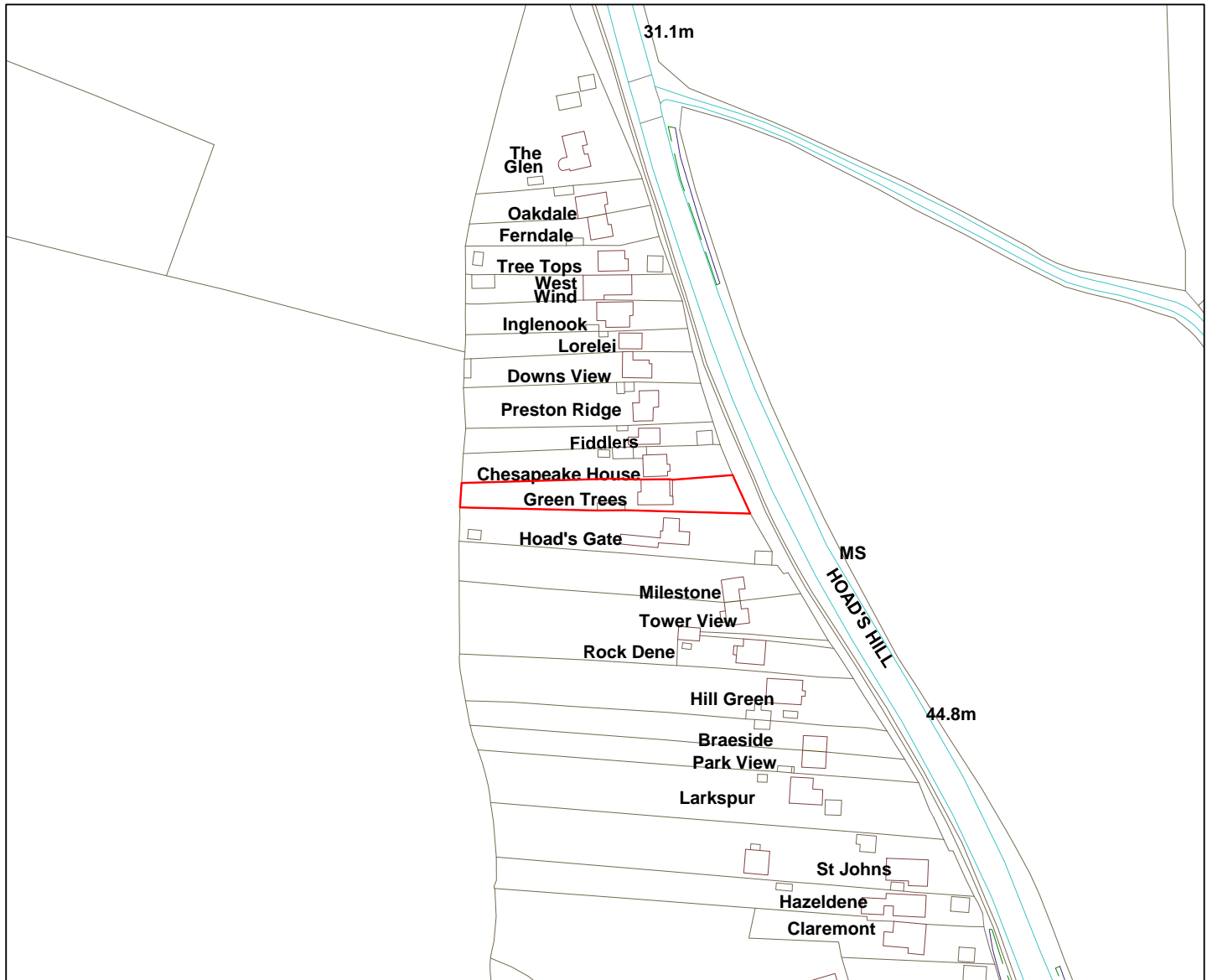


Green Trees, Hoads Hill, Wickham

08/02595/FUL



Winchester
City Council



Legend

Scale:	1:2500



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	03 June 2009
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 6
Case No: 08/02595/FUL / W04063/05
Proposal Description: Erection of boundary fence and decking to rear (retrospective)
Address: Green Trees, Hoads Hill, Wickham, Fareham, Hampshire
Parish/Ward: Wickham
Applicants Name: Mr and Mrs Way
Case Officer: Mr James Jenkison
Date Valid: 23 December 2008
Site Factors:

Recommendation: Application Permitted

General Comments

This application is reported to Committee at the request of Wickham Parish Council, whose request is appended in full to this report.

The existing deck is an unauthorised structure which is considered to be harmful to the privacy of the adjacent property to the north (Chesapeake), due to its proximity to the side boundary and because its elevation above ground level allows overlooking of this neighbouring property.

Previous planning applications for a fence closer to the north boundary, to protect the privacy of Chesapeake, have been considered to have a materially harmful overbearing impact on Chesapeake and refused planning permission.

Amended plans have been submitted showing the entire deck being set back into the application site a further 0.5 metres from the wall of the conservatory.

In the event that this proposal is permitted, it will need to be implemented within a reasonable time frame. If this does not happen, the Council will have to consider instigating enforcement action in respect of the deck in its current form.

Site Description

The application site comprises a deep rectangular plot of approximately 0.138 hectares, occupied by a two-storey detached house which is situated on the west side of Hoads Hill, Wickham. The site and neighbouring premises have a similar character, with deep plots backing onto the fields in the countryside to the rear of the properties.

The back gardens of the application site and neighbouring properties have a gradual downward slope away from the dwellings and towards the fields, allowing extensive vistas of the countryside from houses and adjacent patios over the back gardens of neighbouring properties.

A single storey outbuilding has been constructed, as permitted development, on the south side of the back garden of the application site and proximate to the dwelling. This building prevents inter-visibility between Green Trees and the property of Hoads Gate at the south boundary. A 6.5 metre deep conservatory has also been added to the rear of the house,

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as permitted development.

A large raised deck has been constructed in the back garden of the property without the benefit of planning permission, level with the floor level of the house and stepping down a level deeper within the back garden. The total length of the deck is approximately 14 metres from the end of the conservatory and 21 metres from the main rear wall of the house. The application details show the deck and conservatory set back 1 metre from the north side boundary with Chesapeake House.

Because of the sloping land, the rear section of the deck is raised approximately 1.5 metres from ground level and, because the deck fence is low, this allows a high level of inter-visibility between occupiers of Green Trees and Chesapeake House in the outdoor environment.

Proposal

The proposal would result in the modification of the existing deck by bringing it further back from the common boundary with Chesapeake and it includes the construction of a trellis fence (maximum height 1.8 metres above the level of the deck) along the northern edge of the deck. The fence would run parallel to the site's northern boundary for a distance of approximately 16 metres.

Relevant Planning History

03/03027/FUL - Conservatory to rear, two storey front extension, front porch and pitched roof over existing front dormer window – Permitted – 11/02/2004.

06/03487/FUL - Decking to rear (retrospective) – Refused – 07/02/2007.

07/02759/FUL - Decking to rear (resubmission) – Refused – 13/12/2007.

Planning application ref: 06/03487/FUL was for the unauthorised deck without modification, and planning application ref: 07/02759/FUL was for a fence along the existing north edge of the unauthorised deck.

Representations:

Wickham Parish Council:

Objects to the application, due to the scale and mass of the proposals. The Parish Council also expresses concern regarding the impact of the proposals on the amenity of the northern adjoining property, due to the height of the decking potentially creating increased overlooking.

One letter received objecting to the application, for the following reasons:

- Hedge has grown and now adequately protects the neighbour's privacy;
- Fence will reduce sunlight and outlook and will be out of keeping with the character of the area;
- Fence will be overbearing.

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Relevant Planning Policy

Winchester District Local Plan Review
DP3

Planning Considerations

Principle of development

The principle of creating private outdoor living areas for dwellings, is acceptable.

Design/layout

The wave design of the trellis fence is considered to be appropriate in its context, in that it has an attractive appearance whilst providing privacy between this house and its neighbour. Setting the deck and fence 0.5 metres inward from the sidewall of the houses (and approximately 1 metre from the common side boundary with Chesapeake) will ensure that it is located sufficiently far away from the side boundary to allow effective boundary planting on the application site and continue to allow spacious vistas from Chesapeake, without the fence being a visually intrusive feature. Finishing the fence in a dark stain will also ensure that the fence blends effectively with its surroundings.

Impact on character of area and neighbouring property

The height of the proposed means of enclosure varies along its length and it is acknowledged that it would have some effect on the amenities of the neighbour's garden. At its highest point, the fence would be approximately 2.9 metres above ground level at a point 16 metres away from the rear wall of Chesapeake, and the fence height reduces to a height of approximately 2.3 metres adjacent to the conservatory. This maximum height, along with the set-back from the boundary and proposed planting, will ensure that the fence will not have a materially harmful overshadowing or overbearing impact on the neighbouring property's outdoor amenities or house.

Landscape/Trees

The rear part of the fence will be able to be viewed by the occupiers of Chesapeake above their existing hedgerow. However, the fence will be effectively screened by the existing hedgerow and is able to be screened further by modest boundary planting on the application site.

Conclusion

Setting the deck an additional 0.5 metres from the side boundary, and erecting a fence along it, will effectively protect the privacy of Chesapeake whilst ensuring that the fence does not present a visually intrusive or overbearing structure in vistas from that property. Whilst it is accepted that this may also be achieved by the neighbour's hedge, it is considered that mitigation measures to protect a neighbour's amenity from development should be achieved on the site of the development rather than on neighbouring land.

Recommendation

Application Permitted, subject to the following conditions:

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Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If, within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site in the interests of visual amenity.

3. The trellis fence on the north side of the deck shall be constructed in accordance with the approved plans before the deck hereby permitted is brought into use and thereafter permanently retained in accordance with the approved plans, and shall not at any time be modified unless agreed in writing by the Local Planning Authority.

Reason: To protect the privacy of the occupiers of the adjacent property to the north.

Informatives

1. This permission is granted for the following reason:

The development is in accordance with the policies and proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Winchester District Local Plan Review 2006: DP3