

Item No: 8
Case No: 17/01111/HOU
Proposal Description: Replace and reposition Fence enclosing existing boundary line of the property, 1m in from footpath with planting.
Address: 13 Benenden Green Alresford SO24 9PE
Parish, or Ward if within Winchester City: New Alresford
Applicants Name: Mrs Pascale Asbee
Case Officer: Lorna Hutchings
Date Valid: 25 July 2017
Recommendation: Application Permitted



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General Comments

The application is reported to Committee due to the number of objections.

Amended plans have been received to omit a vehicular access shown from Culley View.

Site Description

13 Benenden Green is a two storey property located on the corner of the cul de sac with a fenced off garden area in the main residential area of Alresford.

Culley View is to the south adjoining Benenden Green and bounds the application site which comprises a small triangle of land in the applicants ownership which is currently open to the road and pavement.

There are some young trees outside of the existing fence line and mature trees overhanging it and within the garden of 51 Jacklyns Lane.
A street lamppost abuts the pavement.

Proposal

A 1.8m close lapped fence (larch or similar) with wooden fence posts to enclose the triangle of land.

Relevant Planning History

None

Consultations

None

Representations:

New Alresford Town Council

- Objects – repositioning of the boundary fence will be detrimental to the Street Scene.

9 objections were received to the application for the following reasons:

- Impact of new access and fence to Highway Safety on a bend
- Existing parking problems exacerbated
- Loss of trees
- Maintenance and impact on overhanging trees
- Loss of wildlife and landscape
- Detrimental impact to character of the area, street scene and openness of area.

0 letters of support received.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
DS1, CP13, CP16.

Winchester Local Plan Part 2 – Development Management and Site Allocations
DM1, DM15, DM16, DM17.

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Supplementary Planning Guidance
Alresford Town Design Statement

Other Planning guidance
None

Planning Considerations

Principle of development

The proposal to erect a new fence and enclosing land to extend a garden area is acceptable in principle as the site is located in the main settlement boundary of New Alresford provided that it accords in its design and siting with the design policies of the Development Plan.

Design and Impact on character of area

The plan shows the existing fence to be removed and then repositioned 1m in from the back edge of the pavement. This will allow for indigenous planting within this gap. It will have the same appearance (close lapped timber) and height (1.8m) as the existing fence which bounds the applicant's site and the highway.

The proposal will enclose a landscaped area which is part of the estate and does contribute to the amenities of the area. However because it will follow in the line of the road moving out the existing fence as part of the fenced boundary along Culley view it's siting is not considered to be obtrusive in the street scene. The mitigation proposed is considered to reduce any harm attributed to the loss of the landscaped space in the public realm.

The enclosure of the space in front of no. 7 Benenden Green was refused in 2009. This proposal would have resulted in a retaining wall with fence above, measuring 3.23 metres in height at its most westerly point on the sloping land and constructed hard up against the boundary of the property to the road. It is considered that the proposed fence is materially different in appearance and impact and therefore will not be overbearing on users of the adjoining highway or result in an unbalanced appearance when viewed from the junction and other viewpoints of Benenden Green and Culley View.

Impact on Neighbouring property

It is not considered that the proposal will have any detrimental impacts on any neighbouring properties. The maintenance of the trees which currently overhang the site onto the applicants land is a private matter.

Landscape/Trees

The existing trees on the application area are not proposed to be removed and will instead be enclosed along with the grassed area. This is considered to have a neutral impact on the vegetation in principle albeit the intensity of the use of the land will increase. There is an opportunity to enhance the biodiversity of the site with the new hedge planting given that it will be a native species. This is to be agreed through condition (04).

Highways/Parking

Amended plans have been received to omit a dropped kerb and vehicular access from Culley Road into the rear / side garden of 13 Benenden Green. A small gap in the hedge and fence is however left for pedestrian access which needs no further highway arrangement for crossover.

The fence does not affect the arrangement of the highway (pavement, roadway, parking) otherwise and therefore there it is not considered that the proposal will have a detrimental impact on parking availability or highway safety.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

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

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

02 The development hereby approved shall be constructed in accordance with the following plans:

Existing and proposed site plan (sk)103 Rev B

02 Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

03 No development shall take place until a plan showing the appearance of the fencing to be erected and sample of the timber showing how it is to be treated to be used in the construction of the external surfaces of the fence hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

03 Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

04 A detailed scheme for landscaping, tree and/or shrub planting for the new boundary hedge 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.

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

Informatives:

1. This permission is granted for the following reasons:

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:-

Local Plan Part 1 Joint Core Strategy: DS1, CP13, CP16.

Winchester Local Plan Part 2 – Development Management and Site Allocations DM1, DM15, DM16, DM17.

National Planning Policy Guidance.

3. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;
-offering a pre-application advice service and,
-updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

4. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

> For further advice on this please refer the Construction Code of Practice
<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

5. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can

commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

6. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

7. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.