

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/00021/FUL
Proposal Description: Retrospective planning approval for a 20m natural wood fence (Height 1.80m) on the eastern boundary of our garden.
Address: 119 May Tree Close Badger Farm SO22 4JF
Parish, or Ward if within Winchester City: Badger Farm
Applicants Name: Mrs Geraldine Burge
Case Officer: Cameron Taylor
Date Valid: 7 March 2022
Recommendation: Application Permitted
Pre Application Advice No

Link to Planning Documents

22/00021/FUL

<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



© Crown Copyright and database rights Winchester City Council License 100019531

Reasons for Recommendation

The development is recommended for permission as it is considered acceptable in terms of its impact on the property and character of the area, would not harm the neighbouring properties residential amenity and does not have an adverse impact on highway safety.

Case No: 22/00021/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

The proposal is therefore in accordance with the Local Plan Part 1 Policies DS1, CP13 and CP20; and the Local Plan Part 2 Policies DM1, DM17 and DM18 and the High Quality Places Supplementary Planning Document (2015)

General Comments

The application is reported to Committee at the request of Ward Councillor Brian Laming, based upon material planning considerations, is shown in Appendix 1

Site Description

The site is located to the north northwest of the junction between Meadow Way and May Tree Close within Badger Farm housing development. The dwelling is a two-storey end of terrace dwelling.

The property fronts May Tree Close with its north elevation, with neighbouring properties in the terrace located to the west. The eastern side boundary also addresses May Tree Close as it turns the corner and the rear of the property addresses Meadow Way to the south.

Proposal

The application is for retrospective permission for the erection of a close board fence to the eastern boundary of the site.

Relevant Planning History

14/02183/FUL - Erection of 1 no new three bedroomed dwelling with new vehicle access and new boundary treatment- Refused - 13.11.2014

Consultations

Consultee:

Hampshire County Council: Highway Authority

- No objection to the 20m wood fence as there is no impact on vehicle or pedestrian visibility

Representations:

Councillors –

- Brian Laming, Badger Farm
 - o Objects to the proposal and requested for the application to go to committee, see appendix 1 for comments.

Badger Farm Parish Council - Objection

- Compromise site lines for traffic entering and leaving May Tree Close

4 Neighbour Objecting Representations received from different addresses citing the following material planning reasons:

- Highways

Case No: 22/00021/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

- Reducing visibility to both vehicles and pedestrians entering and leaving May Tree Close
- Landscape
 - Reducing the amount of verge
- Boundary
 - Not conforming to the properties boundary

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

- Paragraph 47

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

- MTRA1 - Other Settlements in Market Towns and Rural Area
- CP13 - High Quality Design

Winchester District Local Plan Part 2 – Development Management and Site Allocations

- DM1 - Location of New Development
- DM15 - Local Distinctiveness
- DM16 - Site Design Criteria
- DM17 - Site Development Principles
- DM18 - Access and Parking

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020 – 2030

Statement of Community Involvement 2018 and 2020

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is located within the settlement boundary of Winchester where the principle of development is acceptable, provided it is in accordance with the policies of the development plans.

Assessment under 2017 EIA Regulations.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The retrospective development has extended the close board boundary treatment around the boundary of the site. The fencing extends to the east and encloses the area of land between the dwelling and the entrance to May Tree Cottage, which has been confirmed by the Council's Estates team to be in the ownership of the property.

The fencing is readily visible from the public realm and within the street scene, with the access to May Tree Close being located off the eastern boundary to the site and Meadow Way being located to the south. There is a section of land between the site and the road not under private ownership, which is retained as a grassed verge.

The fencing is a continuation of the existing close board fencing running along the boundary to the east of the dwelling, matching its scale and appearance. The fence also is located opposite a mix close board fence and brick wall to the property No.1 May Tree close. Therefore it is not out of character with the surrounding immediate and wider area, having an appearance of a residential boundary treatment.

The area is not shown to be an area designated as open or green space and is in the ownership of No. 119 May Tree Close. The scheme is for a residential fence to the existing residential property and therefore is not encroaching land not owned by the site.

Therefore the proposal is not considered to have any significant adverse harm warranting refusal, and complies with policies DM15 and DM16 of the LPP2.

Development affecting the South Downs National Park

The application site is located over 1km from the South Downs National Park and given the scale of development it is not considered that the proposals will have any impact on the setting of the National Parks in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Historic Environment

The development does not affect a statutory Listed building or structure including its setting, Conservation Areas, Archaeology or Non-designated Heritage Assets including their setting.

Neighbouring amenity

The only neighbouring property adjoining the site is located to the west and is Number 118 May Tree Close. The proposed fencing does not adjoin directly to the neighbouring boundaries with it being located to the east of the property and not encroaching neighbouring boundaries. Therefore it will not cause any significant adverse harm to the surrounding residential amenity, therefore complying with policy DM17.

Sustainable Transport

Case No: 22/00021/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

The proposed closed board fencing will have no impact of highway safety as it does not affect vehicular or pedestrian visibility. Therefore the proposal will not cause harm to highway safety, complying with policy DM18.

Trees

There are a number of trees within the area and adjacent to the new fenceline, however these are not under a tree protection order and given the extent and nature of the development, it will not have an adverse impact on the surrounding trees. The development therefore complies with policy DM15.

Ecology and Biodiversity

The proposal will have no impact on ecology due to the small scale of the development and the nature of the site.

Due to the nature of the development and the distance between the application site and the European Protected Site of the Solent SAC and SPA and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

The fencing is within the curtilage of the property of 119 May Tree Close, with an appearance of a residential fence in-keeping to the character of the area. It does not have any adverse impact on highway visibility. The development is not considered to not have any significant adverse impact to warrant refusal. Therefore the proposal is considered acceptable and accords with the Development Plan.

Recommendation

Application Permitted subject to the following conditions:

Conditions

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

- Site Plan - Received 07.03.2022

Reason: In the interests of proper planning and for the avoidance of doubt.

Case No: 22/00021/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Informative:

1. In accordance with paragraph 38 of the NPPF (July 2018), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance the application was acceptable as submitted and no further assistance was required.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Appendix 1- Councillor Referral letter and comments

City Councillor's request that a Planning Application be considered by
the Planning Committee

Request from Councillor: Brian Laming
Case Number: 22/00021/ ful
Site Address: 119 Maytree Close
Proposal Description: 20 metre Fence
Requests that the item be considered by the Planning Committee for the following material planning reasons: This fence encloses open space land that has been maintained by the city council since the estate was built. This is contrary to the original planning permission. The height and positioning cut down the visibility of the junction to the extent that it is now dangerous. As there is a parking problem in this area, cars park on every conceivable space so this T junction is effectively a single-track road hence visibility is very important. The estate was granted planning permission on the understanding that front gardens are unenclosed. The previous planning application for this site was turned down by this planning committee as an additional drive would cause these problems insurmountable problems. The application is best judged by a site visit which I hope will happen prior to the committee meeting.

- Whilst requests will be accepted up to the determination of the application, Members should make their request as quickly as possible and preferably within the publicity period of the application. Otherwise the case may be determined under delegated powers soon after the expiry of the publicity period. The committee date for the application will depend upon when the request is received in relation to the committee cycle.
- It would be helpful if Members can indicate their preferred outcome to avoid it going to the committee unnecessarily

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

- Members should note that referral of an item to the Committee will require consideration as to whether a declaration of interests and / or pre-determination and bias may be necessary. If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting. *Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests, and on Predetermination or Bias in accordance with legislation and the Council's Code of Conduct.*

Once completed, please email this form to the relevant Planning Case Officer and the Service Lead: Built Environment