

1. Site Description

- 1.1 32 Fishery Lane is a large two storey detached dwelling which has a generous amenity space to the west, which is set back and behind properties fronting Fishery Lane. Access to 32 Fishery Lane is via a long driveway to the north, between 30 and 32a Fishery Lane.
- 1.2 No 32 has a fully hard-surfaced area to the front of the property for the parking of multiple vehicles and to enable such vehicles to enter and leave the site in a forward gear.
- 1.3 The curtilage boundary varies in height and materials along a number of differing shared boundaries. To the north east is a mixture of 2m high timber fencing and 3m hedging. To the north west the boundary comprises 1.8m high timber fencing, the side elevation of No 30 and 3m hedging. To the west is No 32's main private amenity space, laid as lawn and surrounded by 3-4m high hedging. To the eastern boundary is 2m high timber fencing.
- 1.4 Currently a set of 1.2m high 5 bar gates with 1.5m high brick piers denotes the boundary of the vehicular access with the public domain in Fishery Lane; at this point the gravelled drive gives way to a tarmacked apron leading to the footway of Fishery Lane.

2 Planning History

97/52442/002 - Felling of Red Horse Chestnut tree covered by TPO 982. Refused 08/09/1997.

03/57900/000 - Variation of Condition 3 of Planning permission 22521/13 dated 8 May 1981 to allow for the retention of a clear glazed window on the south elevation. Refused 06/05/2003.

03/57900/001 - Application to crown reduce by up to 30%, crown thin by 10% and crown raise to a height of 3m a Horse Chestnut (T1) subject to TPO 0982. Permitted 12/06/2003.

07/57900/002 - Fell a Horse Chestnut tree (T1) subject to TPO 0982. Refused 14/11/2007.

APP/14/00316 - Crown reduce 1No. Horse Chestnut (T1) by 2.8m from the top, 2m from the sides and remove any dead, crossing or epicormic branches; remove lowest limb on east sector back to trunk, subject to TPO 0982. Permitted 30/04/2014

APP/17/01118 - Fell 1 No. Horse Chestnut (T1) subject to TPO 0982. Permitted 24/11/2017.

APP/18/00099 - Erection of 1No. two bed chalet bungalow. (Resubmission.) Refused 27/03/2018.

APP/23/00545 - Application for Lawful Development Certificate for proposed alteration to existing brick piers and replacement of existing gates. Refused 30/08/2023.

3 Proposal

- 3.1 The proposal would increase the height of the existing 1.5m high brick piers to 1.8m to

be rendered white, and to replace the 2 No. 1.2m high 5 bar gates with a pair of 1.8m high solid timber gates. The replacement gates would be set back to the rear of the face of the piers approximately 4m from the edge of the footway. The proposed gates would be stained to match the colour of the existing gate and adjacent fences. The replacement gates would continue to open into the site's driveway.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011
CS16 (High Quality Design)
DM13 (Car and Cycle Parking on Residential Development)

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

Councillor Leah Turner - Hayling East

No comments received

Councillor R Raines - Hayling East

No comments received

Councillor M Coates – Hayling East

Thank you for the information provided - I have had a more detailed read of the delegated report and I would like to Red Card the application for the Planning Committee.

I would be grateful if they could look at points 7.5 and 7.10 on page 5.

On point 7.5 - having visited the area on several occasions I can confirm that there are a few other properties opposite and several yards further west up Fishery Lane with high fencing along their frontages, but not in that section of the road (south side from Marshall Road to the green). It would be out of character with neighbouring houses and change the tone of that part of the lane by the shop.

On point 7.10 - I have concerns about the effect of raising the brick piers and installing gates which are potentially higher than the neighbouring property's hedge frontage. If there is room for manoeuvre here and the overall structure can be lowered so it is flush with the neighbouring frontage, then this would negate most local concerns.

Thank you to the PC for their consideration of the above.

Developer Services, Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul and surface water sewers within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 375 mm public foul sewer and public foul rising main sewer require a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

- The 300 mm public surface water sewer requires a clearance of 3 metres on either side of the public foul sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.

- All existing infrastructure should be protected during the course of construction works. Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:

SouthernWaterPlanning@southernwater.co.uk

Officer comment: *The information supplied by Southern Water shows the nearest public sewers to lie within the highway of Fishery Lane. The proposals in this case will not require any excavation and lie approximately 4m from the highway and are not considered to have any impact on Southern Water's assets as a result.*

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: 13

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 28

Number of representations received: 28 Objections in total, from 21 separate properties have been received. A summary of the points raised are listed below, with most of the points covered in Section 7 below:

- The proposed gates would be out of keeping within the south side of the streetscene of Fishery Lane

- Concerns regarding the design - an eyesore
 - Impact upon the neighbouring property in terms of loss of light to front kitchen window
 - The proposed gates will encourage the loitering and unsafe parking of delivery vehicles to the application site
 - Noise generated by gates during high winds (clattering noise)
 - The gates should be positioned closer to No.32 Fishery Lane
 - Obstruct access to side of neighbouring property for maintenance and repair
- Officer comment:** *This is not a planning consideration and a civil issue between the parties involved.*
- Restrict outlook to neighbouring property
 - Obstruct right of way, not comply with easement deeds
- Officer comment:** *This would be a civil issue with the parties involved; the proposed replacement gates would in any event be placed within the curtilage of the application site.*
- Hinder access for emergency services
 - Concerns regarding visibility for neighbouring property when reversing onto the highway
- Officer comment:** *The position of the access has not changed and the proposal should not material change the position when reversing onto the highway*
- Loss of open space
- Officer comment:** *The proposal would not result in any loss of open space, as the area where the gates are to be erected would be within a private hardsurfaced driveway*
- Loss of privacy to neighbouring property from delivery drivers using their access as a turning point
- Officer comment:** *This would be a civil issue between the owner of the property and the delivery companies.*
- Gives the impression of a high crime area.
- Officer comment:** *Fear of crime may be given some weight as a planning consideration when relevant to the proposals. However, it is worth noting that there are other similar high gates within the immediate streetscene, which do not give the impression that the area suffers from high crime levels, with the proposal being the same.*
- The summer house in the garden is restricting access to drainage and southern water pipes
- Officer comment:** *The summer house is not part of this application and an enforcement investigation found the summer house to fall within permitted development. Any further concerns would be a civil issue.*

7 Planning Considerations

- 7.1 Having regard to the relevant policies of the development plan and all other material considerations it is considered that the main issues arising from this application are:
- (i) Principle of development
 - (ii) Appropriateness of design and impact on the character of the area
 - (iii) Effect on neighbouring properties
- (i) Principle of development
- 7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area

- 7.3 As stated above, the proposal would increase the height of the existing 1.5m high brick piers to 1.8m to be rendered white and to replace the 2 No. 1.2m high 5 bar gate, with a pair of 1.8m high solid timber gates. The proposed gates would be stained to match the colour of the existing gate and adjacent fences. The replacement gates would be set back to the rear of the face of the piers by approximately 0.3m, with a 4m depth from the edge of the footway. This slight increase in depth would be an improvement over the current position.
- 7.4 The proposed gates would continue to open inwards into the front driveway. There is sufficient space within the application site for vehicles to turn and leave the site in a forward gear, so as to ensure the safest access and visibility to the adjacent highway and pedestrian footway.
- 7.5 The locking mechanism of the gate would be an automated system with both a remote control and a video/keypad intercom entry system. The arms to activate the opening would be located on the rear of the gate (with nothing visible from the road), and the intercom would be located on the north western pier. The applicant has stated that should the access need to be used by emergency services in the event of an emergency the intercom system can be overridden and has a battery backup.
- 7.6 The streetscene of Fishery Lane has a mixture of boundary frontages consisting of brick walls, hedging and fencing. It was noted upon a site visit to the property that the properties opposite the application site (No.15 and No.17 Fishery Lane) have installed timber gates and fencing at an approximate height of 1.8m to their frontages (See Appendix F), and therefore it is considered that the raising of the brick piers and replacement timber gates would not be out of keeping within the mixed streetscene and would not have a harmful impact upon the visual amenity of the area.
- 7.7 Furthermore, due to the existing built form and established soft and hard landscaping immediately adjacent to the application site, and the setting back of the gates from the public highway they would only be visible from public vantage points when in close proximity to the application site. Therefore, the visual impacts of the gate on the overall character and appearance of the area would be limited.
- 7.8 The design and appearance of the proposal is therefore deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.9 Concerns have been raised in relation to potential noise from the proposed gates during high winds and stormy weather. This is not a material planning consideration. If during high winds and stormy weather the solid timber gates create a noise disturbance, evidence should be documented and a complaint raised to the Environmental Health Team.
- 7.10 Concerns have also been raised in relation to highway safety from the parking of delivery drivers trying to access the application site. However in the current situation at the site, if the existing gates are closed then there are likely to be similar delays in

such vehicles accessing the site. Furthermore, the proposal would increase the depth of the access set back from the highway by 0.3m – as such, if delivery vehicles were to be parked on the access waiting for the proposed gates to open, this would be a slight improvement over the current situation. As to delivery vehicles parking on the highway, it is considered unlikely that this is the only property within the road and the locality where this is likely to occur, with an expectation that this practice may take place from time to time. If parking on the highway causes an obstruction, this would be a matter for the Police.

- 7.11 A concern has been raised with regard to loss of light to a front window of an adjacent neighbouring property. The proposed gates and piers would have an approximate 2.8m separation distance from the nearest neighbouring window to the front eastern elevation. This neighbouring property is also screened by existing 1.3m high wooden fencing and 1.8m high shrubbery within their property along the shared boundary. It is therefore considered any impact from the proposed gates and piers would be limited and acceptable.
- 7.12 It is therefore concluded that the proposed increased height of the piers and replacement gates would not cause overshadowing or be overbearing to either of the adjoining neighbours, and would therefore not result in any unacceptable impacts on the amenity of neighbouring properties.
- 7.13 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

8 Conclusion

- 8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, would have a limited and acceptable impact on the neighbouring properties and would be acceptable in highway safety terms. On this basis the development is considered to accord with the development plan as a whole, with conditional planning permission recommended.

9 RECOMMENDATION:

That the Executive Head of Place be authorised to **GRANT PLANNING PERMISSION** for application APP/23/00215 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form - Received 20 March 2023
Location Plan - Received 20 March 2023
Block Plan - Received 20 March 2023
Existing Plan - Received 20 March 2023

Existing and Proposed Elevations - Received 20 March 2023
Proposed Plan - Received 20 March 2023
Proposed Location and Block Plan - Received 20 March 2023

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The entrance gates hereby permitted located to the front boundary shall be inwards opening only, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent obstruction of the footway and to promote highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices:

- (A) Location Plan
- (B) Block Plan
- (C) Existing Floor Plan
- (D) Proposed Floor Plan
- (E) Existing and Proposed Elevations
- (F) Photographs of Similar Development