

Planning and Rights of Way Panel 12th September 2023
Planning Application Report of the Head of Transport and Planning

Application address: 27 Moorlands Crescent, Southampton			
Proposed development: Erection of a 6ft fence around front of property (retrospective).			
Application number:	23/00859/FUL	Application type:	Full Planning
Case officer:	Craig Morrison	Public speaking time:	5 minutes
Last date for determination:	31.08.2023	Ward:	Harefield
Reason for Panel Referral:	Five or more letters of support have been received	Ward Councillors:	Cllr Peter Baillie Cllr Valerie Laurent Cllr Daniel Fitzhenry
Applicant: Mr Jamie Risk			

Recommendation Summary	Refuse
-------------------------------	---------------

Community Infrastructure Levy Liable	Not applicable
---	-----------------------

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full – Refuse for the following reason:

Reason for Refusal

The proposed fence by virtue of its height and siting is at odds with the prevailing character of Moorlands Crescent which primarily consists of open plan frontages with low level boundary treatments. The proposal therefore results in harm to the character of the area contrary to saved Policies SDP9, and SDP12 of the City of Southampton Local Plan Review (2015), saved Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) and the relevant guidance contained within both the Council's approved Residential Design Guide SPD (2006) and the National Planning Policy Framework 2021 in respect of good design. Any benefits to the applicant in terms of any perceived improvements to privacy and security would not outweigh the harm identified above. Furthermore, approval would set an unwanted precedent for other sites.

Note to applicant:

As the fence has been erected without planning permission the case will now be passed to Planning Enforcement to resolve.

1. The site and its context

- 1.1 The application site is characterised by a 2 storey building containing 2 flats, one on the ground floor (number 27), and one on the first floor accessed from doors to the side of the building. The area to the front of the building serves as the front garden of the property.
- 1.2 Either side of the property are two similar properties. Elsewhere in Moorlands Crescent the properties are mostly detached dwellings from around the mid-twentieth century.

1.3 The applicant has provided examples of other walls and fences of between 1.8 – 2.0m in height as precedent in support of their application. Closest of these are 5 and 41 Cutbush Lane. These boundaries are on road junctions, and planning permissions have not been granted for these boundaries either. It appears that these are historic boundary treatments that would likely be immune now from planning enforcement action.

2. **Proposal**

2.1 The application is for the retention of a 1.8 metre timber fence that surrounds the front garden. The fence runs the length of the front of the property and sits at the back edge of the footway on Moorlands Crescent, on the shared boundary with number 29 and along the shared path that also serves 24 – 26 Moorlands Crescent. The fence is feather edge in construction with wooden posts.

3. **Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.3 The approved Residential Design Guide (2006) offers guidance on how to deal with applications for fencing. It states the following, which should be afforded significant weight in the determination of this application:

3.11.1

The treatment of boundaries fronting the street will be in keeping with the treatment of other boundaries along the street.

3.11.2

Front boundary treatments should be robust and fit for purpose. Proposals might include hard landscape features such as walls or soft landscape feature such as hedges. The detailed design, materials and colours should be consistent with the predominant positive characteristics of existing boundaries in the street. The use of dwarf walls with pillars, with or without railings or vertical bar galvanised steel railings, and pedestrian entrance gates are encouraged where there is no strong precedent.

3.11.3

Close boarded, woven panelled, or post and rail timber fencing should not be used on or close to boundaries (either front or side) fronting the street.

3.11.4

This type of boundary treatment is not visually attractive nor robust enough for this location and does not allow natural surveillance. The use of dwarf walls and railings as described above is encouraged.

4. Relevant Planning History

4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **8 representations** have been received from surrounding residents, including 6 letters in support and 2 letters in objection. The following is a summary of the points raised:

5.2 Fence would provide greater privacy and security (support) Response

This is acknowledged in this report, but needs to be balanced against other material considerations which are explored in this report.

5.3 Impact on the character of the area (Positive and negative comments received) Response

This is assessed in detail later in this report.

No Impact on Light (support)

Response

Agreed and explored later in this report.

Consultation Responses

5.4 None

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Other Matters;

6.2 Design and Effect on Character

6.2.1 Moorlands Crescent is characterised by houses with front gardens with regular set backs from the road and open front gardens. Where boundary treatments are present these are typically restricted to low boundary walls of less than half a metre in height. The exception to this is the side of the garden of 5 Cutbush Lane which is at approximately 1.8 metres in height, which lies on the south side of the road. There are no records of express planning permission for this fence and it appears the fence has been erected for more than 4 years. 'Permitted Development' (PD - with no need for planning permission) allows for up to 1m in height adjacent to a highway.

6.2.2 The proposal lies on the north side of the road. When viewing the fence it is seen in the context of other properties on that side of the road which have open frontages. The proposed fence is sited immediately at the edge of the pavement and is at a height

considerably in excess of other walls and boundary treatment on the north side of the road. It therefore represents an unduly prominent and alien feature in the streetscene.

6.2.3 The colour of the fence adds to its prominence. The colour could be altered by condition, however it is not considered that a more muted colour would overcome the overall harm identified above. For these reasons the proposal is contrary to saved Policies SDP9, and SDP12 of the City of Southampton Local Plan Review (2015), saved Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) and the relevant guidance contained within both the Council's approved Residential Design Guide SPD (2006) and the National Planning Policy Framework 2021 in respect of good design.

6.3 Residential Amenity

6.3.1 The height of the fence, when combined with the scale and bulk is not considered to result in an unacceptable loss of light or outlook to any neighbouring property.

6.4 Parking highways and transport

6.4.1 The proposal would be sufficiently far away from driveways at 30, and the access to the garages to the rear of the application site, to prevent any obstruction to the view of drivers. The proposal would not therefore have an impact on highway safety.

6.5 Other Matters

6.5.1 The applicant has stated that the fence was installed in order to provide greater privacy and security, and to prevent headlights shining in the windows of the property. It is understood that the front windows of the house contain the living room and kitchen. It is not unusual for these rooms to be on the ground floor of properties and for people walking past houses to be able to see into them and many people use blinds or net curtains to increase their privacy without having to have curtains closed. In regard to headlights, the property is located on a no-through road opposite a family property's driveway. It is not considered that the comings and goings past the house would justify approval of this boundary treatment, and its associated harm to the character and appearance of the area. Privacy within the front garden, which is understood to be the only outdoor space available to the property, could be improved using a fence of 1 metre or below (using PD) and/or a hedge that would have the same effect as the fence without the associated harm identified. For the reasons above, the benefits to the applicant in terms of privacy and reduced disturbance would not outweigh the harm to the character of the area as set out above.

7. Summary

7.1 The proposed fence by virtue of its height and siting is at odds with the prevailing character of Moorlands Crescent which primarily consists of open plan frontages with low level boundary treatments. The proposal therefore results in harm to the character of the area. Any benefits to the applicant in terms of any perceived privacy benefits would not outweigh the harm identified above.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Case Officer Craig Morrison for PROW Panel 12.09.23

Application 23/00859/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development

SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Application 23/00859/FUL

APPENDIX 2

Relevant Planning History

Case Ref	Proposal	Decision	Date
865/29R2/2 7	NEW STREETS SEWERS AND LAYOUT FOR 29 HOUSES REVISED	Conditionally Approved	12.06.1952
1239/10/27	THE ERECTION OF THREE BLOCKS COMPRISING TEN FLATS IN ALL AND TEN GARAGES ON LAND CORNER OF MOORLANDS CRESCENT AND CUTBUSH LANE	Conditionally Approved	26.03.1963
1253/P40/2 7	THE ERECTION OF 7 DETACHED DWELLINGS WITH GARAGES ON LANE CORNER OF MOORLANDS CRESCENT AND CUTBUSH LANE	Conditionally Approved	12.11.1963