

PLANNING APPLICATION REPORT

REF NO: AB/101/10/

LOCATION: 12 Penfolds Place
Arundel
West Sussex

PROPOSAL: Retrospective application for the change of use of land to rear of property to garden land and erection of fencing to enclose the area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The area of land is to the rear of the site abutting the river bank and is enclosed by timber fencing that measures 1.8m in height.
SITE AREA	270 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is enclosed by timber fencing and trellis fencing, 1.8m in height.
SITE CHARACTERISTICS	End of terraced 2 storey dwelling, red brick and and render elevations. Half hipped slate tiled roof. Conservatory to side of dwelling.
CHARACTER OF LOCALITY	Sited at the end of a residential cul-de-sac. Mix of types and styles of residential development. River Arun to east of the site. Properties to the south of the site have east facing rear gardens with boundaries abutting river bank.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Arundel Town Council

No objection.

4 Letters of objection:

The land was not waste land and was used by many local residents on their walks. Why was the fence erected prior to any planning permission. Notice should be put up to notify local residents prior to the construction of the fence. The land should be returned to its natural state, left open and not used as a private lawn. Removes access to land which was previously available to the public. Fence height should be reduced and the area should be turned into a diverse meadow.

Comments on Representations received:

Comments on Town Council Response:
Noted.

Comments on other representations:

Given that the application is retrospective the impact of the fence has been fully considered and it is not considered to obstruct the public footpath. The fence was erected by the applicants to which the Local Planning Authority were unaware. The submitted retrospective application has been advertised with a site notice displayed to the east of the site along the river bank side and within Orchard Place. The applicants have served notice upon the owners of the land who have made no objection to its use as garden land and have permitted a garden licence to the occupants of 12 Penfolds Place. The area is in-keeping with gardens to the rear of properties 14-21 Orchard Place and the scale of land is minimal as to its impact upon the natural appearance and openness of the river bank.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within the built-up area boundary
Tree Preservation Order TPO/AB/2/90

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
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POLICY COMMENTARY

PLANNING

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposed application seeks permission retrospectively for the change of use of the land to the east of 12 Penfolds Place to be used as a private garden together with the erection of timber fencing and trellis to enclose the site. The site abuts the River Arun which is to the east of the site.

The properties to the south of the site (14-21 Orchard Place) have gardens extending up to the river bank with the application site being at the end of this group of dwellings which form the end of the cul-de-sac. To the north of the site is a paddock and grassed area that is overgrown and at present has no notable use.

The gardens to the south which abut the river bank are enclosed by varying boundary treatments with the proposed fencing in-line with these boundaries, therefore in-keeping with the general layout of the gardens to the rear of properties 14-21 Orchard Place. Further, the elevated river bank also reduces the impact of the fencing to ensure that it does not appear as an obtrusive form of development. The change of use of land together with the timber fencing enclosure is considered to be acceptable in that it would not detract from the established appearance of the area nor would it be out of keeping with other properties within the locality.

It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 This permission relates to the following approved plans:

1:1250 Location Plan; 1:500 Block Plan and the Annotated Photo of the fencing.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 2 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7

NATIONAL POLICIES: PPS1

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

- 3 INFORMATIVE: The land subject of this planning permission is not curtilage for the purpose of the Town and Country Planning (General Permitted Development) Order 1995 as amended, and rights under Schedule 2, Part 1, Class E of that order does not apply.