

REPORT UPDATE

Application No: AB/8/10/

Reason for the Update / Changes

Reason for Update/Changes:

Change of description- 'Erection of fencing to rear boundary.'

The fencing to the front boundaries no longer forms a part of the application. Amended conditions and substitute indicative block plan attached.

Officers Comment:

None.

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

Or

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

AB/8/10/

PLANNING APPLICATION REPORT

REF NO: AB/8/10/

LOCATION: 11 Mount Pleasant
Arundel

PROPOSAL: Erection of fencing to front and rear boundaries

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The fencing to the side boundaries of the front garden area of the site would measure 1.5m high to the north side and 1.2m high to the south side.

	The rear northern boundary would be formed of timber larch lap and lattice fencing varying from 1.5m high up to 1.9m high.
SITE AREA	Approximately 115 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Varying timber fencing and red brick walls varying from 1.5m up to 2m high.
SITE CHARACTERISTICS	Mid terraced 2 1/2 storey Grade II Listed Building, flint with red brick quoin elevations. Slate roof, flat roof dormers within front and rear roof elevations.
CHARACTER OF LOCALITY	Sited within the Arundel Conservation Area, mix of types and styles of properties within close proximity. No.7 Mount Pleasant has existing timber trellis fencing on side boundaries of the front garden.

RELEVANT SITE HISTORY

AB/56/94	Dormer windows to front and rear roof slopes and carry out minor internal alterations	Refused 09-08-1994
AB/83/94	To provide dormer windows to front and rear roof slopes and to carry out minor internal alterations	Approve Cond 07-10-1994

REPRESENTATIONS

Representations received:

Arundel Town Council

No objection to the fencing to the rear of the site, but do not consider the fencing to the front of dwelling enhances or conserves the character and appearance of this part of the Conservation Area.

5 Letters of Objection:

Fencing unsightly and inappropriate to the Conservation Area. The rear fencing is out of character with the other boundaries between the neighbouring cottages, predominantly 1.2m high. Height of the fencing given is not accurate when viewed from No.11 Mount Pleasant. Existing picket fencing appropriate to an old cottage. The fencing is overbearing and obtrusive. 1.6m high fencing should be a maximum height for fencing. Obtrusive, overbearing and darkening of No.9 Mount Pleasant. The fencing has caused front zonal loss of light in the lounge. Common law to the entitlement to natural light. Neighbouring habitable room is now poorly lit. Flank north window in the property is not in compliance with building regulations. Newly erected fences should be removed and replaced with less damaging

structures.

Comments on Representations received:

Comments on Arundel Town Council response: The fencing to the front garden is not considered to result in harm or a loss of visual amenity to the surrounding Conservation Area

Comments on Representations:

The fencing to the front garden is not considered to result in harm or a loss of visual amenity to the surrounding Conservation Area nor does its design and scale impact upon the setting of the Grade II Listed Building. The site is located on a hill and the height of the fencing may vary given the orientation of neighbouring properties.

A fence of 2m high could be erected on a boundary of a site if not located within the grounds of a Listed Building, therefore the scale of the fencing is considered to be acceptable to enclose a rear garden, and it is not considered to impact upon the historic setting of the Listed Building.

CONSULTATIONS

Conservation Area Advisory Com

Consultations responses received:

Conservation Area Advisory Committee: Objection to fencing in front garden, should remain at gate height. Impact upon terrace detracts from the Conservation Area.

Comments on Consultation responses:

Comments noted. The proposed fencing within the front garden is not considered to detract from the appearance of the Conservation Area given the design and scale and varying boundary treatments within the front gardens of neighbouring properties.

POLICY CONTEXT

Designation applicable to site:
Within the Built-up Area Boundary
Conservation Area
Grade II Listed Building

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG15	Planning and the Historic Environment

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation 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

PRINCIPLE

The proposed application seeks retrospective permission for timber fencing on the southern and northern boundaries of the front amenity area and timber fencing on the northern side boundary to the rear of the dwelling. The site hosts a Grade II Listed Building and is sited within the Arundel Conservation Area.

It is noted that a boundary fence of 2m high could be erected on the rear boundaries of the site if it was not sited within the grounds of a Listed Building. However given its siting within the curtilage of a Listed Building planning permission is required to ensure that there is no loss of amenity to the setting of the Listed Building.

VISUAL AMENITY

The proposed fencing to the front of the site will be viewed within the street scene, however its design and scale is not considered to detract from the surrounding Conservation Area nor the existing Listed Building and therefore is considered to be acceptable in its siting. The rear fencing is will not be viewed within the street scene and will therefore not impact upon the Conservation Area and is considered to be an enhancement of the previous boundary treatment forming the northern side boundary and therefore enhances the character and setting of the Grade II Listed Building.

RESIDENTIAL AMENITY

The proposed fencing to the rear of the site would be close to neighbouring windows, however given its height of 1.9m the section close to neighbouring window is not considered to result in unacceptable loss of amenity to the neighbouring property by way of the overbearing affect or loss of light.

SUMMARY

The proposed fencing to the rear of the site is considered to be an enhancement to that of the previous boundary treatment and although sited close to neighbouring windows is not considered to result in unacceptable loss of residential amenity to that of the existing rear addition to the property by way of the overbearing affect, loss of light nor be obtrusive to the neighbouring property No.9.

The front fencing would be viewed within the street, however its design and scale is considered acceptable as to not result in a loss of amenity to the Conservation Area nor impact upon the setting of the Grade II Listed Building.

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

- 2 This permission relates to the following approved 1:1250 plan; 1:100 Block Plan (Substitution dated 25-3-2010) and Photo No. 3; 4; 5; and 6.

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.

- 3 **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, AREA2

NATIONAL POLICIES: PPS1, PPG15

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