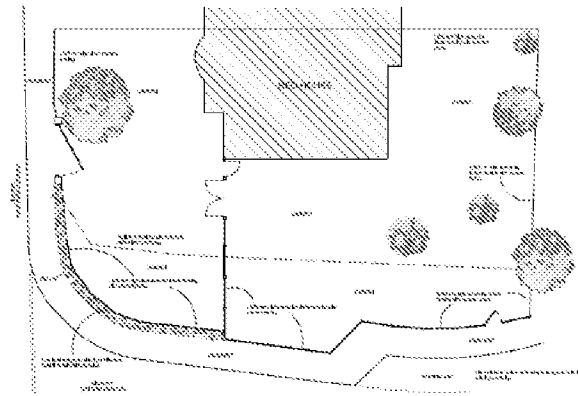


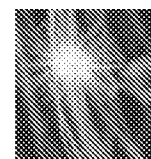
DESIGN & PLANNING STATEMENT

CHANGE OF USE OF LAND TO FORM PART OF RESIDENTIAL CURTILAGE
OF EXISTING DWELLING AND ERECTION OF 1 METRE FENCING TO
FRONT & PART SIDE & 1.985M FENCING TO SIDE (PART), TOGETHER
WITH PROVISION OF 0.5M PLANTED MARGIN BETWEEN FRONT/SIDE
FENCE AND BACK EDGE OF FOOTPATH



RED HOUSE
WESTERGATE STREET
WESTERGATE
CHICHESTER
WEST SUSSEX
PO20 3QZ

April 2017



RLA Planning
On Behalf:
**Sussex
Building
Consultancy
Limited**

Contents Amendment & Checking Record

This report has been issued and amended as follows:

Issue	Revision	Description	Checked	Date	Signed
1	-	Draft	RL	March 2017	RL
2	A	Final	RL/CM	April 2017	RL/CM

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INTRODUCTION

Sussex Building Consultancy has been instructed to seek to regularise the recent enclosure of land adjoining The Red House.

This land has been purchased and is now owned by the applicant. It has previously been laid to grass and has been maintained by the occupiers of The Red House. Since it was privately owned and did not form a part of the adopted highway and was not owned by any public body, the land was not otherwise maintained. It has in the past been the subject of littering and the 'dumping' of various items. The applicant has over time sought to maintain the land in the interests of maintaining a tidy residential environment. Apart from removing deposited objects, the maintenance has been in the form of grass cutting and weed removal.

Following private purchase, the land was enclosed by fencing late in 2016. This enclosure gave rise to contact from Arun District Councils Enforcement Officer who advised that planning permission was required for an alleged change of use and due to the height of the fencing.

In a letter dated 19 January 2017, the Enforcement Officer advised as follows:

As explained yesterday a breach of planning control has occurred in that land outside of the curtilage of the dwelling has now been enclosed and is to be used as garden land associated with the enjoyment of The Red House. This new use requires but does not possess planning permission.

I have discussed the fencing present with my manager (who would be responsible for signing off any planning application received to retain the change and the fencing present). As you are aware, a fence can be erected up to a metre in height and without the need for express consent from the local planning authority in a location which is adjacent to a highway. The fence currently present along the boundary with Olivers Meadow which exceeds 1 metre in height, requires planning permission. It is considered that should you apply retrospectively to retain that part existing, it would be unlikely to receive planning permission in its present position - though this advice is offered to you without prejudice to the ultimate decision made on any application received which would carry the right of appeal. It is therefore recommended that this part of the boundary treatment is either reduced in height so that it is no higher than 1 metre or is taken back from the edge of the highway by at least a metre. If you would like to discuss this issue before you take any decisions please call me on the number supplied. Conversely you may wish to sketch out a revised proposal for consideration before an application is submitted.

The purpose of this planning application is to seek planning permission for the alleged change of use and retention of the fencing, although this application also includes a proposal to relocate the fencing away from back edge of footpath at the front and part of the side of the property so that a 0.5m landscaped margin is provided.

SITE & LOCALITY ASSESSMENT

This statement has been prepared in support of the submitted planning application. The application seeks permission for change of use of the enclosed land to form part of the residential curtilage of the existing dwelling and the erection of 1 metre high fencing to the front and part side of the property. Also, the erection of 1.985m high fencing to part of the side of the property towards the rear. In addition, a 0.5m wide planted margin will be provided at the front of the property and to part of the side. The proposal includes relocation of a significant amount of the previously erected new fencing from its present position therefore.

The application site is located in a prominent position on the south corner of Olivers Meadow. It is comprised of the curtilage of the previously existing dwelling and the enclosed land. The existing dwelling is one of a pair of semi-detached two-storey dwellings, with rooms in the roof space. To the side of the subject dwelling is a single attached garage with flat roof. Existing vehicular access is from Westergate Street and there is parking to the front and to the side/rear of the single garage.

Westergate Street is characterised by a mix of house types, designs and materials. Olivers Meadow is a more recent development and is circa 1980. Opposite the site on the corner to the north is a dwelling of relatively modern design which has been extended towards Olivers Meadow with a two-storey extension. This dwelling is known as The Needles and has a boundary located at back edge of footpath. This is comprised of a wall of approximately 1m in height at the front and part side and also further into Olivers Meadow, a wall of approximately 1.8m to 2m in height.



The Red House as existing with land as enclosed.



The Needles as existing opposite the application site.

Prior to the erection of the newer fencing, The Red House was enclosed up to the boundary of the previously open land by a mixture of fencing of approximately 1m+ to 2m in height. The land which has been enclosed was for the most part laid to grass, with some very limited self-established planting towards the rear of the site within Olivers Meadow, as can be seen from the July 2009 image below. The enclosed land was not formally landscaped.



Westergate Street and also corner locations in the vicinity of the site are often characterised by rear edge of footpath methods of boundary enclosure. These methods include fencing, walling and hedging. In the vicinity of the site, boundary treatments are generally walling and some fencing.

Boundary treatments at junction corners nearby include back edge of footpath fencing and walling. In particular and close by to the north there is Roman Way on the south side of the junction of Westergate Street with Victoria Gardens. The boundary treatment in this location is fencing and is very similar, but of greater height, to that which has already been carried out the application site and is at back edge of footpath. This application however seeks to revise the existing siting of the fencing as described previously and a landscaped margin will be provided. The boundary enclosure at Roman Way is shown on the photographs below.



Further to the north at Barnetts Field is another instance of back edge of footpath enclosure in a corner location and this is shown below.



PLANNING HISTORY & DEVELOPMENT IN VICINITY

Planning permission at The Red House has previously been granted for:

<u>AL/39/08/</u>	The Red House Westergate Street Aldingbourne	Single storey rear extension	Approve Conditionally
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Opposite the application site on the corner of Olivers Meadow to the north planning permission has been granted as follows:

<u>AL/119/04/</u>	The Needles Westergate Street Westergate	2 storey extension to side	Approve Conditionally
<u>AL/38/02/</u>	The Needles Westergate Street Westergate	Victorian Style Conservatory	Approve Conditionally
<u>AL/71/93</u>	The Needles Westergate Street Westergate	Brick wall to rear of property & fronting Olivers Meadow	Approve Conditionally

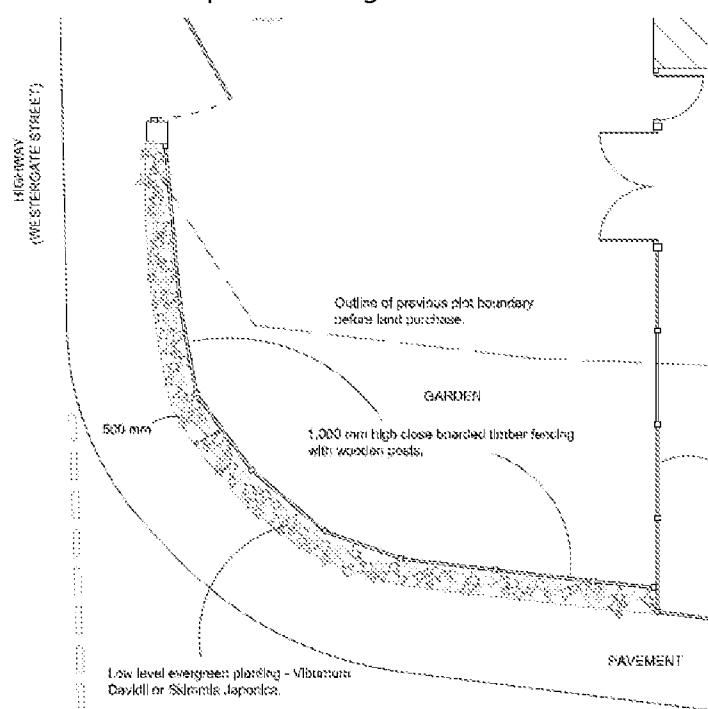
It should be noted that AL/71/93 in particular permitted a brick wall towards the rear of the property and fronting onto (on back edge of footpath) Olivers Meadow. This can be seen in the photographs below.



PROPOSED DEVELOPMENT & DESIGN

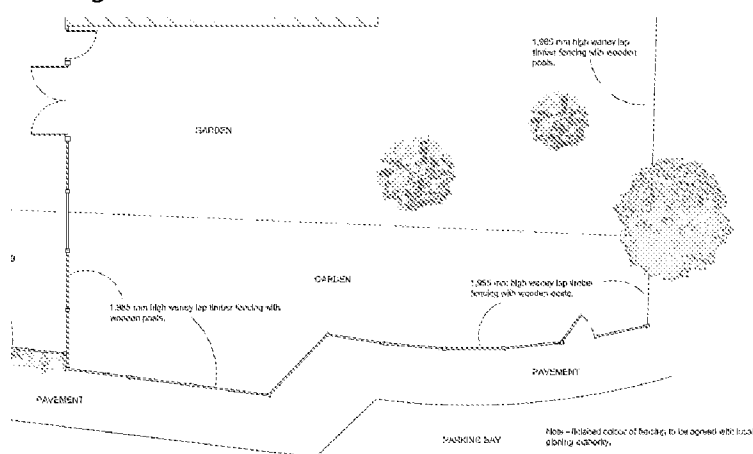
The proposed development has been carefully considered and it should be noted that what is proposed in this submitted application includes a revision to provide for a 0.5m landscaped margin and fencing limited to 1m in height at the front and front/side.

The proposed boundary fence has been limited to 1m in height at the front/side, as suggested by the Council and a planted margin has been introduced.



Extract from Proposed Plot Plan (Front/Side)

Towards the rear side of the site, the fencing remains as erected and is at back edge of footpath. The height remains 1.985m as exists.



Extract from Proposed Plot Plan (Rear/side)

It should be noted that the proposal includes the opportunity for the finished colour treatment of all of the fencing to be agreed with the Council. Should planning permission be granted then a planning condition requiring prior approval of colour would be acceptable to the applicant. It is suggested that such approval is required

prior to relocation of the front/side element of the fencing and that the colour treatment so approved is implemented for the whole of the fencing within 2 months of the date of relocation of the front/side fencing.

In respect of the landscape planting, it is suggested that this is required to be implemented during the next available planting season and that the planting is required to be thereafter satisfactorily maintained. Again, a suitably worded condition would be acceptable to the applicant. Should further details, such as planting density, be required then this could also be included as a requirement of any such condition.

The enclosed land to the side of the dwelling will form an enlargement to the garden/amenity area of the existing dwelling, to meet the needs of the growing family of the applicant in the secure and safe environment which will be provided. The enclosed land will be laid to grass and landscaped. It is not considered that a landscaping condition would be appropriate in respect of what will be the curtilage of a single residential dwelling, although the applicant would be prepared to discuss this aspect should it be considered necessary.

ACCESS

The proposed development will utilise the existing access point to the site off Westergate Street. No changes to access have been made or are proposed and the access point serves the existing dwelling which will otherwise remain unchanged in development terms.

Parking to serve the existing dwelling is in excess of the Councils Standards and remains unchanged. Unrestricted on-street parking is available in the lay-by to the side of the site in Olivers Meadow and which can accommodate up to 3 cars..

Access to the site is flat and level and allows for easy access for the disabled and able bodied.

The application site is a short walk from a range of local services, including a shop and Westergate Street is served by regular buses. The site is highly accessible by foot and by cycles.

SUSTAINABILITY

The proposed development does not give rise to sustainability considerations since it does not intensify the level of development at the site. And does not result in increased traffic generation or increased traffic movements.

Any soil excavated during fence relocation will be either reused on site, or disposed of in an environmentally friendly way.

Porous surfaces will be used for any hard surfacing, although no additional hard surfacing is at present envisaged.

Refuse and recycling bin storage and cycle storage will remain as existing.

POLICY & PLANNING CONSIDERATIONS & POLICY CONCLUSIONS

Policy General

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans, and the Adopted Aldingbourne Neighbourhood Development Plan. The Emerging Arun Local Plan 2011-2031 is also a material consideration.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in the Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of planning applications. Following publication of the Local Plan, a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Development Plan Policies

The key policies of relevance to this application are as follows:

Arun District Local Plan 2003

- ⤴ GEN1 Sustainability
- ⤴ GEN2 Built-up Area Boundary
- ⤴ GEN7 Form of New Development
- ⤴ GEN12 Parking in New Development

Note:

- ⤴ DEV19 Extension to Existing Residential Buildings – This policy does not appear to be relevant in this case since the development proposed is not for an extension to an existing residential building. If DEV19 is considered to be relevant, then the proposed development is in accord with the policy in any event, since it satisfies the criteria set out in the policy.

Emerging Arun Local Plan 2011-2031

- ⤴ SD SP1 Sustainable Development
- ⤴ SD SP2 Built-Up Area Boundary
- ⤴ D DM1 Aspects of Form and Design Quality
- ⤴ D SP1 Design

- ⤴ T SP1 Transport and Development
- ⤴ QE SP1 Quality of the Environment

Aldingbourne Neighbourhood Development Plan 2014-2034

Aldingbourne has a Made Neighbourhood Plan which came into force on 09 November 2016. Relevant Policy is as follows:

- ⤴ EH1 Built Up Area Boundary
- ⤴ H1 Quality of Design
- ⤴ EGH5 Surface Water Management
- ⤴ GA3 Parking and New Development

Note:

The enclosed land is not listed as Local Open Space in Schedule C to the Neighbourhood Plan.

The Red House is not listed as a Building or Structure of Character in Schedules D and E to the Neighbourhood Plan.

West Sussex County Council's Waste and Minerals Plans

- ⤴ Contains no policies of relevance to the proposed development.

The National Planning Policy Framework and National Planning Practice Guidance also contain policy and guidance of relevance to this proposal in the context of design and amenity.

Policy Considerations

The application site is located within the built-up area, where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which the application must be assessed are contained within the Arun District Local Plan which in this case are considered to be policies GEN1, GEN2, GEN7 and GEN12 of the Arun District Local Plan 2003, and policies SD SP1, SD SP2, D DM1, D SP1, T SP1 and QE SP1 in the Emerging Arun Local Plan 2011-2031. These policies seek to prevent development that would have an adverse impact upon visual and residential, adverse impact on the environment, and to secure satisfactory access and parking provision.

The listed policies in the Neighbourhood Plan are also a material consideration.

Policy Conclusions

The development proposed is in accord with Development Plan policies since it meets the criteria and guidelines set out in those policies. The development is also located within an area of dwellings where there is mixed design and materials and where there are also instances of very similar boundary enclosure.

The development does not give rise to adverse impact on the street scene, nor does it give rise to adverse impact on the amenity of surrounding occupiers. It makes a positive contribution to visual amenity by virtue of the introduction on a properly landscaped margin area.

The design is sympathetic to its location and the quality of the visual environment is generally maintained. The design and appearance of the proposal is also consistent with other similar developments in the locality and as described in the statement.

The method of the enclosure of the land has been revised so as to provide for meaningful landscaping which will mitigate visual impact and soften appearance.

The previously existing unenclosed land contributed little to the visual amenity of the area and comprised privately owned undeveloped land which had not been formally landscaped or maintained. The introduction of the landscaped margin will contribute positively to visual amenity and to the appearance of the immediate locality.

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 materially adverse impact on the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding

area.

The proposed design is of a high quality and makes a positive contribution to Westergate Street/Olivers Meadow and the form and appearance of development will respect the street scene and the character of the surrounding area.

The proposal is in accordance with all development related policies in the Development Plan and in accord with all other material considerations. It does not give harm to amenity, or the appearance of the area. We hope therefore the Council will feel it appropriate to grant Planning Permission.

There are considered to be no material considerations nor harm to amenity or other matters which would give rise to a justification for a refusal of planning permission. The proposed development will make a positive contribution to amenity and to the appearance of the area.

OVERALL CONCLUSIONS

The proposal is in accord with adopted policies in the Development Plan and is in accord with advice and guidance in the NPPF and NPPG. It does not give rise to harm to amenity and introduces a positive landscaped element into the street scene.

There are considered to be no material considerations nor harm to amenity or other matters which would give rise to a justification for a refusal of planning permission.