

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: AL/42/21/HH

LOCATION: 32 Lime Avenue
Westergate
Chichester
PO20 3UF

PROPOSAL: Erect a fence along the east side boundary

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The site is detached dwelling on Lime Avenue. This application seeks permission for the erection of timber boarded fence on the eastern boundary measuring 1.8m in height.
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REPRESENTATIONS

Aldingbourne Parish Council:- Object. It will interfere with the amenities of the area and change the nature of the area. Restrictive covenants should be adhered to protect open spaces.

Four letters of representation from the nearby neighbours:

- Impact on open character of the area;
- Due to the relationship between the site and neighbouring properties, there will be significant impact in terms of loss of outlook;
- Highway safety implications;
- Development would spoil the open character of the area;
- Loss of open space.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Built up Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE:**CONCLUSIONS****PRINCIPLE**

The relevant policies in this case are policies D DM1 and H.01 Design Guide.

Policy DDM1 aims to ensure that layout, character, public realm, appearance, attractiveness and design of the development is appropriate to make positive contribution to the character of the area.

Arun's Design guide Part H 01 Definition & Enclosure design states: Boundary treatment can take many forms, including planting, hedges, walls, fencing or a change in materials; and should reflect the character of existing high-quality treatments in the area. This may include traditional flint walls, or railings which can successfully provide enclosure while maintaining views in and out of an area and preventing any loss of light. Close board or panel fencing may not be an appropriate boundary treatment, especially for prominent locations.

Aldingbourne has a made Neighbourhood Plan and there is no policy with direct relevance to this proposal. Equally the emerging Plan due to be made shortly has no plans of relevance.

VISUAL AMENITY

The erection of the boundary treatment would enclose a grassed area adjacent to the highway. The grassed area makes a positive contribution to open character of the locality. The LPA acknowledges that principle of there being similar physical boundary treatments in the vicinity - each case is dealt with on its own merits. Approval of this application would deplete the open character of the area given overall height and position of the proposal. As stated in the design guide (part H - 01) boarded fence may not be considered as an appropriate material and in this case.

NPPF para 130 states "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."

The LPA cannot support this proposal, as the type proposal diminishes the character of the area. The proposal is contrary to the adopted planning policies D DM1 of the Arun Local Plan 2018, Arun District Design Guide SPD 2021 and NPPF.

RESIDENTIAL AMENITY

The development leads to a minor loss of outlook and nearby neighbours would have more enclosed views, if the boundary fence is erected. There are number properties which face the eastern boundary. Overall the proposal would have a small impact on the living condition by loss of outlook but not sufficient to result in a reason for refusal due to conflict with D DM4 of the Arun Local Plan.

CONCLUSION

The erection of a timber boarded fence is an unwelcome addition to the character of the area and fails to respect its open character given the overall height and position. The proposal is contrary to Policy D DM1: 'Aspects of form and design quality' of the Arun Local Plan (2018) Design Guide SPD 2021 and NPPF. Therefore the application is recommended for refusal.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1 The proposed timber boarded fence by reason of its height and position would be visually obtrusive causing harm to the open character of the area. The proposal is contrary to Policy D DM1 of the Arun Local Plan (2018), the Arun Design Guide SPD (2021) and the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.