

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

REF NO: AL/47/20/HH

LOCATION: 12 Lime Avenue
Aldingbourne
PO20 3UF

PROPOSAL: Removal of existing garden fence and reinstatement of same on western boundary of the property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a replacement fence along the boundary of the property.

REPRESENTATIONS

Objection

- The design is not sympathetic to the Neighbourhood Plan policy EH9.
- It does not enhance the landscaping.
- Highlights a need to verify the ownership

No representation received from nearby occupiers.

Comments noted. Policy EH9 refers to Conservation Area and as the property is not within a Conservation Area, it is not relevant to this application.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

None

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

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

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#) Resist development outside

PLANNING POLICY GUIDANCE:

CONCLUSIONS

PRINCIPLE

They key policies considered are D DM1 of the Arun Local Plan.

Aldingbourne has a made Neighbourhood Plan with policy EH1 of relevance with the property within the built up area boundary.

DESIGN AND VISUAL AMENITY

The proposal seeks to remove an existing fence to the side boundary of the property and replace it however it will move slightly further to the west essentially incorporating the grass verge running alongside the property. The fence will have a height of approximately 1.8m.

There is existing planting to the front of the existing wooden fence and therefore the fence is mostly restricted from view.

There are fences visible in the area and nearby properties situated to a corner such as that at No.32 have a fence along the boundary and therefore, the proposal isn't considered to appear out of character for the area.

Whilst the proposal will slightly alter the appearance of the street scene by removing some of the greenery(which does not need permission), the fence is already present and it is not considered the change is such that it will adversely impact the appearance of the street scene in which a refusal is justified. It is therefore considered to comply with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The fence is situated to western boundary which runs alongside the road. Due to the type of development proposed and its siting and height at 1.8m which is the same as existing, it is not considered to result in adverse impacts upon amenity and accord with D DM1 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and recommended for approval subject to the following conditions and informatives.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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.

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 The development hereby approved shall be carried out in accordance with the following approved plans
 - Proposed Site Plan
 - Elevation Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 **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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.