

Recommendation Report for Planning Permission

REF NO: AW/162/17/PL

LOCATION: 15 Keble Close
West Meads
Bognor Regis

PROPOSAL: Change of use of adjacent land to form house garden

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Enclosure of open land between Oxford Drive and Keble Close to become private residential garden with 1.83m close boarded fence.
SITE AREA	Approximately 70m ² /0.01 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to south and west 1.8m wall to east and north (15 Keble Close's boundary wall).
SITE CHARACTERISTICS	Open green space laid to lawn. Open to south bounding Oxford Drive. Detached dwellings to north, west and east.
CHARACTER OF LOCALITY	Open plan, residential estate formed of detached dwellings with low level front boundary treatment, set back from the road with various open green spaces.

RELEVANT SITE HISTORY

AW/155/16/HH	Single storey side extension with raised roof height to existing garage.	ApproveConditionally 05-07-2016
BR/186/58/C/R	Garage	Approve 28-04-1964
BR/429/84	Two storey extension comprising of hall w c and bedroom	ApproveConditionally 06-06-1984

None relevant.

REPRESENTATIONS

Representations received:

No response.

Three letters of representation, objecting on the grounds of loss of open space and detrimental impact on the open character of the area.

Comments on Representations received:

Comments noted.

The officer agrees that the application would lead to the partial enclosure of an important open space of an area characterised by open spaces and low front boundary treatments. The site and estate is covered by an open plan condition, thus this type of development should be resisted as it is considered to be out of character with the established form of development.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary.
Open plan condition.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D SP1 Design
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD10	Aldwick Parish Design Statement
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-

2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Aldwick Parish are not preparing a NDP but does have an adopted Parish Design Statement which is a material consideration.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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

PRINCIPLE

The site is within the built up area boundary so the principle of development is acceptable in line with saved policy GEN2. However, the principle of the enclosure of an open green space in an area covered by an open plan condition is not acceptable given the protected and established open plan character of the area.

DESIGN AND VISUAL AMENITY

The development would enclose an important open green space visible from Oxford Drive contrary to 'development criteria' within Area 15 of the Parish Design Statement. And be contrary to the requirements of GEN7 (iii) which states development will be permitted provided it:-

"demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness;"

The identified characteristics of the site and area are considered to be open plan green space. The development would reduce the open space in the area enclosing it with a high fence out of character with the street scene and established pattern of development in the area. The local distinctiveness of Oxford Drive is considered to be its open character by means of open green spaces, properties set back from the road and lack of/very low level front and side boundary enclosures. As such it is not considered that the proposal would respect local distinctiveness and have a detrimental impact on the established open plan character of the area.

The development is considered to be unacceptable in principle owing to its location, height and resultant loss of an open space in a road characterised as open plan and is recommended for refusal for the following reason:

HUMAN RIGHTS ACT

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.

RECOMMENDATION

REFUSE

- 1 The development by reason of its location, height, size and appearance is unacceptable in principle and would result in the enclosure and partial loss of open space to the detriment of the visual amenity of the established open plan character of the area contrary to saved policy GEN7 of the Arun District Council Local Development Plan 2003 and Area 15 of the adopted Parish Design Statement: Aldwick Parish Council June 2015
- 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 meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.