

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** **AW/184/14/HH****LOCATION:** The White House
 24 Kingsway
 Aldwick**PROPOSAL:** Retrospective application for the erection of a 6 panel, 1.5 m (h) x 1.5 m (w) fence at the north boundary of the property. This application affects the character and appearance of the Craigweil House Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 0.11 hectare.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front has wall with brick pier approximately 1m-1.2m in height, close boarded fencing 1.5m in height the subject of this application.
SITE CHARACTERISTICS	Detached two storey property with attached garage. The property has white painted brickwork, tiled roof with white window frames.
CHARACTER OF LOCALITY	Within the Craigweil House Conservation Area. Private residential estate comprising detached properties of various styles and designs within large plots. Properties are set back from the road with grass verges.

RELEVANT SITE HISTORY

AW/195/89	Loft conversion to existing domestic dwelling	ApproveConditionally 09-10-1989
BR/83/48	Alterations and additions	Approve 13-01-1949
BR/289/76	Erection of garage	ApproveConditionally 02-06-1976

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Members have no objection to the application.

1 Letter of Support

The new fence that has been erected is very similar in design and structure to the adjoining fence at No 26 Kingsway. It will weather over time and look very similar to the fence at No 26 which it adjoins.

3 Letters of Objection (1 from the Craigweil House and its Environs Conservation Area Association)

Fence is located in a prominent position in the estate.

Does not make a positive contribution to their surroundings or the street scene.

Trees and shrubs have been removed and replaced by unsightly and harsh fencing.

The applicant should be ordered to restore to its original form.

Suggest scheme matching that which exists to the west of the entrance gate in brickwork or hedging to restore greening.

Development site is placed between two buildings listed on the Local List Buildings known as a 'Heritage Asset' which play a dominant part in the appearance and character of the Conservation Area.

Stark new fencing with no suggestion that the fencing will be softened by vegetation.

Applicant has no regard for the general appearance of what he has created.

Does not preserve or enhance the Character of the Conservation Area.

As the Conservation Officer is very keen on maintaining the present street scene I do not see how a low open aspect fence can be replaced by a 6ft close boarded fence. Had the original fence been replaced by a similar style of fencing I would not have objected.

Comments on Representations received:

Comments noted

Adverse impact on the character and appearance of the Conservation Area and Area of Special Character is agreed.

CONSULTATIONS

Conservation Officer

Consultations responses received:

This is a retrospective application for replacement fencing along part of the front boundary. As such, the front boundary treatment consists of a mixture of close boarded fencing and a brick wall.

There are two areas of concern; materials and the height of the fence. It is considered that a mixture of materials along one individual property frontage creates a complex front boundary treatment. It is suggested that one material along the entire frontage is used. Both materials are of different heights which jar/conflict with each other. The difference is not minimal and the height of the fencing conflicts with the established brick wall. It is considered that the boundary treatment should better reflect the height of the existing wall, rather than the neighbouring property. These issues of height and materials are further exuberated when looking at the pedestrian gateway where the wall has a brick pier, whilst the fence has a wooden post. It is suggested that a lower means of enclosure is introduced with some form of vegetation (large shrubs, hedging etc.) located behind it which can afford some privacy for the occupants (if this is required).

Relevant policies:

Arun District Local Plan 2003:

Area 1: Areas of Special Character

Area 2: Conservation Areas

GEN 22: Buildings or Structures of Character

Emerging Local Plan 2014:

HER SP1: The historic environment

(HER DM2): Locally Listed Buildings or Structures of Character

HER DM3: Conservation Areas

HER DM4: Areas of Special Character

Relevant SPD's:

Conservation Areas Supplementary Planning Guidance Note

Areas of Special Character Supplementary Planning Document

Buildings or Structures of Character Supplementary Planning Document

Conservation Area Advisory Committee

Materials unsuitable for location, suggest matching brick wall and/or hedging to restore "greening" in accordance with Conservation Statement.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Within Conservation Area

Building of Special Character

Area of Special Character

Tree Preservation Order

No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[AREA1](#)

[AREA2](#)

[GEN2](#)

[GEN22](#)

[GEN7](#)

Areas of Special Character

Conservation Areas

Built-up Area Boundary

Buildings or Structures of Character

The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality

D SP1 Design

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

SPD2

Conservation Areas

SPD2A	Craigweil House, Aldwick, Conservation Area Statement
SPD9	Buildings or Structures of Character

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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters/policies have been published.

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).

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 detrimental impact upon the character and appearance of the Conservation Area and Area of Special Character.

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

PROPOSAL

The property is sited within a private residential estate and within the Craigweil House Conservation Area which is also an Area of Special Character and the property is set back from the road by a grass verge.

The application seeks retrospective consent for the erection of a close boarded timber fence with timber supports to a height of 1.5m. The fence has six panels and is 10m in width and is set back from the highway by a grass verge. It replaced low fencing with overgrown shrubbery.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA OF SPECIAL CHARACTER AND THE CONSERVATION AREA

Policy Area 1 Areas of Special Character of the Arun District Local Plan states that the development should make a positive contribution to the special character and importance of the area which should be protected.

Policy Area 2 Conservation Areas of the Arun District Local Plan states that planning permission will be granted for development that preserves or enhances the character or appearance of a Conservation Area and its setting.

The character of the Craigweil House Conservation Area derives from a strong mixture of styles and ages of properties that are set back from the road frontage creating an open appearance with landscaped verges.

The fencing with wooden posts is at odds with the existing boundary wall to a height of 1m-1.2m and the pedestrian gateway which has a brick pier. It is considered that the fencing creates

differing heights with a mixture of materials that creates a complex boundary treatment.

It was noted that at the time of the officer's visit the adjacent site has a fence of a similar height to the proposal. However, this fence has been in existence for many years and has weathered in time.

Although retrospective consent was granted under AW/187/12 for a 2m close boarded timber fence along the side boundary at No 36 Kingsway comprising 14 panels the site is not located within a prominent location and, as such, its visual impact is considered to be less detrimental to the character and appearance of the Conservation Area. The applicant has advised that he is willing to plant vegetation to soften the appearance of the fencing and with time this planting would mature to soften and eventually screen the fence and reduce the stark visual appearance.

Notwithstanding this, owing to the prominent siting of the fence it is considered that this does not make a positive contribution to the Area of Special Character and does not preserve or enhance the character and appearance of the Conservation Area.

SUMMARY

It is therefore recommended that the application be refused for the following reason.

HUMAN RIGHTS ACT

FOR 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 for 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. and AREA

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal a neutral impact has 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).

RECOMMENDATION

REFUSE

- 1 The introduction of timber fencing 1.5m in height by virtue of its prominent location, materials and height fails to integrate with the existing boundary treatment and the street scene. It does not make a positive contribution to the Area of Special Character in conflict with Policy AREA1 and fails to preserve or enhance the Conservation Area in conflict with Policy AREA2 and GEN7(ii) of the Arun District Local Plan.
- 2 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.