

Recommendation Report for Planning Permission

REF NO: AW/211/19/PL

LOCATION: 1 Wilman Gardens
Bognor Regis
PO21 4BP

PROPOSAL: Variation of condition 2 imposed under AW/256/17/HH relating to approved wall.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to vary the condition which relates to the siting of the boundary wall.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property is open to the front. There is a fence that runs along the south west elevation.
SITE CHARACTERISTICS	The site is occupied by a semi detached house. The property is joined to No.27 Blondell Drive. The property is located to a corner.
CHARACTER OF LOCALITY	The area is predominantly residential. The properties to the rear are bungalows of similar style and design.

RELEVANT SITE HISTORY

AW/11/18/HH	Boundary wall.	Refused 08-03-18 Appeal: Dismissed 22-06-18
AW/256/17/HH	Two storey side extension, single storey rear extension, new boundary wall & new vehicular access.	ApproveConditionally 07-12-17

Relevant planning history noted.

An application for re-siting of the boundary wall was refused and dismissed on appeal in June 2018.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council
An objection

- The application is of poor quality and unclear regarding the height and length of the fence.
- Could not deduce its full intentions.
- Agree not to recommend referral to committee.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Whilst there is a Parish objection due to the application type it does not require attending committee.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary.

Open plan condition.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	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 Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 comply with relevant Development Plan policies in that - that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant 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 proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are D DM1 of the Arun Local Plan.

Aldwick does not have a 'made' neighbourhood Plan however does have a Parish Design Statement with the property located within Area 5.

BACKGROUND

The area is subject to an open plan condition which prevents fences, gates, or any other means of enclosure from being erected forward of the building line without formal consent from the Local Planning Authority. The area is therefore predominantly open plan in appearance. An application was previously refused which proposed to remove the existing boundary wall and construct a fence to sit at the boundary adjacent to the road ultimately removing the grass verge which runs alongside the property. This was also dismissed at appeal with the inspector concluding that the proposal would harm the street scene.

DESIGN AND VISUAL AMENITY

The fence is situated along the south western elevation on a corner to the entrance of Wilman Gardens and is therefore highly visible from the street scene.

The fence has been constructed 0.8m from the road and runs along the full side elevation at approximately 19m. The fence extends also sits further north at approximately 3m to incorporate a recent extension and part of the garden. The re-siting reduces the width of the grass verge which contributes to the open character and appearance of the area.

Whilst the re-siting of the fence does alter the appearance when you enter the street, it is not considered such that the open character of the area is adversely affected as it does not remove the verge as previously proposed and instead retains 0.8m. Trees have also been planted in front of the fence which restricts the view of the new boundary treatment.

It is considered the proposed amendment would not adversely impact the spatial pattern or character of the area and accord with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the siting of the fence, the development is not deemed to give rise to adverse impacts upon neighbouring amenity.

SUMMARY

It is therefore recommended that planning permission be granted in accordance with 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 approved shall be carried out in accordance with the following approved plans.
 - sheet 2 of 2 - Proposed Boundary Wall
 - Block and Location Plan
 - Sheet 4 of 4 - Proposed Roof plan
 - Sheet 2 of 4 - Proposed Elevations and Floor 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.

- 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 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.