

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

REF NO: AW/266/25/HH

LOCATION: Brus Lodge
28 Kingsway
Aldwick
PO21 4DH

PROPOSAL: Proposed creation of new boundary fencing and hedging alongside 2 no. driveway entrance gates, and alterations to the driveway geometry (This application may affect the character and appearance of the Craigweil House Conservation Area).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

AW/343/22/PL	Single storey front infill extension, conversion of garage to habitable use and conversion of two dwellings into one (re-submission following AW/275/22/PL). This application affects the character & appearance of the Craigweil House Aldwick conservation area and is in CIL Zone 4.	ApproveConditionally 13-02-23
AW/275/22/PL	Single storey front infill extension, conversion of garage to habitable use and conversion of two dwellings into one. This application affects the character & appearance of the Craigweil House, Aldwick Conservation Area.	Withdrawn 14-12-22

REPRESENTATIONS

Aldwick Parish Council - No objection.

Arun Conservation Area Advisor Panel - No objection on the basis that it is considered that the proposed works will have a neutral impact on the character or appearance of the conservation area.

No representations received from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER

Brus Lodge is located within the Craigweil Conservation Area. As part of paragraph 194 of the NPPF, local planning authorities should require an applicant to describe the significance of any heritage assets affected as part of their proposals, including any contribution made by their setting, in determining applications. It does not appear that such information has been submitted as part of this application, which ideally should be submitted at the same time as the application. In light of this some comments are provided based on my own assessment/observations.

The conservation area follows the boundary and layout of the estate as prepared by the architect, J. Auty. Most of the estate still bears the sense of being laid out as one unified piece, the street landscape and tree framework intending to create the rather "Arcadian" setting for house designs that would echo after the arts and craft and Tudoresque, and the 1930's aspirations of "a house in the country by the sea".

Whilst the estate has developed over 70 years so that there is a strong mixture of styles and ages of properties, there is generally a low-density character present.

Within Kingsway, a uniform building line dominates the pattern of development along both sides of the road. The properties illustrate distinctive individual designs, expressing a character of grandeur in many instances. The design and style of the properties does vary, illustrating the time periods within which the individual properties were constructed.

The character of Kingsway changes slightly at the curve in the road; the grass verges widen creating a sense of spaciousness. Boundary treatment of the properties varies; there is a variety of brick boundary walls, fences and some properties have open frontages. Younger planting is visible on the verges and miniature trees are present.

Houses are set back from the verges throughout Kingsway with spacing between properties both at ground and first floor levels providing a sense of spaciousness.

Brus Lodge has been identified by the LPA as a Building or Structure of Character, and as a result is a non-designated heritage asset. It is of a style and appearance which is reflective of the older houses on the estate and is constructed using those a mixture of brick and clay tiled elevations.

There are two other non-designated heritage assets close to the site 24 Kingsway and 31 the Drive. Like Brus lodge these were also built as part of the Auty layout and are good examples of the established style of the older houses in the estate. All three houses make a positive contribution to the estate/conservation area character and appearance.

The Proposal

The proposal involves the creation of new boundary fencing and hedging, along with two driveway entrance gates. The plans also indicate an intention to alter the layout of the driveway.

Brus Lodge is a large and somewhat imposing house within the street scene. It is currently highly visible from the road due to the absence of any front boundary walling or fencing. In the immediate area, there is a mixture of front boundary treatments, including walls and fencing.

The introduction of hedging at the front of the property, while reducing views of the attractive building, will also add greenery to the street scene, which is not necessarily out of character. However, it is unfortunate that the height of the hedging cannot be controlled, as ideally it would remain low enough to allow views of this pleasant and positive building.

The gates themselves appear acceptable, albeit somewhat high, but they are not considered harmful. It would be useful to understand how the gates would be treated. Likewise, the proposed alterations to the driveway will have a neutral impact.

On balance, I am of the opinion that the proposal will have a neutral impact on the character and appearance of the conservation area.

Conclusion

The application is considered to not cause harm to the significance of the heritage asset. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments. You will also need to take into account the contents of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

POLICY CONTEXT

Within an area with potentially high ground water.
Craigweil House Conservation Area.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
ENVDM4	ENV DM4 Protection of trees
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site is a detached house at the end of Brus Lodge, 28 Kingsway. This application seeks planning permission for the construction of a new boundary fence and hedge, the installation of two entrance gates, and alterations to the driveway geometry.

The proposed development is sited within a residential area with a wide variety of front boundary treatments of varying design and materials. The area was designed as an open plan estate and retains an open character with wide grass verges. However, within the vicinity there are front boundary treatments in a variety of forms such as walls, and close boarded and ranch style fencing. The proposed design would be in keeping with the established varying character of the area and mixed front boundary treatment street scene.

The proposal would have two separate driveway entrance gates approximately 3.8m wide and

approximately 1.7m high set back 3.7m from the road to the front (northern) boundary of the host dwelling.

The materials used would be timber hinged automated swing gates and timber posts and wire mesh fencing, to support the new hedging planted along the line of the fence, and the existing driveway would minimally extended and would be finished with a 'tar & chip' graveled surface. Notwithstanding this, to ensure that the proposed hedging is planted alongside the fencing, a condition is attached to this consent to require the planting of the *Griselinia Littoralis* hedging to be carried out in the first planting and seeding seasons following the installation of the fence, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The proposal would be visible from the street scene. However, while the proposed new boundary fence, hedge, and two driveway entrance gates would have minimal impact on the openness of the area, similar front boundary treatments are already present along the street. As a result, the proposal would not appear out of place and would integrate well within the existing character of the area. There would therefore be no adverse harm on visual amenity or the character of the area and is in accordance with Arun Local Plan policy D DM1 and the Arun Design Guide (ADG).

NEIGHBOURING RESIDENTIAL AMENITY

The proposal would be set back from the road by approximately 3.7m to the front (northern) boundary of the host dwelling. One set of the entrance gates would be set in approximately 6.4m from the eastern boundary, while a second set of gates would be set in approximately 8.3m from the western boundary. There would be a separation distance of approximately 15.6m between the two entrance gates. The proposed wire mesh fence would abut the existing 1.8m high close board fencing of the neighbouring (eastern) side dwelling; No. 26 Kingsway.

The proposed new boundary fencing, hedging, and two driveway entrance gates would not result in harm on the residential amenity on neighbouring dwellings. Given the nature of the proposal, which comprises boundary treatments only, there would be no adverse overbearing, overlooking, or overshadowing, and is in accordance with policy D DM1 of the Arun Local Plan and the ADG.

HERITAGE

The host property is sited within Craigweil Conservation Area and is a local listed building. As a result is a non-designated heritage asset, and the conservation area is a designated heritage asset. Therefore, the proposal needs consideration under Arun Local Plan policies HER DM2, HER DM3 and HER SP1 and the National Planning Framework (NPPF).

Paragraph 207 of the NPPF (2024), states when determining any planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. A heritage statement was submitted with the application outlining the mitigation measures proposed to avoid harm to the host dwelling and surrounding area with the use materials that reflect other examples of boundary treatment along Kingsway and no proposed changes along the verge, therefore maintaining the character of the street scene.

Paragraph 212 of the NPPF (2024), states that the local planning authority must consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'.

The conservation officer was consulted and raised no objection stating the gates themselves appear acceptable, albeit somewhat high, but they are not considered harmful and that on balance the proposed alterations to the driveway would have a neutral impact on the character and appearance of the conservation area.

The proposed new boundary fencing, hedging, two driveway entrance gates and alterations to the driveway geometry would be appropriately sited within the host dwelling's curtilage and would be suitable in design, form, scale, colour, and appearance. Given existing surrounding front fence and gate boundary treatments the proposal would not result in harm to the character or setting of the conservation area, or the local listed building or structure of character. Therefore, the proposal would be in accordance with Arun Local Plan policies HER DM2, HER DM3 and HER SP1, and the NPPF.

TREES

The application site is located within Craigweil House Conservation Area and so the tree officer was consulted. They identified that the proposal would be within close proximity to two high value ornamentals trees: a Magnolia and a Sweet Gum and recommended a pre-commencement condition be attached to ensure the retention and protection of trees which are an important feature within the Craigweil House Conservation Area.

SUMMARY

The proposed development is in accordance with relevant development plan policies and is 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

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

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:

- Location & Existing Plans.
- Proposed Plan & Street Elevation.

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

- 3 Prior to the commencement of the development hereby permitted, the applicant must submit a report from an arboricultural consultant, inclusive of a Tree Survey Schedule, Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to the Local Planning Authority for approval. Written confirmation of acceptance of both AMS and TPP must be issued before any enabling, demolition or construction works are commenced on site. Subsequent to their approval, all activity at the site is to be carried out in strict accordance with the AMS and TPP.

Reasons: To comply with BS5837:2012 and ensure the retention and protection of trees which are an important feature of the area, in accordance with Arun Local Plan policies ENV DM4 and D DM1. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 4 Landscaping (hard and soft) shall be carried out in accordance with the details shown on drawing number 2.01 (Proposed Plan and Street Elevation). All planting, seeding or turfing, including the planting of the *Griselinia Littoralis* hedging, comprised in the approved details shall be carried out in the first planting and seeding seasons following the installation of the fence, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with Arun Local Plan policies D DM1 and ENV DM4.

- 5 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.