

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

REF NO: AW/323/14/HH

LOCATION: 35 Blondell Drive
Bognor Regis

PROPOSAL: Retention of the extension of existing fencing incorporating parking bay at the back of garden & enclosing parking bay up to garage,

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks planning permission for works which have already been carried out at this dwelling.

A previously existing fence to the side of the property has been replaced and relocated and moved forward and outwards towards Blondell Drive and is now located on the back edge of the footpath. It was previously located slightly back from the footpath with a small margin for planting. The previous fence line has also been relocated further forwards towards the front corner of the dwelling and Nyetimber Lane from its previous position at back corner of the dwelling. In addition, the fence has been moved outwards to enclose what was previously a single rear parking space serving this dwelling, which is located in front of an existing garage. The new fence is slightly set in where it encloses the car space and includes a gate.

The overall result of the fence replacement and relocation has been to significantly increase the enclosed private garden area of the dwelling. The new fencing is approximately 1.8m high.

Additional works have been carried out at the front of the dwelling, which include the provision of a new vehicular access and drop kerb. Part of the front garden has been surfaced in paviors and now provides at least 2 car spaces.

SITE AREA

The site area is 0.04 hectares.

RESIDENTIAL DEVELOPMENT DENSITY	The area is one of medium housing density.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The boundary treatment of the site is as described in the Description of Application section of this report.
SITE CHARACTERISTICS	The site is one of a pair of semi-detached two storey dwellings and is located on the corner of Nyetimber Lane and Blondell Drive. Some of the characteristics of the site (boundary treatment and parking) have already been described earlier in this report. The dwelling is constructed of buff coloured brick with UPVC shiplap clad elements and has a brown concrete tile roof. The new fencing appears to be pressure treated, but of generally a new un-weathered wood appearance and is supported by concrete posts and has a shallow concrete element at the base of each panel. The front parking area is red/orange colour.
CHARACTER OF LOCALITY	The area is a mature development of mainly two storey dwellings, although there are some chalet dwellings nearby. Frontages, except at road junctions are mainly open. Much of the development has an 'open plan' appearance.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council advises that:

Members strongly objected to the application on the grounds that the proposed retention would not sympathetically relate to nor be visually integrated with the existing building in siting, design, form, scale and materials; it would have an adverse overshadowing overlooking or overbearing effect on neighbouring properties and it would compromise the established spatial character and pattern of the street. Therefore Members agreed that the proposed retention is in direct conflict with the Arun District Local Plan 2003, Policy Dev 19 (i), (iii) and (v) and with the Parish Design Statement Area 5 Development Criteria p41'.

2 letters of objection on the following grounds:

1. That the front garden has been paved to provide parking when a garage and parking exists and there is no need to pave over more grassed areas.
2. Deeds include a clause that does not allow walls or fences, exceptions being corner houses which were built with open brickwork walls.
3. Until 2014, no.35 had such a wall which was demolished then replaced by the panelling now applied for and that the new fence is over a foot higher.
4. The new fencing creates a fortress appearance with almost brutalist concrete posts and unremitting wooden panels which are too high and, with the enclosure of land at the front of the house destroys the balance of view at the end of the road.
5. That a precedent would be set if permission was granted.

Comments on Representations received:

Google Street view indicates that in May 2012 the rear garden of the application dwelling was enclosed by a wooden panel fence. The new fence is marginally higher than the previous wooden fence.

Clauses in the deeds of property are not a material planning consideration.

Each case must be treated on its merits or otherwise and the issue of precedent is not a material planning consideration.

Aldwick Parish Council make reference to policy DEV19, this only relates to extensions.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

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
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton

Aldwick does not have a Neighbourhood Area designation and has not prepared a Neighbourhood Plan.

In January 2014 this Council endorsed Aldwick Village Design Statement (AVDS) as a material planning consideration. however, the amendments required to the AVDS have not been made and the document is not yet in use.

AVDS Area 5 Fernhurst Area describes Blondell Drive as:

Like most of the 1960s and 1970s built developments in Aldwick they are in the main a mixture of detached and semi-detached houses, chalet houses and bungalows set in an open plan layout that is typical of the period.

Blondell Drive, Boxgrove Gardens and the numerous cul-de-sacs are in the main a mixture of

detached and semi-detached houses, chalet houses and bungalows set in an open plan layout that is typical of the 1960s.

Area 5 Fernhurst Area Development Criteria include:

Retain open plan aspects of the 1960s developments, avoiding front garden walls; frontage and streetscape should be consistent.

Front boundaries should contribute to overall street scene.

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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties such that it would be reasonable to withhold planning permission, nor would it have an adverse impact upon the established character of the surrounding area such that it would be reasonable to withhold planning permission.

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

Planning permission was not required for the formation of the new access towards the front of this dwelling and the new hard surfaced parking area.

The relocation of the fence proposed together with the increase in the land enclosed by it does result in increased visual impact on the street scene and the locality. The key issue is whether the increased visual impact is such that it results in harm to visual amenity such that planning permission ought not to be granted.

Opposite the site in Blondell Drive the corner plot has a garden enclosed by a brick wall of approximately 1.8m in height and which remains set back from the back edge of the footpath by approximately 1.9m. The fencing the subject of this application is clearly closer to the highway than that opposite, being on the back edge of footpath. However, the fence line was previously 1.9m away from back edge of footpath according to the Ordnance Survey, although Google Street View shows the margin as being approximately 0.2m in May 2012. The increased visual impact is considered to be very limited in the area where the original fencing was located.

This application seeks permission for an increased extent of fencing adjacent to the footpath. the length of fence, including slight set back in front of the garage, has increased from approximately 7m to approximately 16m. The result is an increased visual impact. The issue is whether this is so

detriment as to result in harm to amenity significant enough to justify withholding planning permission. In this context, it should be noted that the fence is still partly set back from the front of the dwelling, which does mitigate impact to a degree.

In considering the present application, it should be noted that at the southern junction of Blondell Drive with Willowhale Avenue there are similar instances of boundaries at back edge of footpath. At no.1 there is a very similar fenced arrangement. At no.2 there is a hedge and a brick wall at back edge of footpath. All are at least 1.8m in height. There is also a boundary hedge at back edge of footpath in a corner location at Gunwin Court.

The present appearance of the fence, apart from its extent and location, is considered to contribute to an increased visual impact. This could be mitigated by painting or treating the fence in a suitable colour so as to reduce visual impact.

Taking into account the appearance of the locality at present, there can be no doubt that the fence the subject of this application results in increased visual impact. However, its location is not dissimilar to other instances of boundary enclosure, including in corner locations. The degree of increased impact is however limited, given the close proximity of the original fence. It is also mitigated by being set back from the front of the dwelling.

It is considered that the visual impact of the increased extent of the new fence would be mitigated by painting or colouring it a suitable colour. Such a treatment would decrease visual impact due to a softening of appearance. Were this to be the case, then it is considered that visual impact would not be of such significant harm that permission ought to be refused.

It is therefore recommended that planning permission is granted with a conditions as set out below.

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 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 (negative, Neutral or positive) 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).

RECOMMENDATION

APPROVE

- 1 Within 1 month of the date of this planning permission details of a paint or stain treatment for the fencing to be retained shall be first submitted to and approved in writing by the Local Planning Authority. The paint or stain treatment so approved shall be applied to the fencing within a period of not more than 2 months from the date of approval of the paint or stain treatment and shall thereafter be maintained.

Reason: To soften the visual appearance of the fencing to be retained in the interests of amenity to achieve a reasonable visual quality in accordance with policy GEN7 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 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.