

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

REF NO: AW/5/21/HH

LOCATION: 22 Pembroke Way
Aldwick
PO21 5PX

PROPOSAL: Fence alongside the side boundary of the house.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a fence to the side of the property.

RELEVANT SITE HISTORY

ENF/143/18	Alleged breach of open plan condition	No Further Actn
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REPRESENTATIONS

Aldwick Parish Council provided an objection:-

- It would compromise the established spatial character of the area.
- It would be a traffic hazard, impeding the view on the bend.
- It conflicts with DDM4 and the Parish Design Statement.

3 letters of objection:-

- It is an open plan estate.
- It would be an eyesore.
- The fence will prevent views on the bend.
- The fence would be out of keeping with the area.
- This would set a bad precedent for the area.
- A previous fence in this location had to be removed.

9 letters of support:-

- The space should be used by the occupiers.
- The fence will look nice on wasted land.
- It will not run along the full boundary and therefore support the fence.
- The decision should be up to the occupier.
- Residents should be able to use their land to their best benefit.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Built up area boundary
PD Restriction - open plan

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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CONCLUSIONS

KEY ISSUES

The key issues to be considered are the design and visual amenity of the area.

PRINCIPLE

The key policy is D DM1 of the Arun Local Plan. Aldwick does not have a Neighbourhood Plan however does have a Parish Design Statement with the property located in Area 15.

DESIGN AND VISUAL AMENITY

The property is on a corner fronting Pembroke Way and Queens Fields West, with a large open space opposite the dwelling. The property features gardens to the front (north), rear (south) and side (east).

The proposal seeks to construct a fence to the east elevation which will incorporate an area of side garden in order to retain it as private garden space. The fence would have a height of 1.8m and extend along the north side by 8.35m, eastern side by 12.2m and 7.85m along the south towards the existing rear garden boundary, occupying a relatively large area.

In the locality, there is a clear open plan character, with very few examples of boundary treatment present except occasional hedging. The fence appears as a prominent feature which due to its location to the side is unduly dominant upon the frontage of the property. As a result, the proposal will be highly visible and is considered to appear unsympathetic and out of character, disrupting the open plan nature of the surrounding area.

Section M.01 of the Arun Design Guide, adopted by Full Council in January 2021, states development should respond to and complement the existing character and appearance. The proposal is not considered to comply with this, being contrary to the existing open character forming a harsh boundary adjacent to the highway.

The Aldwick Parish Design Statement refers to 'grassed areas being a common theme' and 'boundary treatment should not compromise the open character'. The proposal is considered to conflict with this,

adversely impacting upon the open character of the area.

There was also a previous enforcement case at the property which involved a fence that had been put up without planning permission in 2018, located in a similar position to that proposed. This fence, along with a number of others within the area were asked to be removed and this action was complied with.

Due to the location and appearance of the fence, it is considered to negatively impact upon the spatial pattern of the street scene and as a result would disrupt the established open character of the area in conflict with D DM1 (1) of the Arun Local Plan, Arun Design Guide and the Aldwick Parish Design Statement.

RESIDENTIAL AMENITY

Due to the type of development proposed situated to the front of the property, it is not considered to result in harm upon neighbouring amenity.

HIGHWAYS

Due to the location of the fence, it is not considered the fence would result in restricted views upon the highway.

COMMENT ON REPRESENTATIONS

The representations are noted and the planning merits of the case are assessed above.

SUMMARY

The development is deemed to conflict with the relevant development plan policies and is refused for the following reason.

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 fence by virtue of its siting and height would appear as an unduly dominant feature and is contrary to the established open character of the area in conflict with policy D DM1 of the Arun Local Plan, Section M of the Arun Design Guide and the Aldwick Parish Design Statement.
- 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.