

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

REF NO: **AW/91/13/**

LOCATION: 22 The Drive
 Aldwick

PROPOSAL: Front boundary wall and gates

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for a brick wall with wrought iron gates to the front of the dwelling. The wall has been designed so as to link the edge of the detached garage with the shared side fence on the northern side whilst respecting the group of trees on the southern side of the access. This results in a part curved, part straight line. The wall is a mix of heights with the piers set at 1.5m, the gates at 1.3m, the wall itself at 1.0m but topped with wrought iron to the same height as the gates.

The submitted plans also show an area of proposed permeable paved hard standing but this is not included in the submitted application documents and does not form part of this application. An informative will be added to this effect.

TOPOGRAPHY

The site is predominantly flat.

TREES

Tree Preservation Order (Ref 2/1958) covers many of the trees in the Craigweil House area (i.e. those that were present in 1958). The wall will be sited adjacent to a group of trees comprising of 2 Holly's, 1 Oak, 1 Sycamore & 1 Laurel on the southern side of the access and 1 Oak on the northern side. A couple of these appear to be mature enough to have been part of the 1958 Order, in particular, the Oak on the northern side adjacent to the shared boundary.

BOUNDARY TREATMENT

1.2m close boarded timber fence located between 22 The Drive and the neighbour to the north. Opposite the front of the site, 2m high close boarded timber fencing is present as the boundary to the property known as Thalassa Lodge.

SITE CHARACTERISTICS

This is the front 'garden' area of 22 The Drive. Forward of the dwelling is a small detached garage and an area of gravel (or equivalent) which serves as the parking and turning area for the property. In front of this there are two small pieces of grass either side of the access within the applicant's ownership which flow into the adjacent verge.

The access opens out across a 3.5m wide grass verge onto what is effectively a spur to The Drive (but historically served as access to the large dwelling to south known as "Long Furlong". There are 5 mature trees on the grassed area south of the access. Three of these are within the applicant's ownership, the other two on the verge. A 6th tree is also located within the applicant's ownership on the northern side of the access. This is located right up against the boundary with the adjacent property. The existing site frontage has a very open and sylvan character to it.

CHARACTER OF LOCALITY

This short spur road of The Drive is quiet and sylvan in appearance with its own sense of place. The short road serves 22, 24, 26, 28 and 30. The Craigweil House Conservation Area Statement refers to this part of The Drive (but not this small spur road specifically) as:

"Towards its centre section, The Drive curves on approaching the gateway dividing the western and eastern sections. Beyond the gateway, eastwards, the mature trees, planned from the beginning, and shrubs lining the roads and in the gardens create a pleasing sense of enclosure. Properties are set a good distance back from the road in well-established grounds."

Whilst the small spur road leads to a property with a low front wall, and there is a boundary fence opposite, this side of the spur road retains an open natural appearance.

RELEVANT SITE HISTORY

AW/2/88/T	Fell one oak and top and shape one oak	Approve Conditionally 07-03-1988
BR/175/48/A	Conversion of stable to bungalow	Approve 04-11-1949
BR/259/49/H	Conversion of outbuildings to staff quarters	Approve 18-12-1962
BR/869/83	Outline application proposed demolition of Craig Rock & provision of 4 bldg plots retaining Craig Rock Cottage & Long	Withdrawn 25-10-1983
BR/1013/83	Proposed demolition Craig Rock & erection of 2 no 3 bedroom bungalows with double garages	Withdrawn 27-01-1984

BR/91/84	Proposed demolition of Craigrock & erection of 3-3 bedroom bungalow & double garages improved access	Approve Conditionally 20-03-1984
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Application Ref AW/2/88/T was an approval for the felling of one Oak and the Topping & Shaping of a second Oak. Both of these trees are located in the rear garden.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council: Members have no objection to the application.

26 The Drive: No objection. There are 5 properties in this cul-de sac of which one is my own. Two of these properties have walls at their front boundaries, one has a wall and full height fence and one has a fence/trellis. I have no objection to the proposed plan which will allow the owners of the remaining property to enjoy the same privacy and security as their neighbours without destroying the ambience of the surrounds.

Conservation Area Advisory Committee: Objection - would enclose the open leafy character of the Area.

Craigweil House and its Environs Conservation Area Association (CHECAA): Two letters (12/06/13 & 14/06/13) and an email (17/06/13) have been received.

CHECAA contends that the insertion of a hard brick wall at this point will be ugly, unsympathetic to the character of the area and damaging to the special, individual setting of this precious little 'time capsule'. If enclosure is deemed necessary then, following the CA Statement, it may be better and undamaging to have the existing 'pleasing sense of enclosure', described by the English Heritage Historic Areas Adviser, maintained with attractive shrubs. Brick walls and iron fencing - probably bent light steel and not genuine solid Sussex wrought iron - have no place in this location and will represent a destructive, not enhancing element, in our view. Furthermore, we consider, if granted, then compliance with 1m height should prevail.

Nor does the applicant claim to have made a 'positive contribution to the special character of the area' and No.22 The Drive pleasantly and appropriately carries on the much lauded open verge and vegetated boundary as does No. 20 and beyond.

In short, CHECAA is not satisfied that the proposal preserves or enhances the character or appearance of the Conservation Area or its setting nor that it accords with the criteria of Local Plan Policy GEN7.

CHECAA then responded with regard to the tree survey which they do not consider meets the standard BS 5837:2012. CHECAA find the details submitted to be inadequate and are concerned as to the impact on the trees.

In addition, CHECAA have questioned why block paving is shown on the plans where there is none at present and it is not referred to in the application description.

Comments on Representations received:

The comments are noted.

With regard to the plans showing an area of proposed permeable paved hard standing,

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this is not included in the submitted application documents and does not form part of this application. Planning permission would be required for this change. However, I have not sought to amend the application description due to the recommendation being to refuse.

CONSULTATIONS

Conservation Officer
Council's Arboriculturist

Consultations responses received:

Council's Conservation Officer:

The proposal is for a new wall to the front of the property.

The proposal is located within an area of the conservation area that is fairly open in appearance with many trees, greening and softening the locality.

It is the location of these trees that has had a direct impact on the layout of the proposal; the line of the wall is curved to avoid them. This, then, creates an unusually shaped wall on the roadscape which would appear to be somewhat incongruous.

In addition, the wall has the effect of enclosing the private driveway which provides access the property and its neighbours. This is in conflict with the established character.

I would question the location of the wall in respect of its direct impact upon the trees. I assume that the Arboricultural Officer has been consulted and will provide comments.

I note the fact that the plans identify new paving material, but assume that this does not form part of the proposal, since there is no additional information associated with it.

Council Arboriculturist:

The 450mm below ground depth foundations for the wall within the root protection areas would impact directly upon the tree group and therefore the application should be refused consent.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within built up area boundary;
Craigweil House Conservation Area; and
Area of Special Character.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA1	Areas of Special Character
	AREA2	Conservation Areas
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to the character and appearance of the Conservation Area.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

With respect to Conservation Areas, section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposal is not considered to comply with these criteria in that it fails to preserve or enhance the character and appearance of the Conservation Area. In addition, the wall would have an adverse impact on the adjacent trees.

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

Policy AREA2 states that planning permission will only be granted for development that preserves or enhances the character or appearance of the Conservation Area. Policy AREA1 requires that features that make positive contributions to the special character of the area be retained. This includes open spaces. It goes on to say that new development must make a positive contribution to the special character of these areas.

It is considered that the proposed means of enclosure by virtue of both its hard nature and its shape/form (designed as it were to avoid the trees) is unusually shaped and somewhat incongruous in the streetscene. The wall also has the effect of enclosing the frontage of this property to the detriment of the established open character of the streetscene. The justification for the application is to allow pets to be retained in the front garden. This is not considered to be sufficient to allow for approval of the wall contrary to Policy - the dwelling has a rear garden where pets can be let out.

In addition to the direct impact of the wall on the Conservation Area, it is also necessary to consider the impact on the adjacent trees and the indirect impact to the Conservation Area that damage to these might result in. It is clear that the line of the wall has been designed to avoid these trees however the wall will finish on the northern side very close to an existing mature Sycamore Tree. In addition the line of the wall passes close to a group of trees comprising Oak, Holly, Sycamore and Laurel. The Council's Arboriculturist considers that the foundations associated with the line of the wall will have an impact on the root protection areas of these trees and that this will then directly affect the trees. Any damage to these trees could lead to the trees declining and this would also be to the detriment of the character and appearance of this part of the Conservation Area.

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), 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 introduction of the means of enclosure would by virtue of its design, hard nature, shape and position fail to preserve or enhance the character or appearance of this part of the Conservation Area (and Area of Special Character) and is therefore in conflict with the National Planning Policy Framework and Policies AREA1, AREA2 and GEN7 of the Arun District Local Plan.
- 2 The siting of the proposed new wall and gates and the depth of the proposed foundations within the root protection areas, would result in physical damage to the group of trees which are considered to be important in the local landscape, thereby diminishing their health, appearance and longevity in conflict with the National Planning Policy Framework and Policies AREA1, AREA2 and GEN7 of the Arun District Local Plan.
- 3 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
- 4 Please note that 22 The Drive is covered by an Article 4 Direction (Ref 01/2010) which removes the permitted development rights for hardstanding in front garden areas. It was

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noted that a new permeable paved area was shown on the submitted plans but was not mentioned in the description on the submitted application forms.

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