

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

REF NO: A/102/17/HH

LOCATION: 2 Meadowside
Angmering

PROPOSAL: Retention of 1.83m high timber fence to north boundary. Install new 1.83m high timber fence with laurel planting to south facing boundary, reducing to 1m high forward of house. Re-Submission following A/96/16/HH.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The application seeks permission for the removal of the existing hedge and the construction of a 1.83m high timber fence set back 1m from the site frontage to facilitate planting with a laurel hedge. Retrospective permission is also sought for the side boundary fencing forward of the dwelling adjacent to the driveway which is 1.8m dropping to 1m.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The existing boundary treatment of the site is hedging to a height of approximately 1.83m on the western, southern and eastern boundary of the site. The northern boundary of the site forward of the primary elevation features a timber fence to a height of 1.83m reducing to 1m adjacent to the highway. However, no evidence has been found that planning permission has been granted for this fencing forward of the primary elevation which would be in breach of condition 2 of planning approval A/46/63.

SITE CHARACTERISTICS

The site is occupied by a semi-detached two storey brick built dwelling with tile hanging at first floor level and a tiled roof.

CHARACTER OF LOCALITY

The character of the locality is predominantly residential consisting of properties of a similar

design and style. The locality is open in character with an absence of hard landscaping forward of the primary elevations of dwellings with boundary treatments in this location being hedges where present.

RELEVANT SITE HISTORY

A/96/16/HH	Remove 1.83m high hedge bordering the footpath & replace with new 1.83m high timber fence, reducing to 1m high forward of house.	Refused 19-07-2016
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Planning permission was previously refused for fencing forward of the primary elevation under references A/36/60 and A/96/16/HH due to its impact on the open character of the area.

REPRESENTATIONS

Representations received:

Angmering Parish Council

None

One Objection- This would be in open contravention of the open forecourts policy from WSCC. Do not want this to set a precedent for other properties.

Comments on Representations received:

Agreed

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site: Within built area boundary

Open Plan Condition

PD restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7

Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality
SD SP2 Built-Up Area Boundary
Built Form

Publication Version of the Local
Plan (October 2014):

Angmering Neighbourhood Plan 2014 POLICY
HD5

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston;

Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The Angmering Neighbourhood Plan has been made and is considered relevant to the determination of this application.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an 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 application site falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policy. The key policy considerations in the determination of this application are considered to be policy GEN7 of the Arun District Local plan, HD5 of the Angmering Neighbourhood Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The Angmering Neighbourhood Plan identifies the locality of the site as being characterised by open plan front gardens with Condition 2 of planning permission A/46/63 preventing the construction of fences, gates or walls forward of the building line.

It is noted that the fence along the northern boundary has already been erected forward of the primary elevation of the dwelling . Therefore, this fence is considered to be erected in breach of Condition 2 of A/46/63 however it is not considered to cause material harm in terms of visual

amenity since it is at right angles to the boundary and the front section nearest the pavement drops to 1m in height.

An examination of the locality established that the overwhelming majority of boundary treatments in this locality consist of soft landscaping and not one of fences, walls or gates erected forward of the primary elevation of the dwelling as proposed by this application.

The proposed fence will be located in a prominent position on the corner of Meadowside and Greenacres Ring which is a large open corner. Both 33 Greenacres and 2 Meadowside occupy prominent corner plots and have a shared harmonious open character. The design of these properties and their siting creates a symmetry to the junction. The loss of this green hedge (which is not subject to planning control) and its replacement by a solid timber fence has the effect of unacceptably harming visual amenity. Even though it is now proposed to set the fencing back 1m from the site boundary and planting is proposed in front this would take time to establish and the fencing would still be readily visible in the street scene and appear as an obtrusive and discordant feature.

The proposed fence by virtue of its design, location and size is considered to have an unacceptably adverse impact upon the established character of the street scene contrary to policy GEN7(ii) of the Arun District Local Plan and policy HD5 of the Angmering Neighbourhood Plan.

RESIDENTIAL AMENITY

The application site is a corner plot with the fence having been erected adjacent to Greenacres Ring. Given the location of the fence upon the site it is not felt to cause any harm to the residential amenity of neighbours. Therefore, the proposal is considered to accord with policy GEN7(iv) of the Arun District Local Plan.

SUMMARY

The proposed fence is considered to have an unacceptably adverse impact upon the established character of the locality contrary to policies GEN7(ii) of the Arun District Plan, HD5 of the Angmering Neighbourhood Plan and as such is recommended for refusal for the below reason.

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 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 proposed fencing to the southern boundary by virtue of its location, height, siting, colour and materials would appear as an incongruous feature and would have an unacceptable prejudicial impact on the character and appearance of the area in conflict with policy GEN7(ii) of the Arun District Local Plan, policy HD5 of the Angmering Neighbourhood Plan and the National Planning Policy Framework.
- 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 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.