

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

REF NO: A/83/21/HH

LOCATION: North Lodge
North Drive
Angmering
BN16 4JJ

PROPOSAL: Replace fence

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks to install a new fence, gravel boards and concrete posts to replace the existing fencing which is a mixture of timber lap panels and temporary green contractors fencing.

The fence will have a length of approx. 32.m and height of 1.92m.

The materials will consist of concrete gravel boards and posts, wood close boarded fence.

The application is supported by an Arboricultural Assessment Report which concludes the specification of vegetation removal will assist in reducing the impact of the adjacent vegetation on soil moisture levels, thereby potentially stabilising foundations of the dwelling.

Several trees are proposed to be felled, but not all are within the application site and none of the trees are protected. Only a pittosporum and blackthorn within the site are proposed to be felled.

REPRESENTATIONS

No objection from Parish Council.
No representations from nearby occupiers.

CONSULTATIONS

POLICY CONTEXT

Designation applicable to site:
Built up area boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees

PLANNING POLICY GUIDANCE:

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

CONCLUSIONS**PRINCIPLE**

In this case, the key policies are D DM1 and D DM4 of the Arun Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy ENV DM4 relates to protection of trees and requires submission of tree surveys and an arboricultural assessment to ensure that development does not have a negative impact on existing trees.

There are no relevant policies in respect of fencing in Angmering Neighbourhood Development Plan. Further guidance from the Arun Design Guide is relevant and referred to below.

DESIGN AND VISUAL AMENITY

The proposal seeks to construct fencing, gravel boards and concrete posts to the side and rear of the property. The boundary currently consists of timber and heras fencing approx. 1 - 1.4m . The proposed timber fencing is much higher but would be set back from Station Road to the rear of the property. There is currently timber fencing along the site frontage with The Drive and the proposal would be an extension of this.

Although the materials used to construct this proposal do not exactly match the existing and the height is being increased, the fence is not deemed to be out of character with the area due to other properties having fencing surrounding their property and the presence of trees and landscaping along the rest of the verge area and other fencing around the dwelling. It is accepted that some trees are being removed along the Station Road frontage but there are many mature trees to the north and south which will be retained and which provide screening and allow the fencing to be visually integrated into its surroundings. As a result, this proposal, whilst visible from Station Road, will not have an adverse impact on the street scene.

The boundary treatment is not considered to adversely impact the appearance of the area and accords with policy D DM1 of the Arun Local Plan.

The proposal does not result in an adverse appearance on the street scene, or result in a harmful impact upon the host dwelling, and as such, is deemed to be in accordance with D DM1, D DM4(a), (b) and (e) of the Arun Local Plan and J.01 of the Arun Design Guide which outlines that built form and character varies considerably throughout the Arun District as a whole and within the settlement character areas identified in section C.06 of the design guide.

RESIDENTIAL AMENITY

Due to the type of development proposed, with the fencing surrounding the property and essentially replacing existing, the proposal is not considered to result in harm upon neighbouring amenity by way of overbearing or overshadowing and accord with D DM1 of the Arun Local Plan.

The development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

IMPACT ON TREES

The proposal includes a tree assessment which has been undertaken to inform the extent of vegetation removal to improve the stability of the foundations of the dwelling, not to facilitate the replacement fencing. Many of the trees are outside of the application site. Only 2 trees a pittosporum and a blackthorn are within the red edge and included within the list of trees to be felled. Their removal would not significantly affect the visual amenities of the locality. The proposed development does not have an adverse impact on existing trees and accords with policy ENV DM4 of Arun Local Plan.

SUMMARY

The development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

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

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

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 Plan
Site Plan
Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 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 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.
- 4 INFORMATIVE: The applicant is asked to liaise with the Parish Council with regard to replacement of any trees that may be taken down to enable the erection of this fence.