

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

REF NO: BE/117/19/HH

LOCATION: 29 Westfield
Bersted
PO22 9HE

PROPOSAL: Drop kerb to front of property with works to existing wall.

SITE AND SURROUNDINGS**DESCRIPTION OF APPLICATION**

The application seeks to construct a dropped kerb for access to the property. This will involve the removal of part of an existing wall running alongside the property.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bersted Parish Council

Objection

- Restricted visibility for vehicles driving along Rowan Way.
- Safety of pedestrians using the footpath.
- Clear marking need to be used to inform cars of the new entrance/exit.
- The proposed works will disrupt the visual impact of the wall that surrounds the development and set a precedent for others.

No representation received from nearby occupiers.

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC - Raise no highway concerns in principle. The access would benefit from lowering the outer wall to 0.6m for 2m from the eastern side of the access point for visibility. Please amend and reconsult.

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
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The key policies considered are DDM1 and DDM4 of the Arun Local Plan. Bersted has a made Neighbourhood Plan with policy ES1 of relevance to the application.

DESIGN AND VISUAL AMENITY

The proposal seeks a dropped kerb and partial removal of a wall to allow for vehicular access to the dwelling. The dwelling is currently accessed via 'Westfields'. The proposal would allow for direct vehicular access to the property from Rowan Way.

There is however an existing wall which surrounds the development and runs adjacent to the Rowan Way with grass verges running alongside. The wall is around 2m in height and extends a considerable length along the road frontage to Sunningdale Gardens. It is a prominent feature within the street scene.

In order to gain vehicular access to the property, part of the wall is proposed for removal. The section to be removed currently has a small opening for use as a public pathway for access to the properties to the rear of Rowan Way and as such also has a railing which would require removal. For vehicular access to be gained approximately 8.85m of railings and wall is to be removed. As a result of this, the development is considered to give rise to an adverse visual impact upon the spatial pattern of the area, with the existing wall running unbroken in appearance for a considerable distance.

There are also no other similar arrangements within the vicinity in relation to dropped kerbs and as a result, the proposal is considered out of character. The introduction of a dropped kerb may also result in subsequent applications that would result in the Council finding it difficult to refuse which have the potential to significantly change the character and appearance of the area.

Bersted Neighbourhood Plan Policy ES1 refers to development being appropriate for its location. The proposal is considered to conflict with this and it is out of keeping with the local character with no other examples nearby.

With the stretch of wall running uninterrupted for a considerable distance and with no others vehicular openings, the proposal is considered to significantly harm the established layout of the street scene to the detriment of the area and is in conflict with DDM1 (1) of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the type of development proposed, it is not considered to result in adverse impacts upon neighbouring amenity with the proposal situated away from neighbouring dwellings.

SUMMARY

The proposed development is deemed to be in conflict with relevant development plan policies and as such is recommended for refusal.

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 proposal would give rise to development out of character within the area and the removal of the wall would result in a significant harm to the established layout and spatial pattern and character of the street scene in conflict with D DM1 of the Arun Local Plan and ES1 of the Bersted Neighbourhood Plan.
- 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 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.