

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

REF NO: BN/87/26/HH

LOCATION: 38 Hedge End
Barnham
PO22 0JP

PROPOSAL: Fence along driveway between 38 and 39 Hedge End.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

REPRESENTATIONS

Barnham & Eastergate Parish Council - No objection.

2 No. letters of objection received for the following reasons:

- Visibility and safety concerns exiting neighbouring driveway.
- Harm to the aesthetics of the cul-de-sac and potential for more applications.
- Difficulty for neighbours using their driveway.

1 No. letter of support received for the following reasons:

- Panels 1 and 2 would not be parallel to No.39's drive; from panel 3 the height would begin to reduce, with panels 4 and 5 being 1.2m and the fence would be 1.4m from the end of the driveway, retaining visibility.
- Neighbours park their vehicles beside our driveway obstructing exit visibility.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Built Up Boundary Area.

Lidsey Treatment Catchment and LFRZ.

Within an area with potentially high ground water.

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

DDM1	D DM1 Aspects of form and design quality
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
------	------------------------------------

SUPPLEMENTARY POLICY GUIDANCE:**CONCLUSIONS****DESIGN AND VISUAL AMENITY**

The application relates to No. 38 Hedge End, an end-terraced dwelling. It seeks planning permission for the construction of a fence along the southern side boundary, between the driveways of Nos. 38 and 39 Hedge End.

The proposed development is sited within a residential cul-de-sac characterised by terraced dwellings and a variety of high boundary treatments.

The fence would be 9.5m in length and comprise of five panels. The first two panels, projecting from the front porch, would be 1.8m high. The fence height would then reduce in a stepped arrangement, with the remaining panels reducing to 1.2m in height by panels 4 and 5. It is noted that the stepped nature of the proposed fence would not significantly reduce the prominence of the fence within the street scene. The fence would be set back approximately 1.4m from the footpath and comprise of close-boarded timber panels, concrete posts, and concrete gravel boards.

Although the fence would introduce a visible addition to the driveway, it would be viewed in the context of other substantial boundary treatments in the vicinity. In particular, the approximately 1.8m high side boundary fence at No. 9 Hedge End, opposite the application site, which provides a comparable feature in the street scene, along with the existing rear high boundary treatments to Nos. 9 -15 Hedge End. Similar fencing is also present at Nos.30 and 32 Hedge End, where fences appear to have been in situ since at least 2009 and may therefore benefit from immunity from enforcement through the passage of time.

Therefore, the proposed fence would not appear unduly prominent or out of character with the street scene or area and is therefore in accordance with Arun Local Plan policy D DM1.

NEIGHBOUR AMENITY

The fence would be positioned along the southern side boundary between Nos. 38 and 39. Objections have been raised by a nearby occupier in relation to the impact of the fence on neighbouring properties, and these concerns are acknowledged; however, the boundary line runs east to west, therefore any overshadowing would impact the driveway of No.38 and would not result in significant overshadowing to this neighbour. Having regard to its height, stepped profile, and relationship with the neighbouring dwelling, the fence would not result in unacceptable overbearing or overshadowing effects to the neighbouring property.

Given the nature of the proposed development, the proposal would not result in any overlooking or loss of privacy.

The proposal would not result in harm to neighbouring residential amenity by way of overbearing, overshadowing, or overlooking. It is therefore in accordance with Arun Local Plan policy D DM1.

LIDSEY TREATMENT CATCHMENT AREA

The application site is located within the Lidsey Treatment Catchment Area and Lidsey Local Flood Risk Zone, where the management of surface water drainage is a consideration in reducing flood risk in the locality. Therefore, the proposed development needs consideration under Arun Local Plan policies W

DM1 and W DM3 and the National Planning Policy Framework (NPPF).

The proposal is limited to the erection of a fence and would not create additional hardstanding or alter existing ground levels or drainage arrangements. The submitted drainage statement confirms that the driveway and garden surfaces would remain unchanged, with no increase in impermeable area or surface water run-off. Given the nature of the development, consultation with the Drainage Engineers was not necessary.

Therefore, the proposal would have a neutral effect on surface water drainage and would not increase flood risk elsewhere and is acceptable in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

SUMMARY

The proposed development is acceptable in accordance with relevant Development Plan policies and is therefore recommended for approval, subject to 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

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.

CIL DETAILS

This application is not CIL liable.

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.
- Block Plan.
- Block Plan with Proposed Works.
- Fence Elevation.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.