

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

REF NO: BN/99/19/HH

LOCATION: Barnham Court
Church Lane
Barnham
PO22 0BP

PROPOSAL: Erection of a trellis (existing), 1 x vehicular gate (existing), 1 x pedestrian gate (existing), 2 x vegetal pergolas and vehicular gates at both entrances to property. This application may affect the setting of a listed building. This application affects the character and appearance of the Church Lane Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks the retention of existing trellis, vehicular and pedestrian gate. It also proposes a pergola and gates to the front entrance of the property.
----------------------------	---

RELEVANT SITE HISTORY

BN/2/19/L	Listed building consent for an extract vent to kitchen.	ApproveConditionally 01-04-19
BN/20/18/TC	Fell 1No. Lombardy Poplar, 1No. Horse Chestnut, 1 No. Monterey & 1 No. Deodar Cedar. Various surgery to 1No. Ilex Oak, 1No. Monterey Pine & 1No. Horse Chestnut	No Objection 26-07-18
BN/20/10/TC	Fell 1 No Pine tree, fell 1 No Macrocarpa and pruning of various trees within the Barnham Conservation Area	No Objection 02-09-10
BN/2/06/L	Application for Listed Building Consent for a new boiler room on the site of the old derelict boiler room and removal of wood partition in hall room	Approved by DCLG 03-04-06
BN/37/05/TC	Surgery to various trees (Within the Barnham Conservation Area)	No Objection 20-01-06

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

No objection

1 letter of objection from a nearby occupier

- Our objection relates to the new gates proposed.
- If the gates to the right entrance are to be kept open, what is the point in them.
- A condition should be included which states they should be left open.
- We have a right of access which will be interfered with, if the gates are permitted.

Conservation Area Advisory Committee provided no objection.

- There will be a neutral impact on the Conservation Area.

Comments noted. Access is a private matter.

CONSULTATIONS

Engineers (Drainage)

Conservation Officer

Historic England

CONSULTATION RESPONSES RECEIVED:

Engineers(Drainage)- No conditions to request due to the scale of the development.

Conservation Officer - On balance it is considered that the proposal is considered to not cause harm to the significance of the heritage assets or their setting

Historic England - We do not wish to offer any comment.

POLICY CONTEXT

Designation applicable to site:

Outside built up area boundary

Listed Building.

Conservation Area.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

[Barnham & Eastergate Neighbourhood Plan 2014](#) Quality of design

[POLICY ES5](#)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The application site is situated outside the built up area boundary. However the proposal is for alterations to an existing property and therefore the principle of development is considered acceptable and as such will be assessed against relevant development plan policies. The key policies considered are D DM1 of the Arun Local Plan. Barnham and Eastergate have a 'made' Neighbourhood plan with policy ES5 and ES7 of relevance to the application.

DESIGN AND VISUAL AMENITY

The application seeks permission for retention of existing trellis and gates. The trellis is located within a private driveway which leads up to the property and the gates front Church Lane.

The trellis is visible from neighbouring dwellings which are accessed via the private driveway and partly from Church Lane however is considered to appear sympathetic in appearance to the surrounding area and not out of character. The trellis runs alongside a flint wall however is not attached. There is also a vehicular and pedestrian gate fronting Church Lane. The colour of the gates match the paint colour of the wood features of the property, again are not considered adversely out of keeping with the area.

The application also seeks to construct an additional vehicular and pedestrian gate to the front entrance of the property. The gates will be similar in design to that of the existing gates in situ further along the boundary and are at 2.1m in height. The entrance to the left side will be kept shut whereas the right side will be open for access. The gates will attach to existing oaks posts. Whilst relatively high the gates are considered appropriate for the area, in terms of their design, with others evident within Church Lane.

Two pergolas are also proposed which will be located within the front garden and are considered to blend in with the surrounding area.

The existing and proposed development due to the siting and design, is not considered to adversely impact the appearance of the surrounding area and accord with D DM1 of the Arun Local Plan.

CONSERVATION AREA AND LISTED BUILDING

The property is located within Church Lane Conservation Area and is a Grade I Listed Building. Para 190 of the NPPF requires the LPA to consider the significance of the proposal on the heritage assets.

The trellis is already in place and has been designed to support a climbing white rose, which has not been planted yet. It is not attached to the flint walling and forms a standalone structure. It is considered that once the rose has been planted it will have a pleasant effect. The vehicular gate and pedestrian gates have already been installed and are of a design and appearance that does not detract from the established character of the area.

The proposed pergolas will be located between the existing northern and southern hornbeam hedges and form part of the existing garden layout. It is considered that whilst they are large in scale, that they

will complement the existing garden layout and on balance have a neutral impact upon the heritage assets. Additional vehicular gates at both entrances to the property fronting Church Lane will be attached to pre-existing oak posts. These are to be of a similar design to others nearby on the site. The intention to ensure that one set of the gates remains open at all times is supported as it will allow some views of the drive to remain. It is therefore considered that, on balance, the presence of these gates will not harm the character of the local area, nor the setting of the other assets in the local area.

On balance it is considered that the proposal is considered to not cause harm to the significance of the heritage assets or their setting.

RESIDENTIAL AMENITY

Due to the scale and siting of the development it is not considered to result in adverse impacts upon neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with D DM1 of the Arun Local Plan.

SUMMARY

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

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

- Pergolas Front Elevation - 01
- Trellis (existing) - 01
- Pedestrian Gate (existing) - 01
- Gate fronting Church Lane (existing) - 01
- Proposed Gates - 01
- Proposed Pergolas - 16902 Rev B
- Front garden layout including pergolas - 169-01 Rev C
- Email dated 12.2.20 confirming option B

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 The materials and finishes of the external gates hereby permitted shall match in colour and texture to the gates already in existence.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.

- 4 **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.