

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

REF NO: BR/199/21/HH

LOCATION: 38 Victoria Drive  
Bognor Regis  
PO21 2TE

PROPOSAL: Erection of 6 foot fence in front garden following the removal of existing hedge and wall and extend existing dropped kerb

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION      The application seeks to construct a 6 foot fence in front garden following the removal of existing hedge and wall and extend existing dropped kerb.

**REPRESENTATIONS**

Bognor Regis Town Council - No Objection.

No representations received from nearby occupiers.

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

None.

**POLICY CONTEXT**

Built-Up Area Boundary  
2km Buffer for Site of Special Scientific Interest  
Pagham Harbour Zone B

**DEVELOPMENT PLAN POLICIES**

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

DDM1      D DM1 Aspects of form and design quality

**PLANNING POLICY GUIDANCE:**

NPPF      National Planning Policy Framework  
NPPG      National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD13      Arun District Design Guide (SPD) January 2021

## CONCLUSIONS

### PRINCIPLE

The key policy considered is D DM1 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.

The Council has an adopted Design Guide which seeks to protect the character and appearance of the District from inappropriate development.

Bognor Regis has a made Neighbourhood Plan however none of its policies are relevant to this application.

### DESIGN AND VISUAL AMENITY

The location is residential in character with properties running along Victoria Drive road. The boundary treatments are a mixture of low brick walls with fencing and or hedging above, low brick walls, railed fence walls or hedges.

The application seeks to erect a 1.83m high wooden boundary fence to front (west) boundary of property to replace existing hedge and low brick wall.

The fence would be 3m away from the highway edge.

Due to the siting to front (west) the fence will be highly visible from street scene. Due to the height and scale of fence it is not in-keeping with surrounding properties and out of character within surrounding area so adversely impacts character of area so conflicts with policy D DM1 of the Arun Local Plan.

Whilst neighbouring property number 40 Victoria Drive to north has a wooden boundary fence, it is at a lower height and retains existing hedging. The proposed fencing is at a much greater height and the removal of the existing hedge/wall is out of character within surrounding area so conflicts with policy D DM1 of the Arun Local Plan and the Arun Design Guide.

There is an existing dropped kerb to front. The proposed extension to dropped kerb is not out of character within surrounding area.

### RESIDENTIAL AMENITY

Due to the proposed fencing to be sited to front (west) boundary it will not adversely impact neighbouring amenity due to properties to front being set back from location of proposed fencing to front.

### SUMMARY

The proposed new fence to front (west) boundary by reason of its siting, height and scale will adversely impact surrounding character of area. The boundary fencing would cause adverse impact upon street scene. It would therefore cause unacceptable harm to the visual amenity of the area, in conflict with policy D DM1 of the Arun Local Plan.

The application is therefore recommended for refusal for the following reason.

## 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 new fence to front (west) boundary by reason of its siting, height and scale will have an unacceptable impact on the appearance and character of the surrounding area in conflict with policy D DM1 of the Arun Local Plan and the Arun Design Guide.
- 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(s) 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.