BR/21/07

PLANNING APPLICATIONS REPORT

DESCRIPTION/ ADDRESS	-	First floor extension and change of use of highway verge to private garden to include provision of 1.8m close boarded fencing 1 Brook Close Bognor Regis West Sussex

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	First floor side extension to measure (at maximum) approximately; 7.5m in height, 8.3m in length, and 5.1m in width Change of use of parcel of land to side of No. 1 Brook Close currently utilised as highway verge to be incorporated into residential garden Erection of close boarded fencing to south and front/rear boundaries
SITE AREA	440 square metres approximately
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominately flat
TREES	None affected
BOUNDARY TREATMENT	Boundaries mixture of undefined grass verge and fencing approximately 1 – 1.8m in height
SITE CHARACTERISTICS	Semi-detached two-storey property with walls and brown tiled roof
CHARACTER OF LOCALITY	Residential

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
None		

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Bognor Regis Town Council	~~Awaited~~ No objection
LOCAL GROUPS	None
Six letters of objection	• Highway hazard and health and safety risk resultant from reduced visibility of fencing at junction of Brook Close and Amberly Drive – existing parking conditions restricts visibility. Nearby schools exacerbate risk • Who owns the grass verge? Arun District Council and

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	West Sussex County Council? Are the owners buying or just taking land over. How much are they paying? • Self build scheme in the early 1906s means residents are still paying off the monies owned (i.e. grass verge) in mortgages • Orange notice placed inside window – not in accordance with procedure

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
County Highways	Checked records and these show area of land proposed to be enclosed currently has highway rights extending over it. Consequently, would wish to object as construction of 1.8m fence would constitute encroachment on the public highway. Should Planning Authority be minded to permit this application, an informative (and not a condition) should be added requiring that the applicant formally applies to the Government Office for the Southeast and successfully completes a Stopping Up Order under the relevant section of the Town and Country Planning Act 1990 prior to any implementation of the planning permission. Should be noted that granting of planning permission does not guarantee that Stopping Up Order will be successful as this is a separate process under different legislation
District Property Services	~~Awaited~~ Aware of application and have been served notice

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan: LOC1, DEV1, NE1
Arun District Local Plan : GEN7

PLANNING POLICY GUIDANCE

PPS1: Delivering sustainable development
PPG13: Transport

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity, and highway safety.

COMMENT ON CONSULTATION RESPONSES

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County highways noted. In the event that an objection is received from County Highways, the application is recommended for refusal on highway safety grounds.

COMMENT ON REPRESENTATIONS RECEIVED

Noted. Arun District Council and West Sussex County Council have been served notice as part of the application, in accordance with the application form completion procedure. Private legal dealing regarding the ownership of the land is not a material consideration in the determination of the application.

The case officer visited the site on the 22-02-2007 to assess the application. Site notices advertising the application were placed on street furniture to the street scenes of Brook Close, Amberly Drive, and Pevensey Road in accordance with Local Planning Authority procedure. It is not the procedure of the Local Planning Authority to replace site notices removed by way of weather events/vandalism.

In the event that an objection is received from County Highways, the application is recommended for refusal on highway safety grounds.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

> *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

The proposal is considered to conflict with relevant Development Plan policies in that it will reduce visibility of highway users, and cause a danger to the public highway.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Given the extension is visually integrated and subservient to the main building, and the retention of sufficient distance between the proposal and boundaries, the extension is not considered to detrimentally harm the residential amenities of any neighbouring property by way of adverse overbearing, overshadowing effect, loss of privacy, and unacceptable overlooking. Further, in principle, the incorporation of the parcel of land currently used as highway verge to residential garden land is not considered to demonstrably adverse to the wider character of the locality. Nevertheless, an objection has been received from County Highways, and it is their opinion that the proposal is considered to reduce visibility of highway users, and cause a danger to the public highway. It is therefore recommended that the planning application should be refused, subject to the reason set out overleaf.

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1 Brook Close
Bognor Regis
West Sussex

RECOMMENDATION

Refuse

1 The erection of a fence at the junction of Brook Close and Amberely Drive will create inadequate visibility to the detriment of highway users, in conflict with policies NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

2 INFORMATIVE: Please find attached a copy of the comments of West Sussex County Council Highway Authority.