

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

REF NO: BR/241/13/

LOCATION: 122 Chichester Road
Bognor Regis

PROPOSAL: Front boundary wall

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of an existing 1.0 metre tall wall with a brick built 1.83 metre tall wall along the front boundary of the property.
SITE AREA	450 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front boundaries are marked by an existing 1.0 metre tall wall with a tall overgrown hedge behind. Side boundaries are distinguished by hedging.
SITE CHARACTERISTICS	Semi-detached property with largely paved front garden.
CHARACTER OF LOCALITY	Residential area with a mixtue of detached and semi-detached properties.

RELEVANT SITE HISTORY

No comments

REPRESENTATIONS

Representations received:

Bognor Regis Town Council
- Objection

This imposing wall is out of character with the street scene, which does not have any boundary walls of this magnitude and is overintensive. Members stated a smaller wall of around 4ft may be more appropriate.

Letter of Objection from Local Ward Member Cllr Mr Oppler

- the proposed wall is out of character and a potential road safety hazard.

2 Letters of Objection

- High front wall is totally out of character with the surrounding houses.
- Owner will want to build equally high wall along either side of the perimeter which will equally be out of character.
- High wall will cause safety issues for the neighbours exiting their driveways as they will not be able to see above the almost two meter high columns.
- Wall will be detrimental to outlook of the nextdoor neighbour
- Eyesore and out of keeping with the rest of houses on the road.
- Owner will erect further similar dividing walls between boundaries which would obstruct his view of Chichester Road.
- Height and presence of double gates will provide a hazard when entering or exiting the premises as any driver would have to stop to open and close the gates.
- Wall would resemble a prison

Comments on Representations received:

Comments and objections noted. It must be noted that the applicant may be able to erect side walls of a similar height under permitted development rights.

CONSULTATIONS

Southern Water Planning
WSCC Strategic Planning

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Class A Road (A259)

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material

consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.¿

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 fails to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and would it have an adverse impact upon the established character of the surrounding area.

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

Number 122 is a semi-detached property located within a mainly residential area located on the northern side of Chichester Road (A259). The street scene is characterised by detached and semi-detached dwellings set in reasonably sized plots. The houses are mainly set back from the highway with level front gardens on the northern side while on the southern side front gardens are at a higher level than the highway.

Due to the heavily trafficked nature of Chichester Road (A Class Road) there is no on street parking in the vicinity of the site and as a result properties have excavated front gardens for parking spaces and for access purposes. The excavation of front gardens and the creation of hard-surfaced parking spaces are typical in the street scene and as a result frontage boundaries in the vicinity of the site are generally low level to aid visibility, and without gates due to frequent access. This forms part of the locality's character and appearance.

The existing front wall measures 1.0 metres tall (with hedge behind for a total height of approximately 2.0 metres). The wall extends across the frontage of the property for 7.8 metres with a gap for access. There are no existing gates. The existing wall accords with the character of the area.

The application proposes a 1.83metre tall wall with .17m tall parapets to bring the total height to 2.0 metres in height. The application includes provision of gates measuring approximately 1.8metres tall.

It is considered that the proposed front wall would produce an overly tall, dominant front boundary spanning the whole width of the properties frontage. As a result, the proposed wall would appear incongruous, unsympathetic, and out-of-keeping with the character of the street scene.

Accordingly, the development is contrary to policy GEN7 of the Arun District Local Plan 2003 which, amongst other matters, requires developments to be well designed, and take account of the character of the area. The development is also contrary to paragraph 56 of the National Planning Policy Framework.

For the above reasons, I conclude that the development would have a materially harmful impact upon the character and appearance of the locality and is therefore recommended for refusal.

HUMAN RIGHTS ACT

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 and 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 a neutral impact has 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.

As a neutral impact has been identified no mitigation measures are proposed.

RECOMMENDATION

REFUSE

- 1 The proposed front boundary wall by reason of its overall height will create an overly dominant feature in the street scene which is out of keeping with the character and appearance of the street scene of the surrounding residential area contrary to Policy GEN7 of the Arun District Local Plan 2003 and paragraph 56 of the National Planning Policy Framework.
- 2 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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 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.