

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

REF NO: BR/248/18/HH

LOCATION: 10 Annandale Avenue
Bognor Regis
PO21 2EU

PROPOSAL: Demolition & erection of front garden brick wall & garden gate.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application proposes to construct a brick wall and wooden gate to the front north western elevation of the dwelling.

RELEVANT SITE HISTORY

BR/174/18/HH	Two storey side extension	ApproveConditionally 21-08-18
BR/396/06/	Change of use from private dwelling to house in multiple occupation with shared amenities	ApproveConditionally 09-02-07

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
Bognor Town Council provided no objection to the works proposed.
No representation from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
Built up area boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The proposed development is located within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are DDM1 of the Arun Local Plan.

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

The site is occupied by a detached two storey dwelling.

DESIGN AND VISUAL AMENITY

The wall is situated to the front boundary of the property. It is therefore highly visible from the street scene.

Within the locality there are a variety of boundary treatments present consisting of brick walls, open frontages and planting. However, the boundary treatments that are present are generally low level at around 1m in height and as such there are very limited examples of boundary treatment to the height of the proposed at 1.8m except for hedges which cannot be controlled.

There are a variety of boundary treatment present and as a result the proposed materials which consist a red/brown brick walling and a timber gate are considered suitable for their location.

Due to the location of the wall to the front elevation it will give rise to a dominant front boundary spanning the whole width of the property's frontage at approx.15m. At a height of 1.8m it is also considered to appear unduly dominant upon the street scene. As a result of its siting and height, the proposed wall would appear out-of-keeping with the locality and be harmful to the character and appearance of the wider area and in conflict with DDM1 (1) of the Arun Local Plan.

RESIDENTIAL AMENITY

The wall by virtue of its location is not considered to give rise to any unacceptably adverse impacts to the residential amenity of neighbours and accords with DDM1 (3) of the Arun Local Plan.

SUMMARY

The proposed development is considered to accord with the relevant development policies and as such is recommended for refusal for the following reasons.

HUMAN RIGHTS ACT**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 refusal 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

REFUSE

- 1 The proposed garden wall and gate to the north western boundary by virtue of its siting and height and width would appear as an unduly dominant feature and would have an unacceptable adverse impact on the character and appearance of the street scene and wider area in conflict with policy DDM1 of the Arun Local Plan.
- 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.