

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

REF NO: BR/318/19/HH

LOCATION: 63 Nyewood Lane
Bognor Regis
PO21 2SD

PROPOSAL: Proposed garden wall.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a brick wall along the southern elevation of the dwelling.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council
No objection
No representation received from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
Built up area boundary

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The key policies considered are D DM1 of the Arun Local Plan. Bognor has a made Neighbourhood plan

however none of the policies are relevant to this application.

DESIGN AND VISUAL AMENITY

The property is located to a corner at Nyewood Lane and Shelley Road and is therefore highly visible. The wall will run along the southern elevation of the property which fronts Shelley Road. There will also be a section of wall to the western elevation on the boundary between the host dwelling and 2 Shelley Road.

Currently, there is a metal gate and pillar to the western end of the southern elevation with a height of around 1.65m and a small flint wall of 0.35m height with horizontal timber post of 0.8m in height.

The proposal retains the existing treatment and intends to construct a brick wall to run along the remaining southern elevation. The wall will be constructed to a height of 1.6m with 3 pillars to a height of 2.15m. It will extend along the southern elevation with a width of approximately 9m. To the west it will have a depth of 4.75m to meet with an existing wall.

There are examples of similar boundary treatment nearby with a brick wall opposite at 61 Nyewood Lane, Harrington House and at the neighbouring property at 2 Shelley Road. Whilst the pillars will be relatively tall, it is not considered to appear unduly dominant or appear significantly out of character as a result of the examples within the vicinity.

The wall will be constructed of brick and flint to match that which exists. It is not considered these materials would be out of character with a mixture of brick and fencing in the surrounding area.

The proposed wall by virtue of its siting and design is not considered to have an unacceptably adverse impact upon the spatial pattern or character of the area and accord with DDM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the siting of the wall which runs adjacent to the road and with a small section to the west, the development is not considered to result in adverse impacts upon neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with DDM1 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
 - Proposed Garden Wall/ Block Plan
 - Proposed Elevations
 - Location Plan

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 **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.