

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

REF NO: EP/11/26/HH

LOCATION: 6 Fairlands
East Preston
BN16 1LH

PROPOSAL: Retrospective application for fence.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

EP/131/69	Outline Application For Residential And Car Parking Including Residential Spine Road	ApproveConditionally 19-06-70
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REPRESENTATIONS

East Preston Parish Council - No objection, although it did ask ADC to consider the proposal is not in keeping with the relatively open-plan layout of Fairlands.

No representations were received from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

PD Restrictions.
Built-Up Area Boundary.
Within an area with potentially high groundwater levels.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[East Preston Neighbourhood Plan 2014 Policy 1](#) Housing - General Principles

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE:**CONCLUSIONS****BACKGROUND**

The surrounding locality is predominantly residential in character, comprising dwellings of varied architectural styles and designs. A defining feature of the area is its open and spacious appearance, with the majority of properties incorporating open frontage gardens. These frontages typically include hedging and soft landscaping, with very few examples of fencing or substantial boundary enclosures.

This open plan character forms an intentional element of the original estate layout and is secured through a condition attached to the initial planning permission for the development, granted under planning application reference EP/131/69. The relevant condition states:

"Notwithstanding the provisions of the Town and County Planning (General Development) Order, 1963, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the buildings unless permission is granted by the Local Planning Authority on an application in that behalf."

DESIGN AND VISUAL AMENITY

The application site comprises a two storey terraced dwelling located at 6 Fairlands, East Preston.

The proposal seeks retrospective planning permission for the installation of a fence to the eastern and western side boundaries to the application site frontage, with a short return to the south west. The western side boundary measures approximately 8.2m in length and the eastern side boundary approximately 10.9m. Due to the sloping nature of the front garden, the height of the fence varies from approximately 1.3m at its lowest point nearest the dwelling, rising to approximately 1.9m towards to the highway. In addition, a side panel facing the highway adjoins the western end of the existing fence, measuring 1.8m in height and 1.2m in width. The fence comprises contemporary horizontal "hit and miss" slatted panels with powder-coated galvanised steel posts finished in anthracite grey.

The fencing is highly prominent within the street scene, and the introduction of this form of boundary treatment has resulted in an incongruous and discordant feature that fails to reflect the established open character of the locality. While parts of the fence have been removed prior to the submission of this application, and further reductions are proposed within this application, the remaining structure continues to appear visually dominant and at odds with the prevailing open plan layout of the street scene. Its alien appearance introduces a sense of enclosure uncharacteristic of Fairlands, where open landscaped frontages form a key visual attribute.

The front amenity space is predominantly hard surfaced with limited planting. Part H of the Arun Design Guide (ADG) states that boundary treatments should reflect or enhance existing high quality treatments within the area, noting that close board or panel fencing may not be appropriate. The current proposal conflicts with this guidance, as it does not integrate positively with the established streetscape.

It is also noted that a similar fencing proposal within the locality was previously refused by the Local Planning Authority and subsequently dismissed at appeal (Appeal Ref: APP/C3810/D/19/3242111). In that case, the Inspector concluded that the prominence of the fencing would have an adverse impact on the street scene and would harm the character and appearance of the surrounding area.

In a comparable manner, Fairlands is characterised by an open streetscape, and tall, urbanising

boundary treatments enclosing frontages are not characteristic of the street scene. The fencing within the application site appears visually intrusive and fails to respect or enhance the character of the area in terms of its siting, landscaping or its impact on the open nature of the area. The fencing appears out of keeping with the prevailing pattern of development and has resulted in harm to the character and appearance of the locality. The proposal therefore conflicts with Arun Local Plan policy D DM1, which requires development to contribute positively to local character and the quality of the built environment.

RESIDENTIAL AMENITY

Given the nature and siting of the development, the fence does not result in any material harm to the residential amenity of neighbouring occupiers. The fencing does not give rise to overlooking, loss of privacy, overbearing or overshadowing impacts on neighbouring properties.

SUMMARY

The development is contrary to policy D DM1 of the Arun Local Plan and Section H of the Arun Design Guide. The fence is an incongruous addition that fails to respect or reflect the established open character of the area and results in visual harm to the street scene.

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

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1 The side and front boundary fencing, by reason of its height, design and siting, forms an incongruous and visually prominent feature within the street scene. The development fails to respect or preserve the established open character of the area, which is maintained through the original open plan condition restricting boundary treatments. The fencing appears out of

keeping with the prevailing pattern of development and results in harm to the character and appearance of the locality. The development is contrary to Arun Local Plan policy D DM1.

- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 provide pre-application advice in respect of any future application for a revised development.

The development shown on the following plans is hereby refused:

- Location and Block Plans 001
- Existing and Proposed Plans and Elevations 002