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

REF NO: **EP/145/15/HH**

LOCATION: 19 Selborne Way
East Preston

PROPOSAL: Front boundary wall & entrance gates

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The construction of a 1m high rendered wall forward of the primary elevation of the dwelling with piers measuring 1.4m in height and 1.8m high wooden gates.
SITE AREA	Approximately 1600 square metres.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Largely open to the front but with trees in the centre of the lawn at over 2m in height. There is close boarded fencing at approximately 1.8m in height and trees in places to the rear at over 3m in height.
SITE CHARACTERISTICS	A two storey detached property with brick and tile hung elevations, the roof is pitched with plain roof tiles with an integrated double garage. Although planning permission has been granted under reference EP/17/15/HH for a number of alterations to the property.
CHARACTER OF LOCALITY	Predominantly residential in character with mainly two storey detached properties in the area. A number of properties in close proximity to the application site feature boundary walls forward of the primary elevation.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

East Preston Parish Council

The Planning & Licensing Committee of this council considered this Application at its meeting on Monday, 14th December. The committee agreed it had no objections to raise against this

Application.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	SD SP2	Built-Up Area Boundary
East Preston Neighbourhood Plan 2014 Policy 2		Design in Character Area One

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The East Preston Neighbourhood Plan has been made and policy 2 is considered relevant to the determination of this application.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor 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

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is considered to be policy GEN7.

DESIGN AND VISUAL AMENITY

The application seeks permission for the construction of a 1m wall; 1.4m high piers; and 1.8m high timber gates and will be situated between 4.5m and 4.7m from the road.

The proposed front boundary treatment will be in line with the existing boundary line of neighbouring properties, and will be similar in design and appearance to the wall constructed forward of 21 Selborne Way.

The 1m high element of the proposal is not considered to have any detrimental impact upon the appearance or character of the host dwelling or the street scene and as such is deemed to be in accordance with policy GEN7(ii) of the Arun District Local Plan. The gates at 1.8m in height are considered to be more problematic, being higher than other boundary treatments forward of primary elevations they are less in keeping with the established character of the area.

However, it must be considered that Selborne Way is a private road and as such does not constitute a highway. As such, under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 the erection of a boundary wall and gates up to 2m in height would benefit from permitted development rights. Therefore, it is considered that despite the gates impact upon the character of the area and their conflict with policies GEN7(ii) of the Arun District Local Plan and Policy 2 of the East Preston Neighbourhood Plan.

It is proposed that the hard standing forward of the primary elevation is increase in size, these works would benefit from permitted development rights under Schedule 2, Part 1, Class F of the Town and Country (General Permitted Development) Order 2015, subject to the hard standing being porous or runoff being directed to a permeable area within the curtilage of the dwelling. Therefore, a condition has been included requiring that the limitation of the general permitted development order are complied with.

RESIDENTIAL AMENITY
The proposed boundary wall is located forward of the primary elevation and adjacent to Selborne Way. Due to the location of the proposed wall and gates they are not considered to result in any unacceptable harm to the residential amenity of neighbours.

Therefore, the proposed development is considered to be in accordance with policy GEN7 (iv) of the Arun District Local Plan.

SUMMARY
It is recommended that permission is granted for the proposed development subject to the below conditions.

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 for 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 no impacts have been identified upon any 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: 514/09 A; 514/06; and 514/07 A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The hard surface hereby approved shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason: In the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

4 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.