

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

REF NO: EP/18/20/HH

LOCATION: 4 Seaview Road
East Preston
BN16 1LX

PROPOSAL: Erection of a wall, fencing and gate to property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to erect a wall, fencing and a gate to the property.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Parish Council - Objection.

- The proposed wall would be higher than any other hard landscaping in the area.
- The proposal would have a harmful visual impact upon Seaview Road.

East Preston Preservation Society - Objection.

- The proposal is higher than other walls along the road, which has a reasonably degree of uniformity.
- The proposed wall would disrupt the harmonious appearance of the road.

No representations received from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
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DSP1	D SP1 Design
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East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
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East Preston Neighbourhood Plan 2014 Policy 2	Design in Character Area One
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PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

In this case, the key policy is D DM1 of the Arun Local Plan. Additionally, Policies 1 and 2 of the East Preston Neighbourhood Development Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy 1 of the East Preston Neighbourhood Development Plan sets out general principles for development within the Parish. Part (i) relates to the scale, density, massing, height, landscape design, layout and materials of development proposals, and how proposals must reflect and enhance the established character of the area.

Policy 2 of the East Preston Neighbourhood Development Plan sets out the criteria for development within Character Area One. These ensure that proposals preserve the character of the street scene, and resist any increases in density that would alter this character. It also seeks to avoid apartment block development, and protect the view from the beach.

DESIGN AND VISUAL AMENITY

The proposed development will be visible within the street scene, due to its siting along the Southern boundary of the application site. The proposed walling and fencing are approximately 1.8m high, directly abutting the pavement. It is noted that there are some examples within the locality that are of a similar scale, however, there is no history of permission attached to these sites. The area is predominantly host to low boundary walling, and as such the proposal is considered to be incongruous within the street scene, creating an unacceptable sense of enclosure and appearing unduly dominant. The proposal is considered to have detrimental harm on the street scene and the character of the locality, and as such is deemed to be in direct conflict with Policy 2 of the East Preston Neighbourhood Development Plan, and D DM1 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to give rise to any significantly harmful overbearing or overshadowing impact upon the occupiers of neighbouring dwellings. This is due to the separation distance between the proposed boundary walling, and said neighbouring dwellings. Furthermore, the proposal is not considered to result in any overlooking. As such, the proposed boundary treatment is not in conflict with D DM1(3) of the Arun Local Plan with regard to harm on residential amenities.

SUMMARY

The proposed development is not considered to be in accordance with the relevant policies within the Arun Local Plan, or East Preston Neighbourhood Development Plan.

The application is refused for the following reasons.

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.

RECOMMENDATION

REFUSE

- 1 The proposed development is considered to have a significantly harmful impact upon the character of the street scene, and the wider locality, due to its bulky appearance, and significant scale. As such, the proposed development conflicts with D DM1 of the Arun Local Plan, and Policy 2 of the East Preston Neighbourhood Development Plan.