

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

REF NO: EP/51/20/HH

LOCATION: 1 Lashmar Road
East Preston
BN16 1ES

PROPOSAL: 1.8m wall to front including removal of bushes.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a 1.8m high wall, and remove the existing bushes.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Parish Council - Objection.

- The proposal is considered to have a harmful impact on the character of the area and the locality.
- There are no similar walls in the area.
- The plans are inaccurate.

East Preston and Kingston Preservation Society - Objection.

- The proposal conflicts with Policy 5 of the East Preston Neighbourhood Development Plan.

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 5	Design in Character Area Four
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PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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CONCLUSIONS

PRINCIPLE

In this case, the key policies are deemed to be D DM1 of the Arun Local Plan, and Policy 5 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 5 of the East Preston Neighbourhood Development Plan sets out criteria for the design of proposals in Character Area Four. These criteria intend to preserve the street scene, through retention of low front walls, or open frontages, by avoiding high front walls or fences. Additionally, it specifies that provision for off-street car parking by way of removing roadside verges is supported.

DESIGN AND VISUAL AMENITY

The wall will be visible within the street scene, due to its siting along the boundary adjacent to Lashmar Road. The walling is approximately 1.8m high, directly abutting the pavement. The area is predominantly host to either open plan frontages, or low boundary fencing, and as such the proposal is considered to be incongruous in 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 5 of the East Preston Neighbourhood Development Plan, and D DM1 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The wall 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. The proposal is not considered to result in any overlooking. As such, the wall is not in conflict with D DM1(3) of the Arun Local Plan with regard to harm on residential amenities.

SUMMARY

The wall causes harm to the character of the area and conflicts with relevant development plan policies and as such is recommended for refusal.

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

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 wall has a significantly harmful impact upon the character of the street scene, and the wider locality, due to its bulky appearance and significant scale and conflicts with D DM1 of the Arun Local Plan, and Policy 5 of the East Preston Neighbourhood Development 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.