

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

REF NO: EP/75/12/

LOCATION: 9 Pinewood Close
East Preston

PROPOSAL: Erection of garden fence within boundary

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Application originally sought consent for the construction of a 1.95 metre high fence along the western garden boundary of the curtilage of the dwelling fronting Pinewood Close. The fence which would be partially sited in front of the principal (side elevation) of the property and be located in front of an existing tree line and hedging over a distance of some 16 metres. In detail the fence would have comprised a 0.15 metre gravel board, an 1.5 metre high fence panel and a 0.3 metre wooden trellis. Following negotiations the fence has been reduced to a maximum height to 1.22 metres (4 feet) and the applicant has confirmed that it will be painted with a dark brown finish.
SITE AREA	Approximately 400 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The western boundary of the site is characterised by a line of trees and hedging.
BOUNDARY TREATMENT	At present a 0.3 metre high brick wall and hedging.
SITE CHARACTERISTICS	The site is occupied by a detached dwelling occupying a corner location at the junction of Pinewood Close and North Lane. It is screened on both its highway frontages and boundary with the adjoining property to the east by significant hedging and trees.
CHARACTER OF LOCALITY	Residential area comprising detached properties siting within significant plots.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

East Preston Parish Council

raise no objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

The emerging Local Plan has recently been approved as a consultation document by the Council and is therefore a material consideration in the determination of this planning application. It remains subject to public consultation and the formal adoption process as a whole and it therefore carries very limited weight in terms of decision making at this stage.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)

Built-up Area Boundary
The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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

The application site occupies a corner location where the main planning consideration is the affect on the character and appearance of the street scene.

Whilst the originally submitted application was considered to represent an incongruous feature when viewed in the street scene the revised proposal incorporating a smaller fence is considered to represent an acceptable compromise between minimising impacts on the street scene whilst providing a reaonable level of privacy for the occupiers.

It should also be noted that the fence will be seen against a backdrop of natural vegetation on a dwarf brick wall which will be finished in a dark brown colour and will in time be visually absorbed within the street scene. In addition the proposal reflects similar boundary treatment in the locality which are not inappropriate features within their setting.

Providing adequate safeguarding conditions are imposed to satisfactorily control the development the application can be supported and is recommended for conditional approval.

HUMAN RIGHTS ACT

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 of 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 neutral 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).

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: 1008 L(00)100 P1 (location plan) and 1008 L(00)200 P1 (block plan).

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

- 3 The fence hereby approved shall not exceed a maximum height of 1.2 metres above the natural ground level of the garden.

Reason: For the avoidance of doubt and to accord with the terms of the application and in the interests of amenity in accordance with GEN7 of the Arun District Local Plan.

- 4 The fence hereby approved shall within one month of its installation be painted in a dark brown stain.

Reason: To accord with the terms of the application and in the interests of the amenity of the area in accordance with GEN7 of the Arun District Local Plan.

- 5 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2 GEN7

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.