

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

REF NO: EP/82/19/HH

LOCATION: 31 Cheviot Close
East Preston
BN16 1EX

PROPOSAL: Erection of a fence

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

East Preston Parish Council

This Council's Planning & Licensing Committee considered this Application.

Although the committee understood the applicants' desire to improve the boundary of their property, it had some concerns, hence this objection.

The property is on a prominent corner site between Cheviot Close and Cotswold Way. The committee felt the proposed expanse of overlap fencing was too high to be unbroken by either some degree of soft landscaping or possibly a lower height of overlap fencing topped with a trellis through which some soft landscaping could be trained.

If either of these suggestions were to be considered, the committee would happily reconsider its objections.

No representation from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policies 1 & 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 D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

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 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 proposed fence is situated to the front and side boundary of the property and is therefore highly visible from the street scene.

The proposed fence is constructed of wooden fence panels. The fence has a minimum height of 1.2m with the vast majority of the fencing measuring 1.8m as shown in the plans. The fence spans 23.6m in total across the southern elevation of the property.

Within the locality there is a clear open plan character to the area with the occasional hedging as screening present. There are very few examples of boundary treatment above 1m however they are all similar in appearance consisting of hedging which cannot be controlled and some fencing. However, the height of the proposed is greater, the others are set back from the boundary line and are not one consistent barrier with no breaks. The proposal as a result of its design and scale appears unsympathetic and appears out of character with the surrounding area and existing front boundaries. As a result of this it appears as a prominent feature and as such is unduly dominant on the frontage of the property adjacent to the highway.

The East Preston Neighbourhood Plan outlines preserve the street scene by retaining low front walls or open frontages, ensure that high front garden walls or fences are avoided; and make provision for off-

street car parking spaces by removing parts of roadside verges if residents so desire.

Due to the size and appearance of the fence it is considered to negatively impact upon the spatial pattern of the street scene and as a result would be harmful to the character and appearance of the wider area and is in conflict with DDM1 (1) of the Arun Local Plan.

RESIDENTIAL AMENITY

The application is not considered to give rise to any adverse harm upon residential amenity of adjoining occupiers due to its location at the Southern boundary.

SUMMARY

The application is deemed to conflict with relevant development plan policies and there are no material planning considerations to override the unacceptable impact the proposal creates. The application 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), 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

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 fence by virtue of its height and length would appear as an unduly dominant feature and as a result have an unacceptable adverse impact on the character and appearance of the local street scene in conflict with policy DDM1 of the Arun Local Plan and Policy 5 of the East Preston Neighbourhood 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 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 meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.