

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

REF NO: FG/100/18/HH

LOCATION: 2 Sea Lane Gardens
Ferring
BN12 5EE

PROPOSAL: Retention of 1.8m high trellis fence to front boundary.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Retention of 0.8m of trellis set behind existing masonry wall.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1 m high masonry wall.
SITE CHARACTERISTICS	Corner property with road frontages on east and southern boundaries and detached bungalow set back into north-west corner of the plot.
CHARACTER OF LOCALITY	Rural lane with small residential roads leading off on the western side but eastern side largely undeveloped with an area of green space opposite the application site. Semi circular area of verge between road and existing wall at junction with a radius of 6 m.

RELEVANT SITE HISTORY

FG/115/02/	Loft conversion	ApproveConditionally 15-11-02
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Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

11 letters of objection:

- Visibility Impaired at junction
- Out of keeping with character of area
- Too high
- Road markings need to be improved

1 letter of support raising other issues unrelated to application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Comments will be addressed in the conclusion section. However, the provision for road marking will not be included, as it is not a planning consideration.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Within the built up area boundary

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

GEN2 Built-up Area Boundary

GEN7 The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

SD SP2 Built -Up Area Boundary

D SP1 Design

D DM1 Aspects of Form and Design Quality

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Ferring has a 'made' neighbourhood development plan, of which Policy 1a is considered to be relevant to 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 application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in GEN2 of the Arun District Council Local Plan, and SD SP2 of the Emerging Local Plan. In this case, the key policies are deemed to be GEN7 and DEV19 of the Arun District Council Local Plan, policy 1A of the Ferring Neighbourhood Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The trellis has an open appearance and the growth of plants (a condition to approve details with the Council is included) through it will contribute to the semi rural character of the area and will not therefore

appear unacceptable in the street scene. The property at #36 Sea Lane Gardens has a similar height of boundary treatment, however, this is reached using 1.8m high closeboard fencing. The appearance of the low wall with a 0.8m trellis atop of it is considered to reach the same boundary height with an improved appearance more in keeping with the character of the area.

As such it complies with policy GEN7 of the Arun District Local Plan and Policy 1a of the Ferring Neighbourhood Development Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to have a significantly detrimental impact on the residential amenity of adjacent occupiers. This is as a result of the siting of the development being over 3m from the closest neighbouring dwelling (to the North), and even in this case, any potential overshadowing impact would only fall upon the garage of which abuts the boundary between the two dwellings. Resultantly, the proposed development is considered to be in accordance with GEN7(iv) of the Arun District Council Local Plan.

HIGHWAY SAFETY

When parked at the junction of Sea Lane Gardens with Sea Lane, the fence is over 11m to the north (when views towards the road are taken). This is considered to be an acceptable distance for sufficient visibility to be maintained, especially when it is noted that there is existing foliage on site which exceeds the height of the proposal.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following 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 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

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 :

- Site Plan - 1717/C11
- Block Plan - 1717/C10
- Elevation to Sea Lane Plan - 1717/C12

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

- 3 Within 3 months of the date of this decision, a planting scheme as denoted in drawing number 1717/C11 shall be submitted to, and approved by the Local Planning Authority. The details agreed shall be implemented in the first planting season and any trees or plants which within a period of 5 years of planting die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: For the avoidance of doubt and in the interests of amenity and the character of the locality 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.