

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

REF NO: FG/154/21/HH

LOCATION: Cambrae
The Warren
Ferring
BN12 5PQ

PROPOSAL: Erection of boundary fencing

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks retrospective planning permission for the erection of boundary fencing.
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RELEVANT SITE HISTORY

FG/53/19/HH	Single storey side extension	ApproveConditionally 23-07-19
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REPRESENTATIONS

Ferring Parish Council - Object. Concerns that the removal of conditions would change the long-established character of the location.

Ferring Conservation Group - Object. Out of Character of street scene and surrounding area. Surrounding houses do not have fences or hedges in their front gardens.

2 Letters of Objection received from nearby occupiers, 3 letters of Support and 1 letter of No Objection received:

- Concerns that fence is out of character of Lamorna Gardens and out of keeping with the overall street scene and surrounding area.
- Concerns that the fencing which has been erected is clearly in contradiction of the planning permission granted in 1971.
- Concerns that the new side fence is higher than the existing dividing wall and has been secured to the dwarf wall.
- Concerns that the side fence is causes reduction in light to neighbouring property.
- The estate is supposed to have an open plan look and fences like this is not allowed.
- The hedging is attractive and there is a need for more greenery in the area.
- Most gardens in Ferring are fenced and/or hedged in, some right to the edge of the road.
- The hedge is not intrusive / unattractive - there is a varied amount of hedges within the area.
- The fences to the side could be reduced in height.
- The hedge is neat and tidy.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1 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

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

CONCLUSIONS

PRINCIPLE

The key policy D DM1 of the Arun Local Plan.

Ferring has a made Neighbourhood Plan with policy 1A of relevance to the application. The proposal complies with this, being located within the Built-Up Area Boundary and in accordance with relevant development plan policy.

The Council has adopted a design guide which requires that all development is respectful to the character and appearance of its locality. In this case the assessment below demonstrates that the guide is complied with.

DESIGN AND VISUAL AMENITY

The dwelling is a detached single storey bungalow to west of The Warren and north east of Lamorna Gardens. The boundary treatment is chain link fencing, hedging, dwarf brick walls, wooden panelled fencing and wooden gates. The neighbouring properties are 3 The Drive to north and 12 Lamorna Gardens to west. To the east properties are separated by The Drive road. To the south is 1 Lamorna Gardens separated by road.

The proposals are for retrospective permission for the erection of chain link boundary fencing with hedging to front (east), side (south) and north boundaries and wooden panelled fencing above dwarf brick walls to south and west boundaries. The existing low brick boundary wall to north boundary is being retained. There are also one new wooden gate to north boundary and one new wooden gate to south boundary.

Due to the siting of chain linked fencing with hedging to front (east) and side (south) boundaries the

proposal is highly visible from street scene. Whilst the estate is mostly open in character the property opposite to south (1 Lamorna Gardens) has a similar hedge to front boundary so the proposals do not adversely impact street scene or surrounding character of area so comply with policy D DM1 of the Arun Local Plan.

The hedging that has been planted does not constitute as development so is acceptable. The chain link fencing seems to be fairly well camouflaged by the hedging and will become more so over time so the impact on surrounding character of area is also reduced.

The chain linked fencing to north, east and southern boundaries has a height of approximately 1.2m. The wooden gate to north boundary has a height of approximately 1.88m.

Due to the set back nature from roadside of the front (north) wooden gate and being less than 2m in height it is likely that it could be erected under Permitted Development rights where planning permission is not required.

The wooden panelled fencing on top of dwarf brick boundary wall is sited to the south west corner of site and runs partly along the side (west) boundary measuring approximately 1.99m in height. The wooden gate to south boundary has a height of approximately 1.83m. The limited extent of the wooden fencing to side (west) does not represent significant enclosure of the site that would warrant a refusal as unacceptably affecting the character and appearance of the area.

The materials consist of wire chain mesh chain fencing in a green colour, wooden panelled fencing / side gates and brick dwarf walls which will weather over time so cause less of an impact with surrounding area so complies with policy D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the height and scale of proposed fencing to side (west) boundary there is increased risk to overshadowing or overbearing effects to neighbouring property 12 Lamorna Gardens to west however due to the short length of the fencing there is a gap of around 6.25m remaining to the neighbouring property there is no unacceptable adverse harm caused to neighbouring residential amenities so complies with policy D DM1 of the Arun Local Plan.

SUMMARY

The proposed development accords 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

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:

Block Plan
Site Plan 01
Fence Elevations 02
Location Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 **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.