

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

REF NO: FG/32/25/HH

LOCATION: 1 Greenways Crescent
Ferring
BN12 5EF

PROPOSAL: Erection of 1.8m high close boarded timber fencing along the eastern boundary.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

FG/184/21/PL	Erection of replacement dwelling and garage	ApproveConditionally 24-01-22
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REPRESENTATIONS

Ferring Parish Council - No Objection

6 No. objections received from nearby occupiers stating that:

- The redline boundary plan is incorrect.
- The land may not entirely belong to the applicant.
- The fence would be imposing on the road.
- The fence would harm the rural character of Greenways Crescent.
- The fence exceeds 1m in height adjacent to a highway.
- The fence would hinder visibility for vehicles on the road.

Comments noted, the redline boundary plan was corrected during the application process and issues of ownership, rights of access and covenants are not planning issues and are not considered as part of the application.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ferring Conservation Group - Objection on the basis of:

- The proposal would alter the setting of Greenways Crescent.
- The fence is visually intrusive and out of character for the location.
- The proposal conflicts with prior planning approval.
- Negative impact on the street scene.

DEVELOPMENT PLAN POLICIESArun 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**

The key policies are D DM1 and D DM4 of the Arun Local Plan, guidance in the Arun Design Guide.

DESIGN AND VISUAL AMENITY

The site is a detached 2 storey dwelling set back from Greenways Crescent. The proposed fence is close boarded timber and 1.8m high. The fence would be erected along the eastern site boundary adjacent to Greenways Crescent.

The existing boundary treatment features low-level post and rail fencing with hedging, while neighbouring boundaries are mostly open with some vegetation screening. Greenways Crescent has a green, open and spacious character, of which the existing treatment reflects. The proposed fence, due to its height, extent and continuous form would appear stark and incongruous within this setting therefore it would adversely impact the open character of Greenways Crescent and be out of keeping with the boundary treatments along the road.

Although the proposed fence would be set back from the boundary and positioned behind the maintained existing fence to provide increased private amenity for the applicant, this benefit does not outweigh the harm to the visual amenity of the area. Unlike existing boundary treatments in the locality, the proposal would extend across a large, highly visible frontage and significantly alter the character of the site.

The proposal appears unsympathetic and out of character with the boundary treatment of neighbouring properties. It would be an unduly dominant feature and would harm the character of the area in conflict with D DM1 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed fence has no impact upon residential amenity in that it has no overlooking, overbearing or overshadowing effects on neighbouring properties.

SUMMARY

The development conflicts with relevant development plan policies and there are no material planning considerations to override the unacceptable visual impacts of the proposal. 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

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1 The proposed 1.8m high close boarded fence, by reason of its height, siting and extent, would be an incongruous feature in the street scene that results in significant demonstrable harm to the character and open nature of the locality. The development is contrary to policy D DM1(1) of the Arun Local Plan.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 provide pre-application advice in respect of any future application for a revised development.