

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

REF NO: FG/65/19/HH

LOCATION: 26 West Drive
Ferring
BN12 5QZ

PROPOSAL: Erect 1.68m close board fence around garden adjacent to Oval Waye & West Drive.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to erect 1.68m fencing, on the Eastern and Southern borders of the site.

RELEVANT SITE HISTORY

FG/25/18/HH	Demolition of existing attached garage; single storey extensions to front, sides & rear, 2 No. rooflights to rear elevation & cladding to south & east elevations.	ApproveConditionally 20-04-18
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Ferring Parish Council

Parish Council - Objection.

- The enclosure of the frontage is out of keeping with the locality, and would destroy the open character of the area.

2 letters of objection:

- The action will detract from the drainage of the roads.
- The fence will harm the open aspect of the area.
- The fence adversely impact on the street scene, and is not in keeping with the open nature of the locality.

1 letter of support:

- The fence will not be visible as it is behind existing shrubbery and trees.
- The fence will match the fence of the other side of the road.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within 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
SDSP2	SD SP2 Built-up Area Boundary

[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

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 SD SP2 of the Arun Local Plan. In this case, the key policy is deemed to be D DM1 of the Arun Local Plan. Additionally, Policy 1A of the Ferring 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.

DESIGN AND VISUAL AMENITY

The proposed development is not considered to have any significant impact upon the established spatial pattern or character of the area. This is because the proposed fence is sited behind existing boundary hedging, which intervenes the majority of views of the fencing. Even if there were not to be hedging, there are similar examples of fencing in the surrounding area, even on the adjacent dwelling at #36 Oval Way. The proposed development is considered to be in accordance with D DM1 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significant change in overbearing or overshadowing impact to occupiers of local dwellings. This is as a result of the siting of the development allowing an acceptable distance to neighbouring dwellings in order to mitigate any significant impact. Resultantly, the proposed development is considered to be in accordance with D DM1(3) of the Arun Local Plan.

OTHER

Concern has been raised over drainage implications of the fence. The fence is set back from the road and does not cover a significant of land thereby unacceptably preventing natural drainage on the site.

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 and statement:

- Site / Block / Roof Plan - Proposed - June 2018
- Elevation Plan showing fence - Height 1.68m - Scale 1:200
- Email dated 07/08/2019 - 14:35 confirming the placement of the proposed fencing

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.