PLANNING APPLICATION REPORT

REF NO: FN/38/08/

LOCATION: Meadow Cottage
Stable Lane
Findon

PROPOSAL: Erection of 2.4 metre high closeboard timber fencing on boundary between rear garden & rear gardens of 1-4 Horseshoe Close off Elm Rise. Erection of trellis on remaining existing fence adjacent to Sunny Bank to give total height of 2.4 metres, decreasing to 2.15 metres adjacent to conservatory.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks permission for the erection of fencing to the western boundary of the rear garden to Meadow Cottage ranging in height from 2.15metres, where closest to the property itself, to 2.4 metres where it would adjoin the curtilages of 1 to 4 Horseshoe Close.
SITE AREA	1547 square metres (approximately 0.155 hectares)
RESIDENTIAL DEVELOPMENT DENSITY(NET)	N/A
TOPOGRAPHY	The garden area to Meadow Cottage itself is relatively flat, however, Stable Lane, on which road the property is sited, rises fairly steeply from West to East meaning that ground levels at this property are significantly higher than those at the adjoining properties to the West ("Sunny Bank" and Nos.1 to 4 Horseshoe Close).
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Existing fencing to the Western boundary of the rear garden area.
SITE CHARACTERISTICS	Meadow Cottage is a detached dwelling with a very substantial rear garden. The property is served by a private vehicular access from Stable Lane and the building is set back from the highway by some 20 metres or so.
CHARACTER OF LOCALITY	The area is predominantly residential in nature. The site is located within the Built Up Area Boundary for Findon with the whole of the settlement being located within an Area of Outstanding Natural Beauty (AONB).

RELEVANT SITE HISTORY

FN/67/06/	Extension/alteration.	Approve Cond

		15-11-2006
FN/87/03/	Roof alterations and dormer windows to create additional bedroom.	Approve Cond 27-01-2004 **Appeal:** Allowed 21-OCT-2004
FN/27/52	Bungalow and garage	Approve 24-10-1952
FN/81/84	Provision of 2 no loose boxes and tack room	Withdrawn 28-11-1984

FN/43/08 Demolition of existing bungalow and erection of 9 no. 1,2 & 3 bedroom units, together with the reduction in length of the gardens to Perry Rise, Saddlers Green and Sunny Bank off Stable Lane. Formation of new access to serve new dwellings. Refused 02-08-2006 Appeal Allowed 06-12-2006

REPRESENTATIONS

Representations received:

Findon Parish Council

Findon Paish Council:
No objection.

One letter of support from one of the new properties in Horseshoe Close:
Only a low fence to the rear of their property which is much too low to afford them or the owners of Meadow Cottage any privacy.
Totally welcome and support this proposal as this provides privacy for all parties concerned.
Would ask for this to be passed and new fence fitted as soon as possible. Can then plant and cultivate rear garden (something that had been deferred until this matter was resolved).

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Within Area of Outstanding Natural Beauty

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	CH1	Character
	CH2	Areas of Outstanding Natural Beauty
	DEV1	High Quality Development
Arun District Local Plan:	AREA9	Area of Outstanding Natural Beauty

GEN2	Built-up Area Boundary
GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 or on the AONB.

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

This application has been submitted as an attempt to afford an additional level of privacy to the occupiers of both Meadow Cottage itself and to the neighbouring properties, "Sunny Bank" and Nos. 1 to 4 Horseshoe Close.

Nos. 1 to 4 Horseshoe Close comprise four new dwellings that have recently been constructed on land to the West of Meadow Cottage. As a result of the topography of the locality, the garden areas to these four properties are set at a significantly lower level than the rear garden to Meadow Cottage, meaning that, at present, there is a potential for overlooking from the amenity space at that property. The four new dwellings themselves also include east facing bedroom windows at a level that means that there is equally the potential for overlooking of the private garden of Meadow Cottage in the opposite direction. Whilst some boundary treatment has already been provided in an attempt to address the issue, this is not of sufficient height to mitigate overlooking meaning there is an actual, and perceived, loss of privacy in both directions. The erection of a 2.4 metre high fence along this part of the boundary between Meadow Cottage and the four new dwellings would significantly help to alleviate this problem improving residential amenities. Although the height of the northern section of the fence, at 2.4metres, would be greater than that of typical domestic fences, it is considered that this

increased height is necessary to afford the required level of privacy to all parties.

In terms of outlook, it should be noted that as Nos. 1 to 4 Horseshoe Close are set at a lower ground level than the rear garden of Meadow Cottage where the 2.4 metre high section of fence would be erected, the height of the boundary treatment as viewed from the rear gardens of these properties would be significantly greater. However, it is not considered that the increased height would not be so great as to result in material detriment by reason of loss of outlook or overbearing and oppressive to such a level that would jusify refusal of planning permission on these grounds. The propsed fence would reduce in height along its southermost section where it would abut the rear garden area of "Sunny Bank" and it is not considered that the fence would result in material harm to the amenities of the occupiers of that property by reason of overbearing or loss of outlook.

In terms of visual amenity, the proposal seeks permission for a fairly standard closeboard fence constructed in softwood. The fence would not be readily visible from any public vantage points and would have no more than a neutral impact on the appearance and character of the Area of Outstanding Natural Beauty.

Members should note that the consultation/notification period for this application does not expire until 4 September 2008. For the above reasons it is recommended that Members resolve to delegate authority to the Head of Planning, in consultation with the Chairman, to grant planning permission subject to there being no further representations received by 4 September 2008 raising new issues not aleady considered in this report, and subject to the following conditions:

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 INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character within the Area of Outstanding Natural Beauty and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: DEV1, CH1, CH2,

LOCAL PLAN: GEN2, GEN, AREA9

NATIONAL POLICIES: PPS1

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.