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

REF NO: FP/11/23/HH

LOCATION: 2 Hercules Place
Felpham
PO22 7RF

PROPOSAL: **Retention of 1.78 metre high close-boarded fencing to north boundary and associated soft landscaping.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks permission for an existing 1.78m high close panelled fence with concrete posts which forms the northern boundary of the site.

REPRESENTATIONS

Felpham Parish Council - objection.
- the estate has an open plan condition.
- development not in keeping with the street scene.
- would set a precedent.

1no. letter of comment received from the Agent responding to parish council objection.
- development not in conflict with open plan condition, fence is not to the primary frontage.
- development should be considered on its own merits.
- similar boundary treatments in close vicinity of the property.

OFFICER RESPONSE
Comments noted and the visual impact upon the street scene covered within the conclusions section of the report.

CONSULTATION RESPONSES RECEIVED:

None.

DEVELOPMENT PLAN POLICIES

Arun 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

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021

CONCLUSIONS

PRINCIPLE

The key policy considered is D DM1 of the Arun Local Plan.

Felpham has a 'made' Neighbourhood Plan with policy ESD1 of relevance to the application. The proposal complies with this policy.

DESIGN AND VISUAL AMENITY

The fence would be situated to the north dwelling and given the dwelling occupies a corner plot it will be highly visible within the street scene.

The street scene has an open and spacious appearance and whilst there are some examples of fencing in the vicinity of the property, these are a minority.

The open plan condition imposed on the estate prevents fences from being erected in front of the established building lines unless permission is granted by the Local Planning Authority. In the case of 2 Hercules Place, being a corner property, the north and west elevations form building lines with Hercules Place and Caledon Avenue.

The fence will form a 1.78m high boundary forward of the building line on the northern elevation but does not project forward of the building line on the western elevation.

Whilst being forward of the northern building line with Hercules Place the fence will be in alignment with the boundary treatment of neighbouring property 4 Hercules Place where there is a mature hedge. The hedge provides enclosure but in a softer, more natural form. The application resulted from an enforcement investigation which showed that the site was previously enclosed by a hedge with some fencing within/behind it. The replacement fence is more visible and occupies some additional land adjacent to the side of the dwelling, meaning it is less open than previously.

The siting of boundary treatment along the proposed line is not out of place this part on Hercules Place, a no-through road within the estate. Additionally, the fence does not result in the loss of a grass verge or of any significant open grassed area and does incorporate planting in front of the fence to minimise the current starkness of the fence panels and adds greenery to the locality.

The building line with Caledon Avenue is visually more dominant as this road plays an important role with access in and around the estate. The Caledon Avenue building line remains uncompromised by the development.

The fence, with the assistance of the planting in front, does not present such an incongruous feature in the street scene in the particular circumstances of this case. The more dominant building line with Caledon Avenue is retained in its original state. There is no significant impact upon the spatial pattern or character of the area to justify refusal and therefore accords with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the scale of the development and its siting, the fence is not considered to give rise to any adverse impacts upon neighbouring amenity and accords with D DM1 of the Arun Local Plan.

SUMMARY

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

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.

CIL DETAILS

This application is not CIL Liable.

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:

- Location Plan
- Block Plan
- Fence Detail

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.