

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

REF NO: FP/1/25/HH

LOCATION: 2 Leverton Avenue
Felpham
PO22 7RA

PROPOSAL: Retrospective application for erection of a side boundary fence.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

FP/14/21/HH	Removal of existing storage sheds and construction of a self contained annexe. This application is CIL liable as self contained annexe in CIL Zone 4.	ApproveConditionally 26-03-21
BR/618/75	Replace Garden Fence To Enclose Side Lawn	ApproveConditionally 10-03-75

REPRESENTATIONS

Felpham Parish Council - Objection.

The boundary fence is considered to be an incongruous feature in the street scene and detrimental to the character and appearance of the area in conflict with policy ESD1 of the Felpham Neighbourhood Plan.

6 letters of representations from nearby occupiers, 3 letters from same individual.

- The erection of the fence right up to the pavement is incongruous with the rest of the estate and the residents park their car close to the Caledon Ave/Ashmere Lane junction which makes dangerous driving conditions.
- The residents park their car close to the junction and this has resulted in dangerous driving conditions when navigating into Caledon Avenue.
- Other properties have put in planning permission before erecting fences and all have been denied unless there is a gap between the fence and the pavement, which should have either grass or a green hedge in front of it.

Key points noted and have been addressed in the conclusions section.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Lidsey Local Flood Risk Zone (LFRZ).

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

WDM2 W DM2 Flood Risk

[Felpham Neighbourhood Plan 2019-31 Policy ESD1](#) Quality of 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

SITE HISTORY

Planning permission (application ref - BR/618/75) was granted in 1975 for the construction of a side boundary fence. The fence was conditioned to be set back 2m from the highway boundary and the total height of the structure is not to exceed 1.67m. The boundary fence which has been erected on site exceeds this guidance height and measures 1.8m. Furthermore, the fence has been resited when compared to the pre-existing boundary treatment, such that it is adjacent to the pavement.

DESIGN AND VISUAL AMENITY

The site is a detached house at the junction of Caledon Avenue and Leverton Avenue. The area was designed as an open plan estate and retains an open character, with wide grass verges and low front and side boundaries. There are examples of some higher level boundary treatments present in this estate, however they are further setback from the highway than the constructed fence.

The fence measures 1.8m in height and is a solid, close boarded timber fence. The fence appears prominent within the street scene as it extends up to the pavement. This is further exacerbated by the curvature of road which draws attention to this fence. The boundary treatment within the street scene is low level, with higher level boundary treatment including the wall opposite, being well set back from the pavement. Hedging and grass verges are present between other, higher level boundary treatments and the pavement. The dwelling to east of the site also features a side boundary fence, however it is further set back from the pavement and features a grass verge that obscures and softens views of the fence. Additionally, it is also noted that previously, a small part of the fence by the annexe of this dwelling was constructed up to the boundary and the remaining wall/fence was set back to soften impact on street scene. It is noted that within the current scheme, the side boundary fence extends up to the pavement and appears prominent and incongruous within this street scene.

The introduction of this side boundary fence is an incongruous and discordant feature that does not reflect the character of the area. Section H of the Arun Design Guide states that development should retain boundary walls, fences, and hedges in order to preserve the character of the street scene and

should reinstate such features wherever possible; with the exception of areas with an open character which should be retained as such. In this instance, the development has installed a boundary fence which is in stark contrast to the character of the area. As the development does not integrate with, or complement the surroundings, it is contrary to one of the main objectives of policy ESD1 of the Felpham Neighbourhood Plan.

It is noted that within the wider area, there are some examples of close boarded fences which have been constructed up to the pavement. Notwithstanding this, these fences form part of different street scenes, and as such, are of a different character to the application site. The street scene of Leverton Avenue is very open and verdant in character, and the side boundary fence appears incongruous and discordant with the wider open character of the street scene.

The development is contrary to policy D DM1(1) of the Arun Local Plan, in that it does not reflect or improve upon the character of the area in terms of its siting, landscaping or the open character of the area which is a design feature of the locality.

NIEIGHBOURING RESIDENTIAL AMENITY

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

FLOOD RISK

The application site is located within the Lidsey Local Flood Risk Zone. Given the nature of the development, comprising a side boundary fence, the development has not resulted in an increase in flood risk. As such, the development is acceptable in this regard in accordance with policy W DM2 of the Arun Local Plan.

SUMMARY

The development is contrary to policy D DM1 of the Arun Local Plan, policy ESD1 of the Felpham Neighbourhood Plan and Section H of the Arun Design Guide as it is an incongruous addition that does not reflect the character of the area.

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

REFUSE

- 1 The side boundary fence, by reason of its height, location and proximity to the pavement, is an incongruous, prominent feature in the open street scene. The boundary fence does not reflect open the character of the area which has been preserved by virtue of the open plan condition which restricts boundary treatments within the street scene. The development is contrary to policy D DM1 of the Arun Local Plan, policy ESD1 of the Felpham Neighbourhood Plan and the Arun Design Guide.
- 2 **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 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.