

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

REF NO: FP/237/20/HH

LOCATION: 30 Davenport Road
Felpham
PO22 7JS

PROPOSAL: Raised deck and increased height to perimeter fence in rear garden.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks retention of a raised deck and to increase the height of a boundary fence to the eastern elevation.
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REPRESENTATIONS

Felpham Parish Council provided no objection.

1 letter of representation received from nearby occupier.

- We are against the raised decking/platform built in 2020 as we are overlooked.
- We would welcome the increase to the fence height.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

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

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#) Design of new development

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1 of the Arun Local Plan.

Felpham has a made and emerging Neighbourhood Plan. The proposal complies with policy ESD1 of the plan.

DESIGN AND VISUAL AMENITY

The proposal is situated to the rear garden and is not visible from the street scene.

There is a raised deck to the south east corner of the garden which features a garden border comprising of Gabion wall which serves as seating.

Due to the siting of the addition, it is not deemed to result in harm upon the character of the area.

RESIDENTIAL AMENITY

The decking will have a depth of around 7.2m and a width of 6.8m. This will have a height above ground floor level of around 0.6m.

As a result of the height of the decking and existing fence height at 1.7m, this does give rise to some overlooking as it allows for views towards the private amenity space of the neighbouring property to the east at No.32.

As such, the proposal also seeks to increase the height of the fence along the eastern boundary to 2.1m. An additional 2 horizontal fence panels will be added to the existing boundary treatment which increases the height of the fence by approximately 0.4m. There is also planting beyond the fence which helps to screen views. The height is also not considered to be overbearing.

It is considered that with the proposed additional height to the fencing, this would reduce significant views that are currently achieved when standing on the decking. There maybe some minor views still available with the screening reaching a height of around 1.5m when standing on the decking. However, the boundary treatment proposed is considered to reduce views sufficiently so they are no longer significant.

The beach is directly to the south and with around 8.8m retained to the neighbour at the west, this is considered a sufficient distance to ensure there is no adverse harm upon this elevation.

The raised decking is not considered to result in significant overlooking impacts as a result of the increase the height of the boundary treatment.

The proposal complies with D DM1 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such accords with D DM1 of the Arun Local Plan.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans
 - Location and Block Plan - P02
 - Proposed Plans - P01

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.

- 2 The increase in fence height ,shall be constructed within 3 months of the date of this permission and a fence of the approved height shall be maintained in perpetuity.

Reasons: To protect the amenities and privacy of the adjoining properties and in accordance with 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.