REPORT UPDATE

Application No: FP/78/14/PL

Reason for the Update / Changes

Reason for Update/Changes:

At full Council Meeting on the 16th July 2014 the Council decided to make the Felpham Neighbourhood Development Plan which will now be used as part of the statutory Development Plan for Arun District Council.

Officers Comment:

With regard to this application for re-positioning of boundary wall it is not considered that within the Neighbourhood Plan there are any relevant policies which relate to this application.

Note: There are no changes to recommendation, conditions or reasons for approval which show under Officers Recommendation at the end of the attached report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

FP/78/14/PL

Recommendation Report for Planning Permission

REF NO: **FP/78/14/PL**

LOCATION: 63 Outerwyke Road
Felpham

PROPOSAL: Re-positioning of boundary wall with intermittant fence panels

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed wall with intermittent fence panels and brick piers to a height of 1.8m is approximately 14m in length.
SITE AREA	Approximately 420 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open to the highway, south side boundary has wall 1.8m in height, rear and north side boundary close boarded fencing

	approximately 1.8m in height.
SITE CHARACTERISTICS	Detached property on corner location with detached garage to rear. Wooden outbuilding in rear garden. The property has brown brickwork, concrete tiled roof with white window frames.
CHARACTER OF LOCALITY	Sited on a corner location within a residential area. Street scene on the northern side is largely open plan in character. To the east No 7 which is sited on a corner location is enclosed by hedging approximately 1.8m in height. To the west No 2 Westmorland Drive which is on a corner plot has the front garden enclosed by a 1.2m wooden fence.

RELEVANT SITE HISTORY

PAA/33/14/	Two storey rear extension, porch, movement of boundary structure to abutt highway.	Refuse Pre App 02-04-2014

REPRESENTATIONS

Representations received:

Felpham Parish Council

Objection

On the grounds that it would ruin the street scene and spoil open view from the street.

1 Letter of Support

I consider the proposal to be in keeping with the area as a whole and will not have a detrimental effect on the neighbourhood environment or visual amenity. Furthermore, given the development at 2 Westmorland Drive and corner of Ambleside and 1 Westmorland Drive I consider the area to have anything but an open plan feel given that these properties maintain fences which abut the highway. Finally, given that the area is currently used as car parking if consent is granted this will no longer be possible. I believe that it will actually improve the outlook as sometimes 6-7 cars are parked consecutively in front of 61, 61a and 63.

Comments on Representations received:

Parish Council Comments noted

The reposition of the wall still retains an open area to the public walkway and it is not considered that this would be harmful to the open and spacious character of the area to warrant a refusal.

Rep comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
PDR - Open Plan Condition BR/207/55
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D SP1 Design SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

· the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
· the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

· the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters/policies have been published.

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.

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

PROPOSAL
The application seeks to re-position the existing boundary wall on the southern side to incorporate an area of presently open land.

PRINCIPLE
The site lies within the built up area boundary and is within an established residential area. The dwelling and surrounding properties is the subject of an open plan condition dating back to when the residential properties were constructed in 1965/66 under planning reference BR/207/55. In this instance the emphasis is upon the character and appearance of the area and Policy GEN7 of the Arun District Local Plan applies.

DESIGN AND SCALE
The existing wall which is 1.8m in height extends along the southern side boundary to the detached garage to the rear. The existing wall is set back from the public walkway by 3m-7m with an open area which is partly grassed with gravel. The proposed wall which will be constructed of brick to match the host dwelling will have fence panels positioned within brickwork piers with a

new pedestrian gate sited to the western end by the garage. The proposed wall will be repositioned closer to the public walkway leaving an open area of between 2m-4m.

CHARACTER AND APPEARANCE
The property to the west which is sited on a corner location No 2 Westmorland Drive has a 1.2m wooden fence that encloses the front garden. This fence was the subject of planning application FP/19/03 and the subject of an appeal decision. The Inspector ruled that given nearby fences and walls the modest fence enclosing the garden was not unduly intrusive or out of character with the general appearance of the locality. He also stated that such an open plan condition did not preclude the erection of fencing and any such proposal must be considered on the basis of specific circumstances of the site and its surroundings. The property to the east No 65 Outerwyke Road which is on a corner plot is enclosed by hedging approximately 2m in height that extends to the public walkway. When travelling along Outerwyke Avenue in an easterly direction the wall will be set in line with the front flank wall of the neighbouring property No 61a.

SUMMARY
In view of the fact that the repositioned wall does not enclose all of the open land and a significant buffer will remain open the proposal would not conflict with the aims of Policy GEN7 of the Arun District Local Plan.

It is therefore recommended to approve the application, subject to 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 for 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 a neutral impact has 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).

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 1:1250, Block 1:500, Proposed Elevations Sheet 1 of 2 received on 2nd June 2014.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The proposed brick wall hereby permitted shall match in colour and texture those of the host dwelling.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

4 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.