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

**REF NO:** **F/8/17/HH**

**LOCATION:** 23 Rodney Crescent
FORD

**PROPOSAL:** Removal of 2.5m Conifer hedge on eastern boundary & replace with 2.1m fence/trellis. Removal of 2.3 Privet hedge on western boundary & replace with 2.1m high fence/trellis

## SITE AND SURROUNDINGS

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|---|---|
| DESCRIPTION OF APPLICATION | The application seeks to remove the hedging to the East and West of the property and replace with 2.1m high fencing. |
| SITE AREA | Approx. 665sq.m. |
| TOPOGRAPHY | Predominantly flat |
| TREES | None of any significance affected by the proposed development. |
| BOUNDARY TREATMENT | Relevant boundary treatment includes 2.5m hedging to the East and West of the property. |
| SITE CHARACTERISTICS | Site is populated by a two storey semi-detached dwelling. |
| CHARACTER OF LOCALITY | The area is populated by a mixture of housing types. |

## RELEVANT SITE HISTORY

N/A

## REPRESENTATIONS

**Representations received:**

Ford Parish Council

Parish Council - No objection - They believe that the proposal is "attractive".

**Comments on Representations received:**

Noted.

## CONSULTATIONS

WSCC Strategic Planning

**Consultations responses received:**

W.S.C.C Highways - The proposal is deemed to be a benefit to the safety of highways.

**Comments on Consultation responses:**

Comments noted.

## POLICY CONTEXT

Designation applicable to site:
Outside B.U.A.B

### DEVELOPMENT PLAN POLICIES

| | | |
|---|---|---|
| Arun District Local Plan 2003: | GEN3 | Protection of the Countryside |
| | GEN7 | The Form of New Development |
| Publication Version of the Local Plan (October 2014): | | D SP1 Design |
| | | C SP1 Countryside |

### PLANNING POLICY GUIDANCE

| | |
|---|---|
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

## POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Ford Parish have no produced a neighbourhood plan.

## 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

DESIGN AND VISUAL AMENITY
As is noted in most of the representations the hedges to the East and West of the property are dying, and therefore could be deemed an 'eyesore'. Additionally, the proposed fencing is lower

than the height of the current hedges. The area also is populated by lots of high fencing to the front elevation to properties, as shown at #22, #34, #35 amongst others. The proposal is not considered to be out of keeping with the character of the area, therefore, it is compliant with GEN7 (ii).

RESIDENTIAL NEIGHBOURING AMENITY
There is not deemed to be a significant impact on neighbouring residential amenity in the area as a result of this application. The fencing will not have an neighbourly impact on adjoining properties and is therefore compliant with GEN7 (iv).

HIGHWAYS
West Sussex County Council Highways department deemed the proposal to be beneficial to the highway safety in the area. It is therefore compliant with policy GEN7 (vii).

## HUMAN RIGHTS ACT

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 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 fencing hereby permitted will be 2.1m high, 2m of solid panel with a 0.1m trellis. It will be 17.6m long.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

3 The materials and finishes of the fencing hereby permitted shall match in colour and texture those stated in the original application.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 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.