

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

REF NO: LU/120/13/

LOCATION: 76 Courtwick Road
Littlehampton

PROPOSAL: Retention of replacement fence to the side of property

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The fence measures approximately 32m in length along the side (west) of the property. It ranges in height from 0.87m closest to Courtwick Road and increases to approximately 2.45m towards the north. The application is retrospective in nature.
SITE AREA	Approximately 300 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low brick wall to front under 1m in height. Conifer hedging to rear over 2m in height. The fencing in question to side.
SITE CHARACTERISTICS	A semi-detached bungalow with brick elevations painted red and a hipped roof with brown pantiles. There is a porch to side and shed to rear.
CHARACTER OF LOCALITY	Predominantly residential in character with two storey terraced properties and detached bungalows. The area has generally low level front boundary treatment.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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

report

than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies within the built-up area boundary where residential development is acceptable in principle.

DESIGN AND VISUAL AMENITY

The fence is situated to the side (west) of the property and adjacent to a public footpath which runs north-south and joins Courtwick Road with Wheatcroft. The fence is most visually prominent at its southern extent next to Courtwick Road but this is where the fence is at its lowest at approximately 0.87m for a distance of approximately 2.9m. This accords with the street scene which generally has low front boundary treatment.

The fence steps up in height along its mid-section to approximately 1.85m but this is set back and so not prominent within the street scene. The highest section at approximately 2.45m is towards the north but this is close to a parking area within Wheatcroft and as such does not adversely affect the character of this area.

Since the fencing has been constructed already, it has been noted that it has a light wood appearance which is more visually prominent than should be the case. However, this concern can be overcome with a condition requiring its staining in a colour to be agreed with the Local Planning Authority to accord with Local Plan policy GEN7(ii).

RESIDENTIAL AMENITY

A fence has previously been situated in this location in places up to 2m in height. Therefore, a fence in this location would have been seen as a recognised feature in the street scene. The fence subject of this application is an improvement as it has been stepped down to under a metre in height close to Courtwick Road.

Due to the adjacent public footpath, an adequate separation distance is maintained to the neighbouring property of Number 78 Courtwick Road to the west. Therefore, any overbearing or overshadowing effects caused by the fence on this property will not be at a demonstrable level of harm. It is therefore acceptable in terms of residential amenity.

It is therefore recommended that approval is granted, subject to the following 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 to 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 effect 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 approved shall be carried out in accordance with the following approved plans: Location plan, Block plan and Elevations.

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

- 2 Within one month from the date of this permission, details of the staining/painting of the fence shall have been submitted for the written approval of the Local Planning Authority. Within one month of the details having been approved, the staining/painting will be carried out and maintained in perpetuity thereafter.

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

- 3 **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.