

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

REF NO: LU/133/12/

LOCATION: The Cottage
New Road
Littlehampton

PROPOSAL: Erection of 1.7m high front boundary wall & railings

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal involves the erection of an approximately 1.75 metre high flint and brick wall on the northern site boundary, adjacent to the pavement. The wall will also feature a new access gate set between approximately 2.1 metre high brick piers. Approximately 750mm high wrought iron railings will also be mounted on the existing dwarf brick wall on the western site boundary.
SITE AREA	Approximately 285 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	There is what appears to be a self sown tree to the front of the site, which reaches approximately 6 metres high. There is no indication this tree will be affected by the proposed works and, in any case, it is not considered to possess an amenity value that would make it eligible for TPO status.
BOUNDARY TREATMENT	There is currently approximately 2 metre high brick walling and timber gates to the north of the site. The wall curves inwards towards the western edge of the site so that it is inset approximately 2.1 metres from the pavement.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey dwelling that is set well back from the road, and largely screened from view within the street scene by brick walling to the front. There is a detached garage building to the front of the main dwelling.
CHARACTER OF LOCALITY	The site is located on a road that is bordered by a linear arrangement of what are predominantly terraced two and three-storey dwellings and small blocks of flats that are positioned close to the pavement, creating an intimate built-up character and appearance. A 2 metre high brick wall flanks the pavement to the east.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

WSCC Local Development Divis.

Consultations responses received:

It appears that the wall will be constructed on land under the control of the applicant. It does not appear that the wall will affect visibility along New Road or that of a vehicular point of access immediately to the east of the site.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Building of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN22](#)

[GEN7](#)

Built-up Area Boundary

Buildings or Structures of Character

The Form of New Development

PLANNING POLICY GUIDANCE

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.

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

The proposed wall will be positioned directly adjacent to the pavement and will therefore become a prominent visual feature within the street scene. It is noted that there is a 2 metre high wall bordering the pavement that extends to the east and it is considered that proposal will create a natural continuation of this wall. It should also be noted that the dwelling is already positioned behind a 2 metre high wall, albeit set further back from the road than the proposal, and, as such, it is not considered that the proposal will alter the relationship between the existing dwelling and the street scene.

The proposed wall will differ in appearance to the adjacent wall in two ways, its height, which will be lower, and the use of materials, with the proposed wall including sections of flint. It is considered that these differences in appearance will achieve a positive effect by way of providing variety in what would otherwise become a monotonous section of brick wall. The flint sections will also compliment the flint sections of walls nearby on the opposite side of the road.

The raised section of the wall on the western boundary will be achieved through the use of railings which will allow sunlight to permeate to the windows of No. 60 New Road, the neighbouring property to the west. Further, the height of the wall will remain modest so as to prevent a sense of overbearing. It is noted that part of the brick wall on the northern boundary will intersect a 45 degree sight line taken from the ground floor bay window to the front of 60 New Road. However, the infringement would be minimal, the wall is of modest height and will be set some 4 metres from the window in question, which also benefits from three separate aspects, ensuring that this section of wall will not adversely impact upon the amenities of the occupants of No. 60 New Road.

It is therefore recommended that the application is approved, 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 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 it has been deemed that it would have a neutral impact 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:-

Site Plan 1:1250;
Block Plan 1:500;
477/01;
477/02;

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.

- 3 No development shall take place unless and until details of the structural calculations for the proposed boundary wall have been submitted to and approved by the Local Planning Authority, and the boundary wall shall be constructed in accordance with such approved details.

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

- 4 No development shall be carried out until a schedule of materials has been submitted to, and where so required by the Local Planning Authority sample panels of the flint sections of the wall have been constructed on the site, and approved by the Local Planning Authority and the materials and sample panels so approved shall be adhered to as the construction specification for the wall.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 5 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, GEN22

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 6 INFORMATIVE: Due to the close proximity of the walling to the public highway and its overall height, a structural engineer will be required to oversee the design specification for the construction of the wall to ensure that it is suitably supported to prevent collapse onto the public highway or danger to its users.