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

REF NO: **LU/280/15/HH**

LOCATION: 17 Humber Close
Littlehampton

PROPOSAL: Replacement of existing boundary hedging with low level brick wall, to front and side elevations - This application may be determined by Littlehampton Town Council under delegated powers.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Construction of a 800mm high boundary wall.
SITE AREA	Approximately 404 metres squared.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The rear garden eastern boundary consists of a 1.8 metre high brick wall and fence with a 1 metre high hedge planted adjacent to the footpath which runs along the eastern side of the dwelling and around the front of the site.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow.
CHARACTEROF LOCALITY	The character of the site is residential in nature and feature bungalows of a similar design and style. An open plan condition is present on the estate.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:
N/A
Comments on Representations received:
N/A

CONSULTATIONS

Consultations responses received:
None.
Comments on Consultation responses:
N/A

POLICY CONTEXT

Designation applicable to site:
Open Plan Condition

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 (October 2014):	D SP1	Design
	SD SP2	Built-Up Area Boundary

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

The Littlehampton Neighbourhood Development Plan was made at Full Council meeting on 5th November 2014. This means that the Littlehampton Neighbourhood Development Plan has been brought into legal force and forms part of the statutory plan for the town. Consequently, decisions on whether or not to grant planning permission in this area will need to be made in accordance with the Littlehampton Neighbourhood Development Plan, unless material considerations indicate otherwise.

There are considered to be no relevant policies within the Littlehampton Neighbourhood Plan relevant to the determination of this application.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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

PRINCIPLE
The site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policy GEN7.

DESIGN AND VISUAL AMENITY
The site is the subject of an open plan condition which has removed permitted development rights for the erections or constructions of walls, fences, gates or other means of enclosure other than those approved on the original application under reference LU/107/66.

The application seeks permission for the construction of a 0.8m high brick wall along the front and eastern boundaries of the site. The proposed wall will measure 27.1m in length on the eastern boundary of the site adjacent to a public footpath and 13m in length along the front boundary of the site replacing an existing 1 metre high hedge.

Humber Close remains open plan in character with no additional boundary walls having been erected forward of the primary elevations of neighbouring properties. This ensures that the building line on the northern side of the road remains consistent which is a key element of the character of the locality.

The erection of the proposed boundary wall will add hard landscaping forward of the primary elevation which will appear unsympathetic and out of character with the locality of the site. The proposed wall will be clearly visible within the street scene and have a considerable impact upon the established characteristics of the area.

It is acknowledged that a fence exists on the southern boundary of 19 Humber Close, with a section 1.2m in length and between 0.3 and 0.5 in height being visible within the street scene. However, this fence was not the subject of planning approval and as such is not considered to set a precedent which could justify the construction of the proposed wall.

Due to the impact of the proposal upon the character and appearance of the street scene it is considered to be in conflict with policy GEN7 (ii) of the Arun District Local Plan adversely impacting upon the open nature and distinctiveness of the area.

It is considered that the section of walling located adjacent to the footpath, as it is not located forward of the primary elevation of the property, does not impact upon the open character of the area.

RESIDENTIAL AMENITY
The proposed wall is not considered to give rise to any unacceptable impacts upon the residential amenity of adjoining properties and is therefore considered to be in accordance with Policy GEN7(iv) of the Arun District Local Plan.

SUMMARY
It is recommended that planning permission is refused for the proposed development for the below reason.

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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

REFUSE

1 The proposed walling by way of its height and siting would detract and appear out of keeping with the character and appearance of the area detracting from the open and verdant appearance of the locality contrary to policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

2 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity

to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.