

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

REF NO: LU/283/17/HH

LOCATION: 56 South Terrace
Littlehampton
BN17 5LG

PROPOSAL: Removal & erection of fence.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed fence is set within the original boundary treatment and runs along the frontage of the site and the side road. The fence has been erected and as such the application is a retrospective one. The proposed fence is approximately 7.9m along South Terrace and 4.2m along Fitzalan Road. It would be approximately 1.63m high. It is constructed of panels painted grey
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The original front boundary comprises a brick wall which curves down in its central portion with a metal railing across this gap. To the side there was a brick wall. The original wall is approximately 1m high.
SITE CHARACTERISTICS	Four storey property including basement accommodation. The property is set on a corner plot at junction of South Terrace and Fitzalan Road.
CHARACTER OF LOCALITY	The area is mixed use with properties having been converted to residential flats but with open amenity areas to the front leading to the sea front. Primarily the boundary treatments varies with different materials and styles but generally being of a low height.

RELEVANT SITE HISTORY

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Littlehampton Town Council object as follows; this is a retrospective application which is considered to be out of keeping in area of Special Character.

No response to public consultation

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and addressed in the conclusions of this report.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

The Conservation officer has commented as part of the enforcement case to say that the fence is an alien feature that harms the aesthetic quality of this building of special character and its removal is strongly recommended.

COMMENTS ON CONSULTATION RESPONSES:

Noted

POLICY CONTEXT

Designation applicable to site:

Built-up area boundary

Building of Special Character

Class C Road

Flood-zone 3

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN22	Buildings or Structures of Character

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D SP1	Design
SD SP2	Built -Up Area Boundary
HER DM2	Locally Listed Buildings or Structures of Character

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 and is 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.

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 has taking place. 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. The examination was completed in September 2017.

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. 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; Clymington; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

The relevant policies in the Littlehampton NP have been taken into account in 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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and it would 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 application site lies within the built up area where the principle of development is acceptable subject to other planning policies.

This is a retrospective application as the fence is already erected. The proposed fence is sited to the front of the property along the front boundary, on South Terrace and to the side along Fitzalan Road. The application property is situated in a prominent corner position. The wider area has lower boundary treatment albeit of varying design and materials. Given the height, design and materials of the fence, including its siting behind and rising above the original boundary treatment, the proposed development would appear as unduly dominant and incongruous in the streetscene. Paragraph 64 of the NPPF states, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

Therefore given the character and appearance of the area and the fences height, design and its particular prominent position in the street, the proposed development is considered to be an alien feature harmful to the character and appearance of the area and the application site which comprises a building of special character

Due to the height and design of the fence there is no adverse impact on the residential amenity of adjoining occupiers.

Therefore, it is considered that the development would not accord with the planning policies in the Arun Local Plan and Littlehampton Town Neighbourhood Plan and is therefore recommended for refusal for the following reason;

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 Having regard to its significant height, design and materials used together with its prominent location, the fence is an alien and incongruous feature resulting in an unacceptable impact of the character and appearance of the area and the host property a building of special character, in conflict with policies GEN7 and GEN22 of the Arun District Local Plan, policies 1 and 17 of the Littlehampton Neighbourhood Development 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 reason(s) 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.