

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

**REF NO:** LU/99/14/HH

**LOCATION:** 19 Clarence Avenue  
Littlehampton

**PROPOSAL:** Retention of some existing fencing & gate & replacement of remaining fencing to side South boundary. This application may be determined by Littlehampton Town Council under delegated powers

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

As above. The wooden fencing and gates measure approximately 1.87m at their maximum. The application is partly retrospective in that the gates and two sections of fence panels close to the property are already in situ.

**SITE AREA**

Approximately 300 square metres.

**TOPOGRAPHY**

Predominantly flat.

**TREES**

None of any significance affected by the proposed development.

**BOUNDARY TREATMENT**

Brick walling to front. Close boarded fencing to side (south) at approximately 1.8m in height.

**SITE CHARACTERISTICS**

A semi-detached bungalow with rough rendered elevations painted white and a hipped roof with plain roof tiles. There is an attached PVCu conservatory on the rear elevation and a detached garage along the eastern boundary of the site. The property occupies a corner location with two road frontages to front and side in Clarence Avenue.

**CHARACTER OF LOCALITY**

Predominantly residential in character, there are mainly semi-detached bungalows in the surrounding area.

**RELEVANT SITE HISTORY**

**REPRESENTATIONS**

**Representations received:**

One letter of objection.

\*The fencing blocks the view from the property of No. 4 Grand Avenue.

\*Left a big gap between the fence and the fencing at No. 4 with weeds growing in there which will not be maintained.

**Comments on Representations received:**

Objection comments are noted. There are no unacceptable adverse residential effects created by the fencing and gates that form the subject of this application for the reasons set out in the Conclusions section of the report. The gap between the fencing and that of No. 4 cannot be controlled by planning legislation and as such lies outside of the scope of this application.

**CONSULTATIONS**

**Consultations responses received:**

None

**Comments on Consultation responses:**

None

**POLICY CONTEXT**

Designation applicable to site:  
Within the Built-Up Area Boundary

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan 2003: [GEN2](#)  
[GEN7](#)

Built-up Area Boundary  
The Form of New Development

[Publication Version of the Local Plan -  
Excluding the Spatial Portrait, Employment,  
Housing Allocations, Transport, Monitoring and  
Implementation sections \(February 2014\):](#)

D DM1 Aspects of Form and Quality  
D SP1 Design

**PLANNING POLICY GUIDANCE**

NPPF

National Planning Policy Framework

**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 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. 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public

consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

#### **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**

##### **PRINCIPLE:**

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

##### **DESIGN AND VISUAL AMENITY**

This application seeks the retention of two new fence panels either side of a new gate and a pair of new gates which are currently in situ as well as the replacement of the existing fencing and

trellis elsewhere with new fencing. The gates and two sections of fence panels in situ adjoin the existing wooden fencing with trellis on top and are slightly lower at 1.87m in height. The fence panels and gates are visible in the street scene. The replacement fencing is to match the new fence and gates in height, material and appearance.

The front boundary treatment to the south of Grand Avenue is predominantly of the low wall variety. However, on the north side where the fencing the subject of this application is located there are a number of other examples of similar fencing. For example Nos. 19 & 20 Selwyn Avenue, 20 Clarence Avenue, 16 & 18 Grand Avenue ensure that the proposal will not be out of character with its surroundings. It will also replace existing fencing at a similar height and despite the open nature of the trellis fencing compared to the more solid appearance of timber panels, the majority of the fencing will appear the same.

The fence panels and gates that are already in situ have not been stained and consequently appear unacceptably prominent in the street scene. However, it is recommended that a condition be imposed on any permission requiring that details be submitted to ensure that these panels are to be stained with a colour to be first agreed with the Local Planning Authority. With such a condition in place, it is considered that the proposal is acceptable in visual amenity terms.

It is therefore considered that the proposal complies with relevant policy GEN7(ii) of the Arun District Local Plan.

#### **RESIDENTIAL AMENITY**

The fence panels and gates adjoin a public footpath and road to the south and as such do not create any overbearing effects on to neighbouring properties. The pair of timber gates used for vehicular access and leading to a detached garage replaces existing gates at the same height in this location. There is also a shorter half panel measuring approximately 1.2m in height which buffers these gates with those panels belonging to No. 4 Grand Avenue to the east. Consequently, it is considered that there is no harmful overshadowing or overbearing impact on this or any other neighbouring property.

It is therefore considered that the proposal complies with relevant policy GEN7(iv) of the Arun District Local Plan.

It is therefore recommended that the application be 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 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 impact 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 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: drawing numbers 320/05 (Location and block plans), 351/03 (Existing elevations) and 351/04 (Proposed elevations) all dated March 2014.

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 Within one month from the date of this permission, details of the staining/painting of the fencing and gates hereby approved and those in situ 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 to those fence panels and gates currently in situ and maintained in perpetuity thereafter. The agreed staining/painting shall be applied with immediate effect upon erecting the new fence panels hereby permitted and maintained in perpetuity thereafter.

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

- 4 **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.