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

REF NO: **P/54/13/**

LOCATION: 9 Abbottsbury
Pagham

PROPOSAL: Boundary fence

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application (as amended on 26/07/13) proposes to extend the existing side boundary fence out towards Golden Acre by a width of 3.6m. The new boundary will be formed from close boarded fence panels. There is also to be a 0.2m increase in the height of the boundary from 1.8m to 2.0m.
TOPOGRAPHY	The site is predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The existing side boundary is 1.8m in height and constructed from a mix of bricks to match the house and timber fence slats. This is to be removed and rebuilt 3.6m further to the west.
SITE CHARACTERISTICS	Whilst at first sight, the application site appears to be grass verge, it is actually within the ownership of no. 9 and is therefore unenclosed side garden located between the existing fence and the pavement.
CHARACTER OF LOCALITY	9 Abbotsbury is located within an open plan estate where planning permission is required to erect fences and walls in front of dwellings and boundaries. The openness is a key characteristic of these areas. However, no. 11 Abbotsbury (located directly opposite to the proposed fence) has extended its own side boundary outwards by 3.6m. No. 11's boundary is a deep red coloured brick wall to 1.8m in height.

RELEVANT SITE HISTORY

P/2/07/	Single storey side extension.	ApproveConditionally 16-02-2007
PAA/74/11/	Move 2m high rear garden fence outwards to incorporate part of side garden into the rear garden, leaving 2.6m of side land open.	Pre-app Issued 15-09-2011

report

P/161/80	New boundary fence 6 foot in height	Refused 10-12-1980
P/24/81	6' 0" boundary wall and fence	ApproveConditionally 20-05-1981

Pre-application advice was sought in September 2011 for the same proposal. The officer opinion was that the application would likely be refused, however, no regard was had at that time to the nearby boundary wall extension at 11 Abbotsbury.

REPRESENTATIONS

Representations received:

Pagham Parish Council

Pagham Parish Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

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 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 the existing extended boundary wall at 11 Abbotsbury is a material consideration in the determination of this application. Application Ref P/188/78 granted permission for the relocation of 11's side boundary brick wall between the house and the detached garage by some 3.6m to the east. No. 11 is virtually a mirror image of no. 9 and is located on the opposite side of Golden Acre.

CONCLUSIONS

The application originally sought to relocate the side boundary wall by 4.5m towards the highway. This was considered to be out of character with the streetscene of this predominantly open plan estate. However, it was considered that relocating the boundary out to the same distance as per no. 11 would be acceptable as then the boundary would match with the property immediately opposite and would therefore be capable of maintaining the existing established character of the area. There is a slight increase in the height of the proposed boundary but the new fence will not affect sight lines and it is not considered that this height increase will be detrimental to visual amenity.

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) 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 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

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: Location Plan (1:1250), Block Plan Rev A (1:500) and Proposed/Existing Plan Rev A (1:100).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with DEV19 and 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.