

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

REF NO: P/91/12/

LOCATION: 2 Lagoon Road
Pagham

PROPOSAL: Retention of a fence to the rear of the property

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The fence has been erected on the rear boundary fronting Well Road. It is feather edged with a length of 17m and 2m in height.
SITE AREA	Approximately 720 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has temporary mesh type fencing approximately 1.8m in height, rear has close boarded fencing 2m in height.
SITE CHARACTERISTICS	The detached two storey property with front dormer is currently being renovated. It has rendered walls painted white, yellow painted window frames with a green felt roof.
CHARACTER OF LOCALITY	Area of Special Character. Single storey detached properties of various styles and designs, some of which were former railway carriages.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Pagham Parish Council

Objection

Members considered this fence, due to its height and method of construction, overbearing, unneighbourly and out of keeping with its surroundings.

5 Letters of Objection

Fence has been erected on land outside the boundary of No 2 Lagoon Road which is not owned by the applicant.

Fence represents an unsympathetic addition to the Area of Special Character and contrary to the Pagham Village Design Statement.

Method of construction is out of keeping, ie the use of RSJ girders to support wooden fencing panels.

Fence has bottle necked Well Road making it difficult for properties opposite the site in Well Road to enter or leave their driveway.

Complaints have been received from the Council's refuse collection contractor regarding the width of Well Road which has been reduced by the fencing.

Caravan has also been sited at the rear of the property.

3 Letters of Support

The fence in its present height has made the site more secure.

When work is complete on the house the fence will be taken down and replaced by a garden wall or fence.

The applicant since buying the property has cleared the site and enhanced the appearance of Well/Lagoon Road.

Would be concerned if the fence were to be reduced in height as this would make the neighbouring properties more vulnerable in relation to vandalism.

Comments on Representations received:

Parish Council comments noted.

Objection comments noted

The applicant has confirmed that the fence has been erected on land within his ownership.

Refuse Contractors have visited the site and confirmed that the fence has no impact on the width of Well Road.

The application is to consider the fence and the caravan has been investigated by the compliance section and is considered to be "permitted development".

Support comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Area of Special Character

Private Street

Protected Coastal Area

Art 4 Direction

No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[AREA1](#)

[GEN2](#)

[GEN7](#)

Areas of Special Character

Built-up Area Boundary

The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

PDS

Pagham Parish Council's Village Design
Statement by PaghamPC

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 adverse impact on the Area of Special Character and 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 main issue is the character and appearance of the street scene and Area of Special Character. The retrospective application seeks to retain the wooden fencing that has been erected on the rear boundary fronting Well Road which replaced soft landscaping.

The fence which has a length of 17m is 2m in height. It is feather edged supported by wooden posts and two steel RSJ girders and positioned above a gravel board. The applicant has advised that the fence has been constructed as a temporary measure as the existing property is being renovated and the previous soft landscaping made the site insecure.

From a site inspection it is accepted that there are some examples of fencing over 1m in height that have been erected to the rear boundary of properties in Lagoon Road which front Well Road but these developments are of a minority. The properties within the immediate vicinity which front Well Road have varying boundary treatments and any fencing is of a lower height.

In view of its method of construction which is considered to be of an obtrusive enclosure it is an unsympathetic development which is detrimental to the character and appearance of the street scene and Area of Special Character.

It is therefore recommended that the application is refused 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 for 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. 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 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

REFUSE

- 1 The fencing by reason of its height and method of construction represents an incongruous and obtrusive addition to the street scene. It is out of character with the Area of Special Character and detrimental to the visual amenities of the locality in conflict with policy GEN7 and AREA1 of the Arun District Local Plan.