

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

REF NO: R/153/19/HH

LOCATION: 32 Broadmark Lane
Rustington
BN16 2JA

PROPOSAL: Boundary fence on frontage to Broadmark Lane and Shaftesbury Road.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

RELEVANT SITE HISTORY

ENF/143/19	Alleged unauthorised fence	
R/174/14/HH	Demolition of existing conservatory together with existing roof removal to construct a new chalet style loft conversion with new pitched roof with dormers.	ApproveConditionally 23-10-14

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Rustington Parish Council has noted the above application and wishes to raise no objection to it.

Two letters in objection to the above application on the following grounds:

- No planning consent when initially erected.
- The proposed fencing is too high.
- Particularly unattractive fencing.
- Detracts from the visual amenity of the area.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

Rustington Neighbourhood Plan 2014 Policy 2

Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The application is located within the built-up area boundary where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case the key policies are considered to be D DM1 of the Arun Local Plan.

There is no relevant site history.

Policy

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public art, Density and Scale.

Policy DSP1 of the Arun Local Plan sets out that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy 2 of the Rustington Neighbourhood Plan outlines that development should not detract from the character and amenity of the nearby area as well as explaining the development should seek to maintain privacy and alleviate possible noise issues to existing neighbouring properties.

THE SITE

There is a grass verge and public footpath that run past the front of the property next to the proposed boundary. The proposed fence would measure approximately 1.85m at the highest point and be 30m wide. There are many comparable properties along Broadmark Lane and Shaftesbury Road that have a fenced front boundary. The fence to the front will be 1m high then raise on the diagonal to 1.85m then run to the height of 1.7m.

DESIGN & VISUAL AMENITY

Shaftesbury Road is a largely open road with visible front gardens however Broadmark lane has largely fenced and walled boundaries to the properties. There are many comparable properties along Broadmark Lane and Shaftesbury Road that have a fenced boundary at the front, with this fencing the two corner properties of Shaftesbury Road will be fenced corner dwellings. As it is the fencing is not considered to be acceptable due to height and design. To make this acceptable the proposal seeks to reduce the height of the fencing and remove the current horizontal panelling and replaced with vertical. Therefore, it is considered that the proposal does not compromise the established character of the area nor have an unacceptably adverse impact upon the visual amenity of the locality. This application complies with Policy 2 of the Rustington Neighbourhood Plan as it fits in with the spatial plan of the area.

CONCLUSION

The proposed development is therefore considered to accord with the relevant development plan policies and as such it is recommended that it be approved subject to the following conditions and informatives.

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 months from the date of this permission and the development hereby permitted shall be completed before the expiration of 6 months from the date of this permission being granted.

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:
 - TQRQM19166122817718 (Scales 1:1250 and 1:200)
 - Photo 1: Proposed 1m height on eastern elevation.
 - Photo 2: Proposed height of 1.85m where the north-eastern elevation meets the northern elevation angling down to 1m on the eastern elevation.
 - Photo 2A: Proposed height of 1.85m where the north-eastern elevation meets the northern elevation angling down to 1m on the eastern elevation.
 - Photo 3: Proposed height of the north elevation going from 1.85 to 1.7m
 - Photo 4: Proposed finish using boarded timber 11mmx150mm that is pressure treated.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 **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 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.