

**Recommendation Report for Planning Permission for Works or Extension to a Dwelling****REF NO:** R/194/24/HH**LOCATION:** 19 Orchard Gardens  
Rustington  
BN16 3HN**PROPOSAL:** Retrospective application for the erection of a garden shed and fencing.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION As above.

**RELEVANT SITE HISTORY**

R/38/06/	Erection of boundary fence	ApproveConditionally 23-03-06
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R/75/09/	Proposed Double Storey Side extension	Refused 13-07-09
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**REPRESENTATIONS**

Rustington Parish Council - No objection.

1 No. representation received in support of the application, key points summarised below.  
 -The new fence and shed is a vast improvement on how it was before as the previous fence needed replacing.  
 -It is aesthetically pleasing on the eye and has been built to a high standard by the present owner.

**CONSULTATION RESPONSES RECEIVED:**

Noted.

**POLICY CONTEXT**

Within an area with potentially high groundwater levels.

**DEVELOPMENT PLAN POLICIES**Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD13	Arun District Design Guide (SPD) January 2021
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**CONCLUSIONS****DESIGN AND VISUAL AMENITY**

The site is a semi-detached dwelling located at the corner of Orchard Gardens and Herne Gardens. The retrospective application seeks permission for the construction of a garden shed to the north east corner of the site, with replacement fencing along the northern and eastern boundaries. The application site is a corner plot, and the shed and fencing is sited within a prominent location within the street scene of Herne Gardens.

The single storey garden shed has a width of approx. 5m, a depth of approx. 7m and an overall height of 2.5m. The garden shed features fenestration to the west elevation. The materials used for the walls include vertical timber boarding (natural) to match the fencing on the east and north boundaries and cement board cladding in green on the west and south elevation, this is acceptable as these elevation (west and south) are not readily visible from the street scene. The roof of the garden room features corrugated metal sheeting in grey. The walls of the garden shed also act as fencing to north-east corner of the site, with a height of 2.5m.

The garden shed is sited to the east of the site and is visible from the street scene. Whilst it is taller than the adjacent fence by approximately 0.7m, it has a low level flat roof and integrates with the fence through the use of similar materials. Furthermore, the existence of various small scale developments present to the front/rear of the properties along the road that vary in scale, height and elevational treatments also vary. Therefore, the garden shed does not appear out of character nor unduly prominent within the street scene and is acceptable.

A 1.83m close boarded fence has replaced the pre-existing fence. The fence is a close boarded timber fence, which encloses the rear and side garden of 19 Orchard Gardens. The fence does not enclose the principal elevation, and whilst it is sited within a prominent location, it has replaced fencing of a similar style and height. Additionally, there are examples of similar fences present in the area such that this fence does not appear out of character with area. The inclusion of an access gate within the fence line along the west elevation would not result in any material harm to the character or visual amenities of the wider locality.

The garden shed and fence, whilst sited within a prominent location, replace existing close boarded fencing of the same height and style. Whilst the garden shed extends approximately 0.7m above the fence line, it is finished in materials which integrate with the fence and therefore does not appear unduly prominent or incongruous within the street scene of Orchard Gardens. The garden room does not appear as an overdevelopment of the site. The development is in accordance with policy D DM4 of the ALP.

**RESIDENTIAL AMENITY**

Part M of the ADG states householder extensions should protect neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows.

The garden shed is sited to the north east of the site, adjacent to the parking area utilised by the host dwelling. Given the spacing between the garden shed and neighbouring properties opposite the application site, separated by the highway, the garden shed has not resulted in overshadowing or overbearing impacts to this neighbour. Given the siting of the garden shed, it has not resulted in harm to any other neighbouring properties.

The fence has replaced pre-existing fencing of the same style, height and siting, and has not resulted in any harm to neighbouring properties.

In terms of overlooking, the fenestration within the garden shed faces into the application site, and has not resulted in any overlooking.

The proposal is in accordance with policies D DM1 and D DM4 of the Arun Local Plan in that it would not result in unduly harmful adverse overshadowing, overlooking or overbearing effects on neighbouring properties.

## SUMMARY

The proposed development is in accordance with relevant development plan policies and as such is recommended for approval 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.

### CIL DETAILS

This application is not CIL liable.

### RECOMMENDATION

REPORT\_1011(ODB)

APPROVE CONDITIONALLY

1 The development hereby approved shall be maintained in accordance with the following approved drawings and documents:

Plans & Elevations 0428/100B.

Biodiversity Enhancement Statement (received - 22/10/2024).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan.

2 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.