

Recommendation Report for Planning Permission

REF NO: R/271/18/PL

LOCATION: Land adjacent to 27 Fontwell Close
Rustington
BN16 2LL

PROPOSAL: Change of use of verge to domestic garden & erection of boundary fence

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed fence is timber and 1.8m in height. The strip of land incorporated into the garden is approximately 4m wide and 20m long.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Verge is open. Rear garden enclosed by approx. 2m high walling
SITE CHARACTERISTICS	Extended end of terrace 2 storey house
CHARACTER OF LOCALITY	Predominantly residential, characterised by mainly terraced dwellings of similar design

RELEVANT SITE HISTORY

R/203/17/HH	Single storey rear extension	ApproveConditionally 01-11-17
R/188/14/HH	Side extension	ApproveConditionally 25-09-14

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
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PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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NPPG	National Planning Practice Guidance
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SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

There are no specific policies in Rustington Neighbourhood Plan relating to this particular type of development.

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

The site is located in the middle of an estate with a similar character and there are many areas of verges at the edge of roads with fencing behind. The loss of this small area of grass and shrubs will not have a significant impact on the visual amenity of the area and the appearance of the fence would not adversely impact on the street scene. Timber fencing abuts the road on the opposite side and garages are located adjacent to the highway to the south of the site. The height of the fencing would reflect that already enclosing the rear garden. As the fence is at the end of a terrace and fronting onto the highway it does not adversely impact on the amenity of adjoining properties. As such the fence and change of use of the land complies with policy DDM1 of the Arun Local Plan.

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, Block Plan 2161/01/05, Elevations 2161/01/06.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 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.