

APPLICATION REF: R/288/07**PLANNING APPLICATION REPORT**

DESCRIPTION/ ADDRESS	- 1.8 metre high close boarded fence to east boundary. 2 Broadmark Avenue, Rustington
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed fence will face onto the Broadmark Lane.
SITE AREA	Approximately 798 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	There is a slight slope going downwards from West to East.
TREES	There is a line of trees of various species and maturity along the eastern boundary and part of the southern boundary.
BOUNDARY TREATMENT	There is hedging approximately 2 metres high at the front and rear of the property and an approximately 1.8 metre high wood board fence on the western boundary. The eastern boundary has an approximately 1.5 metre high wire mesh fence which is partially collapsed. There is a row of trees, shrubs and other vegetation behind the fence.
SITE CHARACTERISTICS	The site is occupied by a detached chalet type property with rough render walls and wood planking on the gable walls. The roof is tiled and hipped with gabled front sections. There are roof dormers with tile hang walls. The eastern boundary faces onto Broadmark Lane.
CHARACTER OF LOCALITY	The site is in a residential location which is characterised by a number of detached 1 and 2 storey dwellings and chalets of various sizes and designs.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
None.		

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Rustington Parish Council	No Objection.
Local Groups	None.
2 Letters of Representation. 1 Letter of Objection.	Objection if the proposal will involve interference with and clearance of the hedgerow on the eastern boundary, The existing plastic covered wire mesh fencing should be removed. The new fence should be erected on the original fence line and the former verge adjacent to the eastern boundary should be restored. If the new fence is erected in the same place as existing it will be detrimental to visual amenity, detrimental to pedestrian safety and detrimental to highway safety by way of obstructing visibility.

APPLICATION REF: R/288/07**REPRESENTATIONS RECEIVED**

SOURCE	SUMMARY OF CONTENT
	Objection as the application appears to take over land which does not belong to the house at the eastern boundary.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Highways Authority	No Objection.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC1, DEV1 Arun District Local Plan : GEN2, GEN7
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PLANNING POLICY GUIDANCE

PPS1 - Delivering Sustainable Development

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.
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COMMENT ON CONSULTATION RESPONSES

Noted.

COMMENT ON REPRESENTATIONS RECEIVED

The proposed new fence is shown on the submitted plans as following the eastern boundary of the property and as such any permission granted will be on the basis that it is erected in accordance with the plans. The removal of the hedge will not require permission from the Local Planning Authority.

ASSESSMENT OF PROPOSAL**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-</p> <p><i>"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."</i></p> <p>The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on either the visual amenities of the locality or residential amenities of adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.</p>

APPLICATION REF: R/288/07**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 proposal is to erect fencing 1.8 metres in height abutting Broadmark Lane. Currently, although set back from the pavement edging, the existing hedging is the visible boundary.

However, there are many examples of high fencing abutting the pavement areas within Broadmark Lane and therefore the proposal will not be out of keeping with the ~~site~~ locality.

It is therefore recommended that this application is approved, subject to the conditions set out overleaf.



RECOMMENDATION
TOWN AND COUNTRY PLANNING ACT 1990

R/288/07/

RECOMMENDATION

Application Ref: R/288/07/

1**To Addressee****2****Site Address**

2 Broadmark Avenue
Rustington

3**Description of Development**

1.8 high close boarded fence to east boundary

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In pursuance of their powers under this Act and related Orders and Regulations the Council
PERMIT this development to be carried out in accordance with the application and plan and
subject to compliance with the conditions specified.



RECOMMENDATION

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CONDITION 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).

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1, DEV1

LOCAL PLAN: GEN2, GEN7

NATIONAL POLICIES: PPS1

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

Case Officer: Mr J Smith