

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

REF NO: R/92/18/HH

LOCATION: 91 Broadmark Lane
Rustington
BN16 2JN

PROPOSAL: Remove brick wall along side elevation & extend closed boarded fence & erect closed board fence in front garden from side elevation of house to Mallon Dene.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal seeks to replace an existing brick wall with close-board fencing.

RELEVANT SITE HISTORY

R/103/96	Fence enclosing rear garden.	ApproveConditionally 23-07-96
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**Rustington Parish Council
Parish Council - No objection.

No representations received from adjacent occupiers.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXTDesignation applicable to site:
Within built up area boundary**DEVELOPMENT PLAN POLICES**

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

[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 site 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 District Council Local Plan. In this case, the key policy is deemed to be D DM1 of the Arun District Council Local Plan. Additionally, Policy 2 of the Rustington Parish Neighbourhood Development Plan, and the criteria within 'Area 6' of the Rustington Parish Design Statement.

DESIGN AND VISUAL AMENITY

The proposed fencing replaces a small, low wall that runs along the Northern and Western elevations of the property. However, it only replace a small amount of this, in that it brings the enclosed area in line with the building line. Whilst the proposal constitutes a change in appearance to the property, the garden area will remain to be enclosed by existing fencing and the proposed hard screening will follow the same height and line as this fencing. The proposal is therefore considered to respect the character of the area in accordance with D DM1 of the Arun District Council Local Plan (2011-2031) and Policy 2 of the Rustington Neighbourhood Development Plan.

NEIGHBOURING RESIDENTIAL AMENITY

As a result of the height, siting and significant separation distance from nearby properties, it is considered that the proposal has a very limited impact on residential amenity in terms of overbearing impact or visual intrusion. Therefore, the proposal is considered to be in accordance with policy D DM1 (3) of the Arun District Council Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

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

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:

- Block Plan - R/92/18/HH - 29 May 2018 - TQRQM18149194335128

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun District Local Plan (2011-2031).

- 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.