

ARUN DISTRICT COUNCIL				
No.	WA	36	10	

Retrospective Full Application for Retention of the Boundary Fence and the Fence and Brick Pillar Combination on the Frontage of the Property, together with the Proposed Replacement of the Main Gate to Include Timber Slats

Ashurst, Binsted Lane, Binsted, BN18 0LP

DESIGN AND ACCESS STATEMENT & PLANNING STATEMENT

ASP
OLD BANK CHAMBERS
LONDON ROAD
CROWBOROUGH
TN6 2TT


May 2010

Application by Lee White

Land at Ashurst, Binsted Lane, Binsted, BN18 0LP

DESIGN AND ACCESS STATEMENT
&
PLANNING STATEMENT

ASP

Old Bank Chambers
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INTRODUCTION

1. This statement accompanies a retrospective full application for retention of the boundary fence and the fence and brick pillar combination on the frontage of the property, together with the proposed replacement of the main gate, at Ashurst, Binsted Lane, Binsted.
2. This statement sets out the elements of the proposed development in the Design and Access Statement section and includes an assessment of the relevant planning policies in support of the proposed development in the Planning Statement section.
3. The application site has been the subject of various past attempts to secure an appropriate roadside enclosure to the applicant's garden, which is otherwise extensively open to the adjacent road. The Council served an enforcement notice on 13 March 2007 based on the allegations relating to erection of a gate wall and fence of 1.8m in height along part of the north eastern boundary of the land and an appeal against the enforcement notice was determined via public inquiry.
4. Although an enforcement appeal (Ref: APP/C3810/C/07/2043244) was dismissed by the Inspectorate as far as the erection of the gate wall and fence is concerned the current retrospective proposals address the concerns stated in the appeal decision notice.

THE SITE AND ITS SURROUNDINGS

5. Ashurst, the existing detached dwelling, is located to the west side of Binsted Lane to the north-east of the village of Waiberton. Binsted Lane serves a number of residential dwellings and farm related buildings and connects to the A27 to the north. To the west side of Binsted Lane further to the south of the application site is a pub, the Black Horse and the immediate surroundings are open fields. Adjacent to the northern boundary of the application site is public footpath.

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6. The application site has an area of 0.5ha and contains the main dwellinghouse, a further smaller cottage and associated outbuildings. It has a rail fence with trees and shrubs on its southern and western boundaries and lower part of the eastern boundary includes hedging. The northern boundary, with the public footpath, is marked by a brick wall extending from approximately 2m high at its eastern end, adjacent to Binsted Lane, to over 4m high at its western end due to falls in the level of the land on which the footpath runs. The northern part of the eastern boundary consists of timber fencing between brick pillars with a main gate (that is to be replaced) and a garden entrance gate. The accompanying application relates to the whole of the frontage enclosure to Binsted Lane but excludes the substantial walling to the footpath, which is already authorised.

DESCRIPTION OF DEVELOPMENT

7. The retrospective proposals include brick pillars with horizontal timber fencing above, a main gate which will be replaced to include timber slats and is used for vehicular access on the upper part of the eastern boundary and a brick wall with vertical timber fencing including curved timber trellis above on the lower part of the eastern boundary which ends with garden entrance gate.

DESIGN AND ACCESS STATEMENT

DESIGN CONSIDERATIONS

Amount of development

8. The erection of the boundary fences and pillars on the small brick retaining wall along the frontage boundary associated with Ashurst which is subject to these retrospective proposals relates to a length of 63.5m the frontage, which is approximately 110m in total. Taking into account the need for a reasonable level of privacy and the consequent need for screening from the road, the erection of the fences, partly with brick pillars, along this boundary is considered acceptable.

Layout

9. The boundary fences and gates are appropriate in relation to the existing dwelling and its setting. They have a compatible relationship with the road and provide for privacy screening, which is essential given the close proximity of the existing dwelling to Binsted Lane.
10. As shown on the plan submitted with the application, the retrospective proposals include ten sections of horizontal timber fencing separated by brick pillars, together with a gate for vehicular access for approximately on the northern 40m of the frontage boundary. A further 23.5m of this boundary to the south has timber fencing including curved timber trellis above and it ends with garden entrance gate which is adjacent to the existing hedging.

Scale

11. As indicated above, the boundary wall with fences and gates has a length of approximately 63.5m on the frontage boundary. As shown on the submitted plans, the maximum height of the brick wall from the ground level is 0.9m, but this varies. The northern section of the boundary screening has a height of 1.8m in total. Although the height of the piers varies, again due to the ground levels, this difference is not considered to be of any significant impact taking into account the relatively narrow width of the piers.
12. The height of the fencing to the south varies between 1.7m and 1.9m without the curved trellis. The main gate is supported by two piers to each side and is 1.7m high and the garden entrance gate is 2m high. These sizes are considered to be appropriate in relation to the curtilage of the existing dwelling and the surrounding area.

Landscape

13. It is considered appropriate that screening of the residential curtilage in the vicinity of the dwelling should be sufficient to protect the amenities of the occupier of the house and prevent unauthorised access from the road to the property. Only a solid barrier such as that proposed is appropriate in such circumstances. This is not incompatible with the character of the area, where hedges

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predominate in those locations where boundaries are to open land. The majority of the land owned by the applicant is protected by boundary hedges in a manner consistent with the remainder of the area. The fences proposed are seen against the dwelling and are not out of character.

Appearance

14. It is considered appropriate that screening of the residential curtilage in the vicinity of the dwelling should be sufficient to protect the amenities of the occupier of the house and prevent unauthorised access from the road to the property. Only a solid barrier such as that proposed is appropriate in such circumstances. This is not incompatible with the character of the area, where hedges predominate in those locations where boundaries are to open land. The majority of the land owned by the applicant is protected by boundary hedges in a manner consistent with the remainder of the area. The fences proposed are seen against the dwelling and are not out of character.

ACCESS CONSIDERATIONS

15. Both vehicular and pedestrian access from/to the application site remains the same from Binsted Lane via the main gate as well as the pedestrian access from the garden gate.

PLANNING STATEMENT

RELEVANT PLANNING POLICIES

Arun District Local Plan – 2003

16. **Policy GEN3** – This policy has regard to protection of the countryside and sets out the criteria that apply to development within countryside. Although the retrospective proposals do not directly relate to each criterion given in this policy, it should be noted that they are part of the established existing residential curtilage within the countryside and are of a small scale within the extent of the application site.
17. The boundary wall of the application site to the eastern boundary, which was subject to the enforcement appeal as referred in paragraph 4 of this statement, included a full height brick wall

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with iron gables on part of the eastern boundary and this was found to have urbanising impact. The current boundary screen has been significantly amended from that which the planning inspector saw and upon which his decision was made. The changes address the urbanising issue he identified by use of the timber fences, which soften the appearance of the screen significantly. This in turn also reduces any perceived impact on the character and appearance of the surrounding countryside.

18. On this basis, the retrospective proposals, by virtue of their appropriate size and scale, reduce the impact on Binsted Lane whilst they provide reasonable screening for the purpose of social well-being of the occupiers of Ashurst. In relation to the status and location of the existing dwelling and its associated curtilage, the retrospective proposals are of small scale and they protect and enhance the countryside in accordance with the principle of Policy GEN3.
19. **Policy GEN7** – The boundary fence is of a high quality design and layout and respects the character and appearance of the surrounding countryside. The significant amendments made by the applicant overcome the previous concerns that related to the full height brick walls along the boundary. The current boundary features are of a simpler design as suggested by the Inspector in his decision.
20. As far as the principles of the proposals are concerned, the simple and attractive features of the fencing respond positively not only to the curtilage of Ashurst but also to the surrounding landscape character, whilst they provide privacy screening for occupiers of Ashurst. By virtue of its appropriate form, design and scale which respect visual amenities, the retrospective boundary fencing does not have any unacceptable adverse impact on the road or any adjoining land. These principles comply with the requirements of Policy GEN7.

CONCLUSION

21. The boundary fencing as now amended and the proposed replacement of the main gate to include timber slats address previous concerns by virtue of its form, design and scale which reduce the visual impact significantly.
22. The boundary fencing is consistent and is in reflect with the nature and character of the existing dwellinghouse and the surrounding countryside.
23. For all the reasons given above, the proposals comply with Local Plan policies and therefore are considered to be acceptable and appropriate to be permitted. On this basis, we ask the Council to grant permission for the development.