

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

REF NO: WA/53/19/HH

LOCATION: Berberis
London Road
Fontwell
Walberton

PROPOSAL: To replace overhanging hedge with wooden fence and driveway gate.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

RELEVANT SITE HISTORY

WA/23/18/HH Replacement hedge with fence with gate.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Walberton Parish Council objects to this application on the grounds that a wooden fence would be visually impactive. Hedge retention would be more in keeping, less visually impactive and more environmentally friendly.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Lidsey Treatment Catchment
Built Up Area Boundary
WSCC Mineral Consultation Area

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

[Walberton Neighbourhood Plan Policy 2017 HP13](#) Design Guidance

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

Policy HP13 of the Walberton Neighbourhood Plan outlines new development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location. The Parish has two conservation areas and other visually sensitive points.

The site is occupied by a detached two storey dwelling with built in garage and driveway that runs along the north of the front garden.

DESIGN AND VISUAL AMENITY

The proposed fence is situated to the front boundary of the property and is therefore highly visible from the street scene.

The proposed fence is constructed of wooden fence panels. The fence has a minimum height of 1.855m as shown in the plans. The fence spans 14.5m across the north western elevation of the property.

Within the locality there are a variety of boundary treatments present. There are examples of boundary treatment above 1m however they are all similar in appearance consisting of hedging which cannot be controlled, flint walling and some fencing. However, the height of the proposed is greater, the others are set back from the boundary line and are not one consistent barrier with no breaks. The proposal as a result of its design and scale appears unsympathetic and appears out of character with the surrounding area and existing front boundaries. As a result of this it appears as a prominent feature and as such is unduly dominant on the frontage of the property adjacent to the highway.

The Walberton Neighbourhood Plan outlines front boundaries should contribute to the overall street scene however this is not achieved as due to its size and appearance it is considered to stand out as an alien feature.

Due to the size and appearance of the fence it is considered to negatively impact upon the spatial pattern of the street scene and as a result would be harmful to the character and appearance of the wider area and is in conflict with DDM1 (1) of the Arun Local Plan.

RESIDENTIAL AMENITY

The application is not considered to give rise to any adverse harm upon residential amenity of adjoining occupiers due to its location at the north western boundary. the height of the proposed is greater and as such not considered to

SUMMARY

The applicant's reasons for wanting the fence are noted, including the benefit to their family member. However the application is deemed to conflict with relevant development plan policies and there are no material planning considerations to override the unacceptable impact the proposal creates. The application is recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The proposed Fence to the North Western boundary of the property by virtue of its height and design would appear as an unduly dominant feature and would have an unacceptable adverse impact on the character and appearance of the street scene and wider area in conflict with policy DDM1 of the Arun Local Plan and HP13 of the Walberton Neighbourhood Plan.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.