

PLANNING APPLICATION REPORT

REF NO: **WA/56/09/**

LOCATION: 9 Hunters Mews
 Fontwell
 Arundel

PROPOSAL: Move garden wall situated on the eastern side of the property and re-build it 5m further east on grassed area to allow for the development of a vegetable garden and fruit trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 300 square metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Brick wall approximately 1.94m tall, with intervening brick pillars approximately 2.24m high, with shrubs and grass verge to front.
SITE CHARACTERISTICS	The site is a two storey detached dwelling, with brick faced elevations and a brown tiled roof.
CHARACTER OF LOCALITY	The site is located in a residential cul-de-sac of properties of a similar style.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Walberton Parish Council

Objection: The Council feels that moving the wall right up against the pavement at this prominent location would intrude into that open space and adversely affect the street scene. It would also create an unwelcome precedent that would lead to harsh enclosures throughout the development. Additionally, there is currently a good field of view through this section of the development which would be blocked by the proposed wall to the possible detriment of pedestrian and driver safety.

Three letters of objection, raising the following main points:

- The original wall is positioned to comply with the sight line requirements of the Highway Authority. Re-aligning the brick wall would contravene this requirement, and pose a safety risk

- The proposed brick wall would remove 5m of open green area bringing the wall to within less than a metre of the pavement, increase the sense of enclosure and destroy the openness and amenity value of the open plan development.
- The proposal would significantly reduce the views from the neighbouring property, there would be an enclosure of the south side of the neighbouring property, contrary to the open plan intention of the original design.
- The original design concept of an open plan street scene was so important that it is reinstated in individual purchase Agreements and Land Registry documents to ensure its retention.
- There is already a problem with the restricted sight line due to parked vehicles on the corner of the site.
- It may set a precedent.

Comments on Representations received:

Noted. Please see comments from West Sussex County Highways regarding Highway Safety, and the 'Conclusions' section of the officer's report regarding visual amenity.

CONSULTATIONS

Engineering Services Manager
Engineers (structural)
WSCC Local Development Divis.

Consultations responses received:

West Sussex County Highways:

The part of this property onto which the wall would be moved would appear to be subject to a restrictive covenant, between WSCC and Bellway Homes Ltd, which means the land in question must be used only as a lawn or open surface area. The proposal would not be in keeping with this arrangement.

Furthermore, the new position of the wall would restrict forward visibility on the road, and prevent road users from seeing around the bend for oncoming vehicles. The wall would also obstruct the visibility from the access of No. 10, which would not be acceptable.

WSCC would therefore object to the proposal in the interests of Road Safety. The proposal to reposition the wall closer to the highway of Hunters Mews will result in the new wall obstructing forward visibility for highway users as they approach the bend in the road outside no.9. In addition, it will obstruct visibility from the access serving No 10 Hunters Mews, all to the detriment of highway safety.

Arun District Council Structural Engineers:
No Comment.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

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.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and would 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

This application seeks to replace and reposition an existing wall at 9 Hunters Mews. The proposed wall would remain in appearance, identical to the existing, constructed with red brick, measuring approximately 1.94m in height, with intervening brick pillars approximately 2.24m high.

At present the existing boundary wall is recessed at minimum approximately 5m from the highway, and at maximum, approximately 6.5m from the highway. A grass verge with various shrubs and planting currently lies between the existing wall and the highway.

The proposal seeks to move the boundary further towards to the highway, so that there would be a distance of approximately 1.5m between the proposed replacement wall and the highway. The wall would run parallel to the highway, with a length of approximately 17m.

Hunters Mews is a residential cul-de-sac, with predominantly open plan boundaries within the vicinity of the highway. The area surrounding no. 9 has a pleasant, spacious character. This is largely the result of a lack of hardscaping adjacent to the highway. It is considered that the proposed repositioned wall would intrude on the open nature of the streetscape, and would represent an obtrusive feature in the street scene. As such it is deemed that the proposed development would be detrimental to the visual amenities of the locality.

Furthermore, West Sussex County Highways have objected to the proposal, advising that the proposal to reposition the wall closer to the highway of Hunters Mews will result in the new wall obstructing forward visibility for highway users as they approach the bend on the road outside no.9. In addition, it will obstruct visibility from the access serving 10 Hunters Mews, to the detriment of Highway safety.

It is therefore recommended that the application be refused, for the following reasons:

RECOMMENDATION

REFUSE

- 1 The proposed wall, by reason of its height, size and proximity to the highway, would represent an obtrusive feature in the street scene, causing undue detriment to the visual amenities of the locality. The proposal would therefore conflict with policy GEN7 of the Arun District Local Plan.
- 2 The proposed wall would obstruct forward visibility for both the highway users as they approach the bend in the road outside no.9, and those using the access serving no. 10. The proposed development therefore would be detrimental to highway safety contrary to policy GEN7 of the Arun District Local Plan.