

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

REF NO: WA/84/19/HH

LOCATION: Berberis
London Road
Fontwell
Walberton

PROPOSAL: Installation of wooden fence and driveway gate to replace hedge

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

RELEVANT SITE HISTORY

WA/53/19/HH	To replace overhanging hedge with wooden fence and driveway gate.	Refused 09-08-19
-------------	---	---------------------

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Walberton Parish Council

Walberton Parish Council objects to this application on the grounds that the large fence is out of keeping with other property frontages in that area of Fontwell.

No representation from nearby occupiers.

CONSULTATIONS

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXTLidsey 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**

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. As stated in SDSP2 the key policies considered are DDM1 and DDM4 of the Arun Local Plan.

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 has an existing hedge which runs along the front boundary of the property at a height of approximately 1.72m.

DESIGN AND VISUAL AMENITY

The proposal seeks to remove the existing hedge and replace with a fence of 1.42m in height with trellis to a height of 1.72m.

The fence will run along the front boundary for 15m with a gate included to allow vehicular access.

Whilst the wall is higher than the boundary treatment of most of the neighbouring properties, it is not considered to be so large that it appears unduly dominant and out of character with the surrounding area due to the proposed being set back from the site frontage and the climbers being planted to soften the appearance of the fencing. As a result it is not considered to significantly alter the appearance of the street scene and as such the proposal is in accordance with DDM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the siting of the wall, it is not considered to give rise to any adverse impacts upon the neighbouring amenity by way of overshadowing or overbearing and accord with DDM1 of the Arun Local Plan.

SUMMARY

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

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

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;

Proposed Elevations

Proposed Block Plan

Planting Details email dated 25/10/19

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.