

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

REF NO: Y/24/18/HH

LOCATION: 34 Downview Close
Yapton
BN18 0LD

PROPOSAL: Remove garden shed, erect fence & plant hedge on boundary.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above but it is only the erection of the fence which requires planning permission. The fence will be 1.6 m high and close boarded supported on concrete posts crossing through the site of the shed that was previously on the boundary.
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The side boundary of this property is currently a brick wall c 1.8m in height and the remaining wall of a timber shed, set in from the road with a planting margin that has recently been planted with a laurel hedge that is now c 1m in height.
SITE CHARACTERISTICS	Two storey detached dwelling on a corner plot. The remains of the shed which is to be removed forms part of the side boundary.
CHARACTER OF LOCALITY	Modern housing estate with a mixture of semi detached and detached properties.

RELEVANT SITE HISTORY

Y/64/79	Demolition Of Existing Garden Wall And Erection Of 6ft High Interwoven Fencing On South Boundary Line	Refused 31-10-79
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Noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council
No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Within the built up area boundary.

DEVELOPMENT PLAN POLICES

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

SDSP2 SD SP2 Built-up Area Boundary

[Yapton neighbourhood plan 2014 Policy BB1](#) Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Yapton has a made a neighbourhood plan and the relevant policies have been considered.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it 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

The site is within the built up area boundary where development is acceptable subject to compliance with other policies in the development plan.

The existing shed does not contribute to the character of the street scene and its removal does not in itself require consent.

The new fence will be set back further from the road and will soon be entirely screened behind a newly planted laurel hedge which also does not require consent. The new fence will not exactly replicate the line of the previous boundary wall where it adjoins no 15 but the modest change is not considered to have an adverse impact on the character or amenity of the area.

As such it complies with policies policy D DM1 of the emerging Arun Local Plan 2011-2031 and therefore it is recommended that the application be approved.

HUMAN RIGHTS ACT

FOR APPROVAL

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: G1012:01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 of the Arun Local Plan 2011 - 31.

- 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.