

Recommendation Report for Planning Permission**REF NO:** Y/33/12/**LOCATION:** Woodlands Park
Main Road
Yapton**PROPOSAL:** Replace existing timber boundary fence with 2m high brick wall.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks consent to erect a 2 metre high brick wall to replace a timber boundary fence.
SITE AREA	Approximately 1021 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walling to front and side, 1.5 metre high fencing to rear.
SITE CHARACTERISTICS	Chalet style house with dormers to front, rear and side. To the side of the house is a block of 7 garages.
CHARACTER OF LOCALITY	Predominantly residential comprising semi-detached, two storey, hipped roof dwellings constructed from brick, and mobile homes immediately surrounding the application site.

RELEVANT SITE HISTORY

Y/45/99/	2 Storey Extension/Conversion	Approve Conditionally 17-09-1999
Y/5/00/	New porch to previously approved extension Y/45/99.	Approve Conditionally 24-03-2000
Y/45/04/	Summer house	Approve Conditionally 22-09-2004
Y/18/05/	Demolish existing single storey building, replace electric switchgear & meter section.	Approve Conditionally 22-04-2005
Y/20/07/	Proposed demolition and erection of garages to include jacuzzi room and walkway to main house	Approve Conditionally 24-05-2007

REPRESENTATIONS

Representations received:

Yapton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Outside built-up area boundary

Class B road

No public sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)

[GEN2](#)

The Form of New Development

Built-up Area Boundary

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 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

PROPOSAL

The application seeks consent to replace an existing timber boundary fence with a 2 metre high brick wall.

The proposed boundary wall would be constructed from red multi stock bricks with red stock brick capping and quoins. The wall will be approximately 103mm thick (one brick thick). The external face of the brickwork fronting Canal Road will be flush, as the brick piers, positioned every 3 metres, will be on the Woodlands Park side, facing into the site.

VISUAL AMENITY

The proposed brick wall will form the perimeter boundary to Woodlands Park House, spanning a length of approximately 31.4 metres. It will be positioned to the front of a block of 7 pre-cast concrete garages and will be highly visible and prominent when viewed from the streetscene along Canal Road. However, there are other examples of hard boundary treatments within the vicinity of the application site, including timber fence panels and 2 metre high brick walls at no. 2 The Pines, Yapton, diagonally opposite the application site. Further, the proposed wall will be constructed from high quality materials, samples of which may be controlled by condition, and the grass verge fronting the pavement will be retained. As such, the proposal will not compromise or harm the open, spacious character of Canal Road.

RESIDENTIAL AMENITY

Owing to its siting and scale, the proposed wall will have no adverse impact on the residential amenities of neighbouring properties at nos 23 and 29 Woodlands Park through loss of outlook or overbearing impact.

SUMMARY

In summary, the proposal wall is not considered to be detrimental to the character of the streetscene, or residential amenity. It is therefore recommended that consent is granted, subject to the conditions outlined below.

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 to 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 (Neutral) 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).

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: site plan, proposed elevations - replacement brick wall, example of existing brickwall within Woodlands Park, received on x27 July 2012.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall take place unless and until samples of the bricks for the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority, and the boundary treatment shall be constructed in accordance with the agreed details and retained as such thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a boundary treatment of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN2

NATIONAL POLICIES: National Planning Policy Framework (2012)

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.