

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

REF NO: Y/48/17/HH

LOCATION: 8 Canal Road
Yapton

PROPOSAL: Replace existing fence with closeboard wooden panel fence.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The proposed fence would measure 18m long and 1.8m high. It would be constructed of close boarded timber
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property has a fence hedge along part of the front boundary the remainder being open for vehicle parking. There is a timber fence along the side boundary with the property to the south.
SITE CHARACTERISTICS	Two storey semi detached property constructed of brick beneath a tile roof. It has a part hedge and fence along the boundary and a vehicle parking area to the front.
CHARACTER OF LOCALITY	Residential comprising similar style properties. There are a variety of boundary treatments including fences, hedges and walls in the area.

RELEVANT SITE HISTORY

No relevant planning application history although an enforcement investigation was carried out in 2010 in relation to a similar height of fence which was subsequently reduced to a lower height.

REPRESENTATIONS

Representations received:

Yapton Parish Council

No objection.

No response to public consultation.

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built up area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7

Publication Version of the Local
Plan (October 2014):

Yapton neighbourhood plan 2014 Policy BB1

Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality
D SP1 Design
SD SP2 Built-Up Area Boundary
Built-up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 and create an unduly dominant feature on the frontage of the property adjacent to the highway. As such it would be harmful to the character and appearance of the wider 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 application site is located in an established residential area within the defined built up area where the principle of development, subject to compliance with other policies is acceptable.

There is an existing low fence and a further hedge of comparable height to the proposed development sited in the same position as the proposed fence. There is also a similar timber

fence along the southern side boundary of the property which the proposed fence would join onto. The wider area has properties with a variety of boundary treatments. However, the area is predominantly hedges and low fences there is only one higher section of fence at the southern end of Canal Road. It is also noted that previous enforcement investigation in 2010 sought to reduce the height of a similar height of fence to its current lower height.

Therefore, on balance and based on the above analysis it is considered that the proposed development create an unduly dominant feature on the frontage of the property adjacent to the highway. As such it would be harmful to the character an appearance of the wider area.

Given the height and siting of the proposed fence there will be no adverse impact upon the amenity of the adjoining occupiers.

The proposed development would therefore not comply with adopted planning policies in the Arun Local Plan 2003 and the Yapton Neighbourhood Plan.

Accordingly the application is recommended for refusal for the following reason.

HUMAN RIGHTS ACT

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

REFUSE

- 1 The proposed development of a 1.8mm high close boarded fence would create an unduly dominant feature on the frontage of the property adjacent to the highway. As such it would be harmful to the character and appearance of the wider area. The proposed development is therefore contrary to policy GEN7 of the Arun Local Plan 2003.
- 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 to provide pre-application advice in respect of any future application for a revised development.