

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

REF NO: Y/84/21/HH

LOCATION: 5 Hobbs Court, The Potting Barn
Bilsham Road
Yapton
BN18 0JY

PROPOSAL: Installation of 1.8m timber fence and gate and infill of existing dummy door and panelling under window. This application may affect the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to replace an 0.9m high timber cleft chestnut fence which forms the southern boundary of the adjacent car parking area to a 1.8m high timber fence to match that around the house and to the east of the same parking area. This fence extends northwest/west from the house towards a line of trees/hedge adjacent to the road. It is proposed to provide a new 1.8m high timber fence 'forward' of the northwest (NW) elevation with the existing short section of 1.8m high fencing (and gate) repositioned to the NW to match the line of the proposed fence and a short (approx. 1.2m) section of new fence on the SW boundary to extend the existing. It is stated that this fence will match the existing (which is third party owned) but in practice is shown in a different style. The new section is also set back by around 10cm. It is proposed to infill a timber dummy door on the NW elevation with matching brickwork. This will retain the existing obscure glazed window serving an en-suite bathroom.
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RELEVANT SITE HISTORY

Y/80/19/CLE	Application for Certificate of Lawfulness for an Existing Use - Installation of flue & associated pipework for new gas boiler.	PP Not Required 23-12-19
Y/9/19/HH	New crossover to single dwelling. This application may affect the setting of a listed building.	ApproveConditionally 01-04-19

Y/96/18/CLP	Certificate of lawfulness for a proposed use - erection of freestanding victorian arch	PP Not Required 30-01-19
Y/3/18/HH	Retention of existing timber utility area, external air source heat pump & timber fence	ApproveConditionally 26-03-18

REPRESENTATIONS

Parish Council:- No objection.

Three letters of support on grounds of improved privacy. One objection on grounds that fence to the NW elevation will be different to the existing and misaligned.

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER - Raises no concerns but considers that the change in fence styles may look odd.

POLICY CONTEXT

Designations applicable to site:

Outside the built up area boundary;
CIL Zone 3;
Within the setting of Grade II Curtilage Listed Buildings; and
Flood Zone 1.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
QESP1	QE SP1 Quality of the Environment
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

Yapton neighbourhood plan 2014 Policy BB1

Built-up Area Boundary

Yapton neighbourhood plan 2014 Policy E9

Listed Buildings and Buildings or Structures of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

CONCLUSIONS

THE SITE:

Single storey brick built former piggery building with modern extensions (approved 2014) now resembling an L-shaped dwelling. Pitched roof. The building is part of a wider development of dwellings within the curtilage listed buildings of Hobbs Farm (the site is known as Hobbs Court). It sits at the north part of the site and is adjacent on its NW side with a parking area and shared garage/car port building. More recently, the applicant created a new access and private parking area to the north of the dwelling. With the exception of the site, the adjoining Hobbs Farmhouse development and some further dwellings/industrial buildings to the southeast, the character of the surrounding area is rural.

PRINCIPLE:

The site is outside the built up area boundary as by the Arun Local Plan (ALP). However, the proposal is in accordance with ALP policy C SP1 as it is in accordance with other policies of the plan (namely D DM1 & D DM4). Yapton has a made Neighbourhood Development Plan (YNDP) with policy BB1 of relevance to the application but the proposal also complies with this.

RELEVANT POLICIES:

ALP policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality. Policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

Policy HER DM1 requires proposals protect and, where possible, enhance the setting of Listed Buildings. In respect of heritage, it will be necessary to consider paragraphs 194-202 of the National Planning Policy Framework (NPPF) and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Arun Design Guide provides detailed guidance to help raise design standards. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. The Guide states boundaries should be reflective of their rural context, in which the visual impact is often greater than those within urban areas.

There are no design policies within the YNDP whilst policy E9 only concerns the loss of listed buildings and does not refer to impacts on setting.

HERITAGE ASSETS:

The site lies on the north side of a group of curtilage Grade II listed buildings and as such any development here will affect the setting of these heritage assets.

The NPPF sets out several steps when considering impact on heritage assets. Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. There is conflict here as no heritage assessment has been provided.

Para 195 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal, decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 199-202).

The Councils Conservation Officer does not raise concerns and it is concluded the proposal will not result in any harm to the setting of the heritage assets particularly as there are already fences between property boundaries in this location. As such, it is not necessary to consider any public benefits.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

There is no conflict with ALP policy HER DM1 the NPPF or the Act as the proposal will not result in visual harm and will not affect the significance of the existing assets.

DESIGN:

The use of timber fencing is appropriate in a rural setting and the proposed height is acceptable having regard to existing boundary treatments elsewhere on site. The fencing will not be visible in the streetscene.

In response to the objection from the neighbour, the new section of SW facing fence is proposed on a different line in order to be in the applicant's ownership and so not require third party consent. As the set back is only 10cm, this is acceptable. It is agreed it would look odd for this short section to be in a different style and so a condition will be imposed to ensure it matches with the existing. There is no concern with the different style of the new fence that extends at a right angle roughly north from this as this is a new section of boundary and the two fences will not readily be viewed side by side. The fence will be the same height and material.

There are no concerns with the small amount of infilling of the building elevation and a condition will be imposed to ensure that a matching brick is used.

The proposal complies in respect of design with ALP policies D DM1 & D DM4 and the Design Guide.

RESIDENTIAL AMENITY:

The proposed fencing will not affect the amenities of any neighbouring properties and indeed will improve upon the privacy of the applicant. This is reflected by the letters of support received.

RECOMMENDATION:

The application complies with all development plan policies and it is therefore recommended that planning permission be granted subject to the following conditions.

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:

Location and Block plan 022;
Proposed Elevations 024 Rev A; and
Proposed Plan 023 Rev A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D DM4, HER SP1 & HER DM1 of the Arun Local Plan.
- 3 The materials and finishes of the infill of the existing dummy door and under the window on the north west elevation hereby permitted shall match in colour and texture with those of the existing building elevation.

Reason: In the interests of visual amenity and setting of the adjacent listed buildings in accordance with policies D DM1, D DM4, HER SP1 & HER DM1 of the Arun Local Plan.
- 4 Notwithstanding the detail shown by drawing 024 Rev A, the proposed short section of fence

to the south western boundary shall be in a matching style and construction to the existing third party owned fence along this boundary.

Reason: In the interests of visual amenity and setting of the adjacent listed buildings in accordance with policies D DM1, D DM4, HER SP1 & HER DM1 of the Arun Local Plan.

- 5 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.