

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

REF NO: Y/90/20/HH

LOCATION: Sunflowers, Hobbs Court
 Bilsham Road
 Yapton
 BN18 0JY

PROPOSAL: Erection of a trellis and 2 No. gates to boundary. This application may affect the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to construct a fence and 2No. gates along the boundary of the property.
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REPRESENTATIONS

Yapton Parish Council provided no objection.

3 letters of support received from nearby occupiers.

- This will enable increased privacy and add security.
- The area has changed over time and this is sympathetic to that.
- Positive addition.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Outside built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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CONCLUSIONS

PRINCIPLE

The site is located outside of the built-up area boundary as set out within both the Yapton Neighbourhood Plan and the Arun Local Plan. YNDP policy BB1 seeks to restrict new development in the countryside and does not include householder development within the list of exceptions to this. However, policy C SP1 of the ADLP does state that development will be permitted in the countryside where it is in accordance with other policies in the Plan which refer to a specific use or type of development. In the event of conflict between development plans, the more recent plan takes precedence. Therefore, subject to compliance with D DM1 and other policies of the ALP, the proposal will be acceptable in principle.

DESIGN AND VISUAL AMENITY

The proposal seeks to construct trellis fencing and gates along the front of the property. The property is located within Hobbs Court development.

The existing boundary treatment consists of a trellis fence and planting however this will be replaced, with the fencing extending along the full boundary.

The fencing will run along the front and sides of the property for approximately 30m with a height of 1.8m. There will also be a gate which will reduce in height to 1m. Planting is proposed on both sides of the fence to soften the appearance.

The surrounding properties have a mixture of planting and brick, however the fencing proposed is not considered to appear significantly out of character.

Due to the location of the garden which fronts the courtyard, the fence provides some screening for the property. Whilst the fence will alter the appearance of the boundary, it is not considered to result in a significant impact upon the appearance of the area which has changed over time. The property is also located to the rear of the courtyard and is not within immediate view.

The boundary treatment is not considered to adversely impact the appearance of the area and accord with DDM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the type of development proposed, with the fencing fronting a courtyard, the proposal is not considered to result in harm upon neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with D DM1 of the Arun Local Plan.

IMPACT ON LISTED BUILDINGS

The property forms part of a number of barns that were converted and as such are Grade II Listed. The fence does not attach to the Listed Building however is within the curtilage.

Para 189 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a proposed development. The property forms part of a number of barns that were converted for residential use is of historical significance.

Para 190 requires the LPA consider the significance of the impact upon that heritage asset. The existing boundary forms part fencing and part planting and the fence would continue along the full elevation. Its design is considered to reflect the rural character of the area and is similar to existing and as such the

minor alteration to the external appearance is not considered to harm the significance of the heritage asset.

Due to the siting and minor alteration, the proposal is not considered to cause harm to the Listed Building and accord with HER DM1 of the Arun Local Plan

SUMMARY

The proposed development is deemed to comply with relevant development plan 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
 - Location and Block Plan - 3
 - Plan showing gate position
 - Site Plan with boundary detail - 324/01

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 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.