

PLANNING APPLICATION REPORT

REF NO: AW/315/18/HH

LOCATION: 14 Churchill Avenue
Aldwick

PROPOSAL: Retention of fence on front, side and rear elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application proposes the retention of a fence to the front, side and rear of the property.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council

Aldwick Parish Council provided an objection;

Members strongly oppose the application on the grounds that it compromises the established spatial character and pattern of the place and because it conflicts with the Parish Design Statement.

Members agree the application is in direct conflict with DDM4 (e) of the Arun Local Plan and Parish Design Statement page 71.

No representation received from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

PD restriction

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
------	------------------------------------

SUPPLEMENTARY POLICY GUIDANCE:

CONCLUSIONS

PRINCIPLE

The key policy is considered to be DDM1 of the Arun Local Plan.

Aldwick Parish Design Statement is also relevant to the determination of the application with the property located within Area 15.

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.

DESIGN AND VISUAL AMENITY

The proposal is sited to the side and rear of the dwelling and as such due to the siting of the development and the dwelling it is visible within the street scene. The fence extends approximately 6m along the front of the dwelling however does not project beyond the principal elevation, 17m along the side of the property and 6m to the rear. The fencing to the rear is screened by hedging.

The dwelling is sited essentially on a corner plot adjacent to an open space with a path alongside the dwelling for access to the rear at Downing Close. The area also has an open plan condition which is evident within the surrounding area with very few examples of boundary treatment to the front of the properties. This makes the fence appear as an alien feature and as a result is also out of character.

By virtue of its siting the fence appears out of character within an open plan estate and as such appears as an alien feature ultimately in conflict with DDM1 of the Arun Local Plan. This impact is reduced by virtue of the enclosure being to the side and rear rather than forward of the existing dwelling.

RESIDENTIAL AMENITY

Due to the siting of the fence and with no properties to the side elevation it is not considered to harm neighbouring amenity by way of overshadowing or overbearing.

SUMMARY

Whilst the application conflicts with the policies DDM1 and the Aldwick Parish Design Statement the application is recommend for approval. This due to the personal circumstances of the applicant. Personal circumstances are themselves capable of being a material consideration and therefore can be taken into account when coming to a determination.

Due to health problems the fence allows for a safe and secure area for an assistance dog to exercise when the applicant is unable to leave the property. Due to the siting of the dwelling, it is highly visible to anyone wishing to see inside and who wished to check routines and accessibility and as a result the fence provides improved privacy and security for the applicant.

There will be a condition included with the permission which permits the removal of the fence when the property is no longer occupied by the current applicant so as to retain the character of the area in the long term.

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 positive impact on the protected characteristics (disability).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The fence shall be removed and all resulting debris removed from the site within 3 months following the applicant ceasing to occupy the property.

Reasons: To protect the character of the area whilst allowing the applicant privacy and security and in accordance with policy D DM1 of the Local Plan.

- 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 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.

AW/315/18/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015