Expiry: 8/6

# Development Control – Delegated Officer Report

**Application Number: AWDM/0543/23 Recommendation: Refuse**

**Site:** 47 West Park Lane, Worthing

**Proposal:** **Retention and extension of close boarded fence above existing boundary wall (total height 2.25m)**

**Date of site visit:** 18/4

**Neighbours checked: y**

**Additional neighbour notifications**: n

## Site and Surroundings

This application relates to a corner property on the south side of West Park Lane and east side of Shaftesbury Avenue. The chalet bungalow has gardens on three sides and until recently this bungalow's front and side gardens were enclosed by Beech hedging on the west side which wrapped around the West Park Lane frontage.

At the time of the site visit the hedge had been cut back and a fence had been erected on the boundary above the existing low wall which extends most of the length of the Shaftesbury Avenue frontage, from the south.

The property itself is not in a conservation area but does face onto, on the west side, the Shaftesbury Road conservation area which runs on the west side of Shaftesbury Avenue from Nos 2 to 36 (evens) and includes 130 Goring Road. These houses are a collection of modern movement inspired architecture finished with flats roofs and white painted render.

## Proposal

Permission is sought to retain the fence as erected and to continue it around the corner into West Park Lane. The fence sits above the height of the low boundary wall to a maximum height of 2.25 metres, 0.65m high wall, 1.6m high fence. In total it would extend 27.8 metres in length.

The applicant requires the fence for privacy, security and to prevent rubbish being dumped in their garden often from people waiting at the bus stop on Shaftesbury Avenue.

## Relevant Planning History:

749/55 – Detached Garage

351A/44 – Bungalow

Expiry: 8/6

## Consultations:

## Highways:

This application seeks retrospective permission for the erection of close-board fencing above existing boundary wall. The site is located along Shaftesbury Avenue, a C-classified road subject to a speed restriction of 30 mph.
The proposed works were retrospectively started on 18/03/2023. From inspection of the plans, the proposed fencing will be located in lieu of pre-existing hedging along the site boundary. The proposed fencing is not anticipated to have a detrimental impact on vehicular/pedestrian visibility in this location.
In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

## Representations:

One objection summarised as follows:

The fencing should be erected the other side of the hedge as it is unsightly. Other corner properties have done this. If erected the other side, privacy would be protected. Harmful precedent would be set allowing others to do the same making the road less attractive.

There are many houses in Shaftesbury Avenue that have been designated as part of a 'conservation area'. To conserve this area, the council needs to ensure that nearby structures do not detract or downgrade the architectural reasons for creating this conservation area in the first place.

## Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5, DM23, DM24
National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance
Shaftesbury Road Conservation Area Appraisal

## Planning Assessment

There is no objection in principle to extensions and alterations to residential dwellings within the built-up area. The key considerations are the effects on the visual and residential amenities of the locality.

### *Visual Amenity and Setting of the Conservation Area*

Typically gardens in Shaftesbury Avenue are enclosed by low walls and lots of shrubbery/hedging. Fencing has been erected behind hedging at No.9 with permission and at No. 3 a small panel of fencing has been erected on top of a higher wall, again with permission. There is a high fence at No. 7 without planning permission. This fence

was originally positioned on the boundary but following an enforcement investigation was pushed back 1 metre so that it no longer 'abuts' the highway.

The garden at the application site was previously enclosed by a mature beech hedge. This hedge has been halved in depth to make way for the fence. The fence is much higher and longer than others nearby and very prominent on this corner site. Opposite the conservation area it detracts from the open mature frontages which characterise the area and as such is harmful to visual amenity and to the setting of the conservation area.

If re-erected inside the hedging it would not cause such serious visual harm and would achieve the privacy and security desired.

***Residential Amenity***

The fence does not cause direct harm to any neighbour.

**Recommendation**

**REFUSE** for the reason:-

The height, length, design and external finish the fencing results in an unacceptably austere appearance and sense of enclosure which is out of keeping with the front boundary treatments that are characteristic of the area and resulting in visual harm and harm to the setting of the Shaftesbury Road conservation area. The proposal is therefore contrary to policies DM5, DM23 and DM24 of the Worthing Local Plan, the Shaftesbury Avenue Conservation Area Appraisal and the National Planning Policy Framework.

**Informative**

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 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 willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

**Is recommendation contrary to letter(s) of representation? N**

Case Officer: MOK Date: 30/5/23

Authorised by: Date: