Expiry Date - 14/08/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0662/24 **Recommendation – REFUSE**

Site: **15 Bulkington Avenue Worthing West Sussex BN14 7HH**

Proposal: **Application for a Lawful Development Certificate for a Proposed replacement fence along driveway**

Site visit: N

Site and Surroundings

The application site comprises a detached rendered house with attached garage on the south side of Bulkington Avenue. The property has a good sized front garden primarily laid to hardstanding. There is an existing vehicular access to the eastern side of the property. There is a brick wall on the frontage, with brick end detail with pillars either end and to a wooden gate pedestrian access.

To the eastern side the properties mainly have open frontages with no boundary walling to the frontage.

To the western side properties tends to have walling to the frontage but of different heights and brick materials. The walls are generally low without vehicular gates.

To the northern manor of the properties have brick and flint walls some with gated accesses.

The site is not within a conservation area.

Background

Planning permission was granted under AWDM/0064/24 to increasing the height of the front pillars of the property by approx. 0.5m and inserting black metal railings above the existing wall between the pillars.

The application also permitted the erection of a concaved solid wooden black gates to the existing vehicular and pedestrian entrances to a maximum height of approx. 1.8m.

Proposal

Application for a Lawful Development Certificate for a proposed replacement fence along the driveway. The proposal involves a replacement of all fence panels on the left side of the driveway (east side). They intend part of the

fence as it meets the wooden post being installed to secure the left hand gate opening to be the same height as the wooden post at approx. 1.7m. The fence which will be concaved will be range in height from approx. 1.5m to 1.7m in height.

Relevant Planning History:

AWDM/0064/24- Driveway and Pedestrian gates, plus metal railings. APPROVED

Planning Assessment

Principle

The proposal will be viewed against the criteria of permitted development, as laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015

Consideration

Schedule 2, Part 2, Minor Operations

Class A _ The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure

A.1 Development is not permitted by Class A if:-

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—
(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
(ii) in any other case, 1 metre above ground level;

Analysis: The GPDO deliberately does not offer a definition of "adjacent to a highway" and this is because the interpretation can differ according to site context. In this circumstance within a sub-urban context, the Council typically uses the 'rule of thumb' that a wall, fence or other means of enclosure would typically need to be sited 2m from the edge of the highway in order not to be considered "adjacent to a highway".

The proposed fence would be approx. 1.7m in height as it meets the post on the corner with the property and although a scalloped fence the lowest parts would still be 1.5m. The end of the proposed fence that meets the post for the new gate would be adjacent to a highway and as the new fence will be over

1m in height that means we can reasonably conclude this isn't permitted under class A (a).

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

Analysis: The maximum height of the other fences and gates would not exceed 2m.

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater;

Analysis: The fence attached to the post would exceed its former height.

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Analysis: Not applicable.

Recommendation

Planning permission is required as the proposed fence would be more than 1m in height adjacent to a highway.

REFUSE for the reason:-

The development proposal shown on drawing no. 2003/03 titled 'Elevations' is not permitted development since Schedule 2, Part 2, Class A only permits the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic to not exceed 1 metre above ground level. As the fence would be over 1 metre adjacent to the highway and would exceed its former height adjacent to highway the application should be refused as the requirements of Condition A1 (a) and (c) of Schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted development) Order have not been met

Case Officer:	Jackie Fox	Date: 07.08.24
Authorised by:	Louise Prew	Date: 07/08/2024