Development Management – Delegated Officer Report

Application Number: AWDM/1177/15 Recommendation – APPROVE

Site: 10 Amberley Close Shoreham-By-Sea West Sussex BN43 5GY

Proposal: Change of use from highways land to residential garden. Erection of 1 metre high fence to the north rear/side boundary consisting of close boarded fencing with 100x100mm wooden posts.

Date of site visit: 7.09.15

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a detached house on a corner plot in a modern development. The area is characterised by an open design with grassed verges and set-backs forming a distinct ambiance. There is one such grassed buffer on the northern side of the application site property and the adoption of this from Public Highway to private garden is sought as well as permission for a 1 metre high close boarded fence with 100x100mm wooden posts.

This application followed a previous refusal for the retention of a 1.8 metre high close boarded fence to enclose the area on its northern flank at the perimeter with the footpath and on the west boundary with no. 8 Saxons. This application also included the change of use from highway verge to private garden. This application was refused by the planning authority on 6th November 2014, for the following reason: -

The fence and posts, by reason of their stark appearance and prominent position, detract from the open and verdant character of the locality to the detriment of the visual amenities of the area. The proposed change of use and retention of the fence and posts therefore conflict with saved policies AG1 and AH7 of the Adur District Local Plan and the policies of the National Planning Policy Framework.

Following this the refusal was appealed and the appeal was dismissed on 14th July 2015. It was considered that: -

“The fence would therefore give rise to harm to the character and appearance of the locality and would be contrary to Saved Policy AG1 of the Adur District Local Plan (1996) (LP) in that the proposal would detract from the existing local urban environment.”

Consultations

Southern Water: *Southern Water has advised that water supply apparatus is protected throughout the development. Also that should any sewer be found during construction works an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.*

West Sussex County Council:

"This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

West Sussex County Council was consulted previously on Highway Matters for this location under planning application AWDM/1315/14 to which no objections were raised.

The application seeks to change the use of a grassed area of highway verge to extend the applicant's private garden. It is understood that the applicant has submitted to the Department for Transport the necessary paperwork to apply for this area of land to be officially "stopped up" i.e. have the highways rights extinguished in order to allow this garden extension to be lawful.

In regards to this application alone, no concerns would be raised for this area to become part of the applicant's private garden. However, further issues may arise in regards to this by other departments of the County Council during the consultation period for the Stropping Up order.

I therefore suggest the below condition be included in any planning consent for this application.

Conditions

No development shall be undertaken within the public highway until such time as the existing highway rights have been extinguished by means of a Stopping Up Order. The Applicant is advised to contact the Government Office for the South East for further details. Please note that this response does not indicate that the land will be successfully "Stopped Up", this is a separate process and not related to this consultation. "

Representations

No third party representations have been received.

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising:

Development Control Standard No.3 ‘Extensions and Alterations to Dwellings’
Assessment of Saved Policies (ADC 2013)
National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

The proposal comprises upgrading of the existing housing stock located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling and its surroundings.
In this case, DC Standard No. 3 states that the addition of boundary fences can have a significant effect on the character of an area.

Visual amenity

For consideration here is the effect of the proposal on the character and appearance of the area. As stated above the site is within a residential estate which is open plan in character, comprising predominantly soft landscaped front gardens verges separating the road from the footway in certain locations.

When considering the previously dismissed appeal the inspector stated: -

“As with 1 Amberley Close, the area of grass that would be enclosed by the proposed fencing on the appeal site adds to the verdant character of its surroundings. The proposed close boarded fence would erode this character by obscuring the soft landscaped area from public view and through providing a hard edge immediately to the back of the footway. Consequently, I consider that the proposal would be of a stark appearance that would be out of character with the immediate street scene. “

“I understand that the area in question does not comprise public open space, but nonetheless it does contribute to the visual amenities of the area, notwithstanding the fact that it has been maintained by the appellant since they have owned the property.”

“The fence would therefore give rise to harm to the character and appearance of the locality and would be contrary to Saved Policy AG1 of the Adur District Local Plan (1996) (LP) in that the proposal would detract from the existing local urban environment. Incidentally, I do not find direct conflict between the proposal and LP Policy AH7 as that policy is concerned with extensions and alterations to existing houses and bungalows.

The previous application for the higher fence was considered to ‘form a stark and harsh feature in the street scene which is a contrast to the open design of the development.’ It was also considered that the greenery forms a markedly positive feature that makes a strong contribution to the ambiance of the estate so that the loss of any of these grassed surfaces to an enclosed garden will be to the clear

detriment of the area's character. Whilst there are fences on the boundaries of other properties in the area, these do not encroach upon the common grassed surfaces.

Despite this former conclusion the reduction in height of the fence from 2 metres to 1 metre would on balance alter this viewpoint. Firstly due to consideration being given to the fact that a fence of this height under normal circumstances could be erected as 'permitted development', also the limited impact that a fence of 1 metre in height can have upon the street scene as opposed to a 2 metre fence. It is acknowledged that there will be some impact due to the means of enclosure being created in an existing open grassed area, yet this grassed area is not overly prominent being set back to the side of the host dwelling. It is considered that on balance, in the light of the reduction in height this is acceptable.

It is likely that some planting may take place adjacent to the fence to offer additional screening. The fence proposed is a wooden close boarded fence which the applicant has confirmed will not be stained and will be natural in appearance. This will contribute to its more subtle appearance. A condition is attached to ensure that no colour or stain is to be applied to the fence without prior consent from the Local Planning Authority. This is to limit any dominant visual impact which may occur as a result.

Also of consideration here is the change of use of the land to be included within the garden area. This is not mentioned in the Inspectors report as concern is only given to the appearance of the 2 metre fence. It is not considered that the change of use from highways land to residential curtilage has any significance here with regards to impact. The main affect is from the proposed means of enclosure and its impact upon the character of the locality. The use will not be detrimental in any case.

Residential amenity

There were objections received in relation to the previous application and it was considered that the fence at 2 metres could result in some loss of light to the adjacent dwelling. It is however considered that the fence as reduced to 1 metre will not result in such impact. The use of the land as garden land in connection with 10 Amberley Close would be consistent with the character of the area will not result in any significant harm to the amenities local residents.

Other Matters

West Sussex County Council Highways Authority have no objection in this case.

The Highways Authority advise that a Stopping Up Order is required. If the land is officially stopped up then the highway rights over this land are extinguished in order to allow this garden extension to be lawful. Although the Highways Authority state that a condition should be attached to the permission stating such it is considered more appropriate that this should be attached as an informative to ensure that the applicant or any future owner of this property is aware or this requirement.

With regards to the southern water consultation, the nature of the development does not give rise to any likely concerns in this case. It is therefore not considered

necessary to attach any conditions or informatives. The response from Southern Water is however noted.

Recommendation

Approval

1. Time limit
2. The close boarded fence hereby permitted once erected shall remain of natural appearance with no stain or colour to be applied without prior consent of the Local Planning Authority.

Informatives

1. Pro active
2. Stopping up order required.

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

Case Officer: Hannah Barker Date: 21st September 2015

Authorised by: Jo Morin Date: 22.09.2015