Development Management – Delegated Officer Report

Application Number: AWDM/1615/23 **Recommendation – Approve**

Site: **19 North Road, Lancing, BN15 9AH**

Proposal: **Retention of trellis above garden fence/wall part north boundary (retrospective)**

Date of site visit: Assessment has been assisted using the Applicants plans; Earthlight mapping; and Google 3D of the site

Neighbours checked: Y

Additional neighbour notifications: N

Site & Surroundings:

The property is positioned on the west side of North Road and is located at the end of a small alleyway between 2no. shops, the main one being Middleton Estate Agents, and the property to its south, 'Your Choice Medical'. At the end of the alley are two gates, which are the entrances to properties, being above and behind the shops.

To the rear of no. 19 (west) is a garage compound relating to the several blocks of flats being St Bernards Court.

To the north of the application site is the rear garden and buildings relating to no. 23A.

To the south are the outbuildings relating to the commercial use 15 – 17 North Road.

The area is generally commercial but with many residential units above the shops, with housing and flats to the area to the rear of the commercial units.

The site is not a Listed Building and is not within a Conservation Area.

The Proposal:

The application seeks permission to:-

- Retain trellis and netting attached to the top of the side boundary wall, making the overall height of the boundary approx. 2.3m high.

Consultations: Fire Safety Officer:

- If the neighbours have fire safety concerns, it is suggested that they should contact the Fire Safety Department at West Sussex Fire & Rescue Service who would send an Officer round to investigate.

Representations: Lancing Parish Council:

- The fence and trellis is overbearing and out of keeping resulting in a loss of visual amenity for the neighbours, as well as a loss of amenity of their garden due to the overbearing nature of the fence.

3no. Objections from 23A North Road

- The height of the fence is outside of law restrictions that have been set
- The side wall is the only fire escape/exit from neighbouring property
- The increase in height of the wall causes safety issues for neighbouring occupants
- The additional trellis put in place because of cats accessing applicants garden via this wall should not be allowed
- The increased height of the boundary is breaking the law;
- This is only view out of house
- Cats have been injured by the increase in height and have had to go to vet
- Fence plus trellis should be no higher than the regulated height of 2m

Relevant Planning History: None

AWDM/1496/19 Alterations and extension to existing store buildings to create 1no. one bedroom dwelling. Approve 13.11.2019 (No. 23A North Road)

AWDM/1532/18 LDC for proposed use of building from Class A1 to mixed use building, comprising A1 shop to ground floor and 1 x 2 bedroom maisonette (Class C3) to first and second floor – 21-23 North Road, Lancing: Gained 15.11.2018

Relevant Planning Policies

Adur Local Plan 2017 Policies 1, 15
Supplementary Planning Guidance comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'
National Planning Policy Framework 2023

Planning Assessment

There is no objection in principle to the proposal which is within a residential area. The key concerns are the effects on the existing residential and visual amenities of the neighbouring properties together with how the proposal affects the character and appearance of the area.

Residential and Visual Amenity

The garden area for no. 19 is enclosed at the rear by a brick structure which appears to be a store or a workshop.

Its neighbour to the north, no. 23A has a small garden area that abuts the garden area of the application site. No. 23A (the neighbouring property), has a wraparound unit utilizing the rear store for living accommodation, and the north side boundary has been built against, plus part of the boundary to no. 19 has been built against, which leave a small strip of a courtyard garden for the open amenity area (8.5 sq. m) relating to 23A. This courtyard is placed at the lower section of wall which is the mutual boundary with no. 19.

The side boundary wall (abutting the courtyard garden for 23A), is approx. 1.8m high. The amount of the timber trellis above the top of the wall is approx. 200m. The overall height of the boundary at this point is approx. 2m.

Added to the trellis, is an angled metal bracket, angled into the application sites garden. The top of this angled bracket measured from the application sites garden creates the total height of the boundary approx. 2.3m. Applied to the timber trellis and angled brackets plus the triangular gap between the high wall next to the boundary wall, and the angled bracket, is meshing comprising a design of small squares.

The height of the brick wall and added trellis and meshing, is over 2m, thus the additional approx. 300mm is the section that is unauthorized and thereby requires planning permission. The consideration of the additional 300mm is whether that increase results in unacceptable harm to either the existing residential or visual amenities of the neighbouring residential property (there are no other properties with a view into the garden in question).

The neighbour can view the additional trellis etc., and the assessment is whether this section is causing material harm to their visual amenities. Their garden is enclosed by their residential unit and it is only a strip of wall that is lower than all the built form.

However, the trellis and the bracket with meshing, is an open structure, which is not considered that although unsightly, does not result in a material loss of light, overshadowing or overbearing onto that property or is visible from a wider area.

The neighbours claim that the existing approx. 1.8m high brick wall is their only means of escape in the case of a fire, and the addition of the trellis blocks this escape. However, it is not for the planning department, to determine as to whether this wall is a legitimate fire escape or not, but it is for the Fire Safety Department, and the neighbours should be contacting that department in the first instance, to discuss the matter.

From the objections that have been received, it is clear that there is a neighbour dispute between the neighbours about other matters which are not based in planning, which are private/civil matters.

Recommendation

APPROVE subject to the following condition(s)

1. Plans.

Informative:

1. 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.

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

Case Officer: Eve Hearsey Date: 16.05.2024

Authorised by: Peter Barnett Date: 17 May 2024