

Development Management – Delegated Officer Report

Application Number: AWDM/1342/25

Recommendation: – APPROVE

Site: Celty 54A Henty Road Worthing West Sussex

Proposal: Application for Certificate of Lawfulness for proposed brick enclosing front wall

Site and Surroundings

The site comprises a newly constructed detached bungalow on the former garden of 54 Henty Road. The property shares a similar frontage and style to No 54. The site is on the corner of Henty Road and Henty Close. The property has parking to the front and is partly enclosed by approx. 1.5m high fencing to the western boundary with approx. 1.8m high fencing to the northern boundary.

Henty Road comprises a mixture of bungalows and two storey houses. At the western end it is predominantly bungalows. Immediately to the west of No 54 is the access to Henty Close a cul de sac of similar bungalows facing into the close. No 56 and its pair No 58 Henty Close have a frontage in line with the side elevation of No 54 Henty Road. Further to the west across Henty Close is a semi-detached bungalow which has a detached garage to its eastern side. The property has mature hedging/trees to the eastern boundary.

Proposal

It is proposed to construct a wall to the south and west boundaries to a max of 1m in height.

Relevant Planning History:

03/01316/FULL - Erection of a two bedroom bungalow on land adjacent to 54 Henty Road

STATUS: Application Refused 18th December 2003.

07/0104/OUT - Outline application for a 3 bedroom bungalow on the rear plot, alterations to existing drive and demolition of existing garage.

STATUS: Conditional Consent 16th March 2007.

AWDM/0567/20 - Construction of two-bedroom single-storey detached dwelling in part of garden west of No. 54, utilising existing parking space, with 1no. new parking space to serve 54 Henty Road.

STATUS: Application Refused 10th June 2020.

AWDM/0568/20 - Application for a Lawful Development Certificate for a Proposed hip to gable roof extension with rear dormer and front roof lights.

STATUS: Application Permitted 26th May 2020.

AWDM/0956/20 - Construction of two-bedroom single-storey detached dwelling in part of garden west of No. 54, utilising existing parking space, with 1no. new parking space to serve 54 Henty Road. (Resubmission of AWDM/0567/20).

STATUS: Application Refused 18th August 2020.

Approved on appeal

AWDM/1866/22 - Application for Approval of Details Reserved by Condition 9: (Hard & Soft Landscaping), Condition 10 (Boundary Treatment) and Condition 11 (Bike Shed details) of approved application AWDM/0956/20

STATUS: Application Permitted 25th January 2023.

AWDM/1492/23 - Construction of two-bedroom single-storey detached dwelling in part of garden west of No. 54, utilising existing parking space, with 1no. new parking space to serve 54 Henty Road. (Resubmission of AWDM/0567/20). Application to Vary Condition 2 of previously approved on appeal AWDM/0956/20. Amendment: An alteration to enable light tunnels.

STATUS: Application Permitted 3rd January 2024.

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, as amended

Consideration

Class A of Part 2 (Minor Operations) of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for 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 carrying out the development, exceed—

- i. for a school, 2 metres above ground level, provided that any part of the gate, wall or means of enclosure which is more than 1 metres 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 proposed wall would not be situated at a school and measures 0.9m in height therefore complying with (ii).

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

Analysis: The height of the wall will be a max 1m above ground level

(c) the height of any gate, fence or 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 greater; or

Analysis: The site is a new plot approved under AWDM/0956/20 following an appeal. The application was subject to a number of conditions

Condition 3 states:

None of the building operations hereby permitted shall be carried out on that part of the application site notated as garden area to the side of the proposed development on Plan Ref: 1192020/01 and that land shall not thereafter be used for any purpose other than as garden land. For the avoidance of doubt this side garden area is identified on the plan as having a width of 3.9metres and extends the full depth of the plot.

Condition 4 states

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, that exceed a height of 1.2 metres above ground level, shall be erected on the curtilage of the side garden area identified in Condition 3, that is adjacent to Henty Road, Henty Close or No 56. Henty Close.

The land would remain as garden and the wall would be below 1.2m.

The approved conditions under ref: AWDM/1866/22 showed a 1.2m high fence on part of the boundary with Henty Close.

(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: The property is not listed

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works will not be required as the wall will be constructed adjacent to a highway used by vehicular traffic but will not exceed 1m in height.

Reasons for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990, but is permitted by Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Case Officer: Jackie Fox

Date: 04.02.26

Authorised by: Louise Prew

Date: 04/02/2026