Expiry
12/11/08

Development Control – Delegated Officer Report

Application Number: ADC/0361/08 **Recommendation – Refuse Application**

Site: **51 Freshbrook Road Lancing West Sussex BN15 8DF**

Proposal: **Change of use and enclosure of land on north side with 1.8m high fencing sited 0.5m from rear of pavement**

The Application

The site is located within the built up area of Lancing. The site address is Freshbrook Road however the property is set back from the highway located behind No. 52 and 53 Freshbrook Road. There is a vehicular access from Freshbrook Road to the property. The application site was previously a four bedroom bungalow which has been extended on the past at single storey level to form a single storey flat roof extension to the north (L/196/69). A flat roof extension to link the existing pitched roof single garage to the main house had also been added and a detached garage/store (L/10/81)

The building is currently in the process of being enlarged following approval of ADC/0186/08 for the demolition of garage and flat roofed extension and erection of extensions with raised roof and dormers to create chalet bungalow in July 2008.

To the north of the site is The Paddocks a cul-de-sac which is accessed from Freshbrook Road. This cul-de-sac which is made up of mainly semi detached and terraced two storey properties. Parking is provided in two separate garage compounds to the north and east of No. 51 accessed via The Paddocks.

To the south of the site are the pair of semi detached properties mentioned above Nos. 52 and 53 Freshbrook Road, access to these properties is via Freshbrook Road. To the west of the site is a row of properties in the Paddocks. No. 49 detached, Nos. 48 and 47 semi detached and Nos. 46-43 a row of terraced properties.

The property is enclosed by a close boarded fence 1.8 metres in height which is adjacent to the pavement to the north of the bungalow, the fence currently does not have planning permission. Retrospective permission is sought for the change of use of the land to bring it within the curtilage of the property, and also for the existing fence to be moved in from the edge of the pavement by 0.5 metres. No reduction in height is proposed, the height remains at 1.8 metres.

Consultations and Representations

Third Parties: - 1 letter of objection has been received raising the following issues: -

- This land is open plan
- Fence dominates the view from the front of nos. 42 and 41.
- Loss of light to no. 47.
- Trees have been enclosed within the site, these may be removed.

West Sussex County Council: - Objection - According to current records held at WSCC the fencing is within the public highway, therefore would not be in a position to support this proposal. In order to overcome this reason for objection we would recommend that the applicant repositions the fencing outside the public highway, or applies for a stopping up order on the designated area.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-2016 (WSCC 2005) (saved policies): LOC1, DEV1
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix II 'Supplementary Planning Guidance Comprising: - Development Control Standard No. 3 'Extensions and Alterations to Dwellings'
PPS1 'Delivering Sustainable Development' (ODPM 2005)

Planning Assessment

Policies

Structure Plan policies seek to protect, and where possible, enhance the character and distinctiveness of an area, requiring high standards of design, layout and construction (DEV1). Policy AH7 of the Local Plan states that alterations and extensions should be designed to be sympathetic to the original dwelling and the area in general.

Residential Amenity

The fence is located to the north of the bungalow within The Paddocks. The fence is clearly visible when viewed from the front of the adjacent properties, nos. 41-49 The Paddocks. It is not however considered that the fence will have any impact with regards to overbearing impact or loss of light to any of the adjacent dwellings.

Highway Matters

WSCC records have shown that the site is within highway land and therefore they object on the basis that no development should be undertaken within the public highway until such time as the existing highway rights have been extinguished by means of a Stopping Up Order.

Visual Amenity

The main issue in this case is the impact of the height and siting of the fence on the visual amenities of the locality. The Paddocks has an open plan character with front lawns with some low level shrubs however there are no examples of fences or walls adjacent to the highway or in excess of 1 metre. To the west of the site there is a low level 1 metres high wall set back from the highway. The other properties facing onto the site in The Paddocks have open frontages.

The existing 1.8 metre fence is detrimental to the character and appearance of the surrounding locality and street scene. It is a prominent and alien feature due to its height and proximity to the highway. It is not considered that the set in of the fence by 0.5 metres will eliminate the detrimental impact of this form of enclosure on the visual amenities and open plan character of the locality.

Recommendation

REFUSE on ground that :-

1.The fence,by reason of its height, siting and design,forms an obtrusive and incongruous feature which is visually out of keeping with the character and appearance of the environment and street scene, thereby conflicting with the policies of the West Sussex Structure Plan (CH1, DEV1) and the Adur District Local Plan (AG1, AH7)

Case Officer.....IBaker.....Date.....6/11/08.

PB 6/11/08