Planning Statement

Application Reference: AWDM/0543/23
Address: 47 West Park Lane, Worthing, West Sussex, BN12 4EP
Proposal: Retention and extension of close boarded fence above existing boundary wall (total height 2.25m)

The proposed development comprises the retention and extension of a close boarded fence, sited above the existing boundary wall to a total height of 2.25m. The property sits on a corner plot with the frontage being on West Park Lane and will be kept as hedging with no fencing. Parts of the building are in view from the front. The side of the property faces Shaftesbury Avenue, it being a corner plot. The conservation area is on the opposite side of Shaftesbury Avenue.

Reasons for erection of the fence on top of the boundary wall to West Park Lane.
1/ Since living in the property we have had to constantly remove significant amounts of rubbish/general litter, even soiled nappies, from behind the wall, the majority of this is adjacent to the bus stop just outside the boundary. Normally a black sack full every 3-6 months. When moving in we did approach the council for a litter bin to be sited next to the bus stop as the nearest bus stop on the opposite side of the road has one, but no bin has been actioned.

2/ The proposed fence runs adjacent to the footpath next to the highway, Shaftsbury Avenue, this is a very busy road, and due to become even busier with the development of another 300 houses due just opposite. When hold ups are present due to traffic lights at the end of the road and the pedestrian crossing next to West Park Lane, there is stationary traffic issuing considerable fumes, similar when the busses stop adjacent to the garden there is the same problem. The fence would not solve this but would help deflect the fumes and traffic noise.

3/ Privacy. The area of garden adjacent to Shaftsbury Avenue is effectively our back garden and the only area of lawn which we can use for recreation. The beech hedging present is only in leaf for a few months of the year giving some privacy to the garden. The majority of the year there is full viewing and physical access from the road. Also this beech hedge does require frequent maintenance to keep back from the pathway and allow visible access to the bus stop.

The front of the property goes out onto West Park Lane and cannot be sectioned off without adding gates to the driveway and high fence to the adjacent property. It is not a suitable area for recreational use.

4/ Security. We have had two occasions of fugitives running through the beech hedge to evade police capture and also attempts at access to the walled off patio area at the rear of the house.

Also, we have had one pet dog chase a fox and escape through the beech hedge after getting under the wire fence due to foxes burrowing under and creating access. We had erected a wire fence inside the hedge line to make a secure area for her but the foxes burrow under in different places. This escape resulted in her being hit by a passing car and causing fatal injuries to her, fortunately the people in the car were unhurt but badly shaken and upset. We have another dog now and are

reluctant to let it out for a run in the garden due to the ongoing issues with the current wire fence and the potential of causing an accident.

The proposal was refused for the following reason:

> "The height, length, design and external finish of the fencing results in an unacceptably austere appearance and sense of enclosure which is out of keeping with the front boundary treatments that are characteristic of the area and resulting in visual harm and harm to the setting of the Shaftesbury Road conservation area. The proposal is therefore contrary to policies DM5, DM23 and DM24 of the Worthing Local Plan, the Shaftesbury Avenue Conservation Area Appraisal and the National Planning Policy Framework."

Policy DM5

Policy DM5 of the Worthing Local Plan covers the quality of the built environment. The existing tree canopy and hedge height will be retained, and will remain in place above the proposed fence and branches will be allowed to cascade over the top of the fence. It is considered it will make a positive contribution to the area adjacent to the bus stop, not only by ensuring clear access and visibility for pedestrians along the foot path, but preventing opportunities for crime using the existing hedge for cover. It will also ensure the streetlighting can reach all parts of the footpath. There will be minimal impact on adjacent properties regarding loss of privacy, daylight/sunlight or outlook and no impact on the road network.

It is also worth noting that the application received the following response from the Local Highway Authority:

> "The proposed works were retrospectively started on 18/03/2023. From inspection of the plans, the proposed fencing will be located in lieu of pre-existing hedging along the site boundary. The proposed fencing is not anticipated to have a detrimental impact on vehicular/pedestrian visibility in this location.
>
> In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal."

Erecting the fence as proposed ensures a greater more extensive view of the road for safer exiting from West Park Lane and turning right onto Shaftesbury Avenue. It ensures no partial restriction of the view, previously caused at certain times of the year, by the existing beech hedge. There will also be a clearer view of the position of bus stop for passengers and drivers. In addition, erecting the fence as proposed also promotes the possibility of biodiversity within the hedge due to protection from the road.

The proposed development is in accordance with Policy DM5.

Policy DM23 and 24

Policy DM23 and DM24 of the Worthing Local Plan covers the historic environment.

It is considered that the proposed fence will not lead to substantial harm to a designated heritage asset. Shaftesbury Avenue Conservation Area is designated for its collection of modern movement inspired architecture finished with flats roofs and white painted render. However, being on the opposite side of the road to the development, the view to and from the houses within the conservation area will not be affected. There are no listed buildings within the conservation area or in the surrounding area of the property.

The proposed fence is currently treated in a natural wood colour finish, however we would welcome a planning condition should the Planning Inspector consider an alternate colour to be acceptable.

The proposed development is in accordance with Policy DM23 and DM24.

Further Comments

A traditional image of an avenue is a quiet tree lined road; however, Shaftsbury Avenue is far from this; it is now one of the main arteries joining roads into Worthing. It has a regular bus service every 10 minutes and is a main route for both the police and ambulance station when heading south. Two large residential developments have recently been approved in areas adjacent to the property, one finished and the other in the process of being built out, totalling circa. 500 houses and four blocks of flats, all of which use Shaftsbury Avenue as the main point of access and giving rise to even more traffic. There is not a single tree lining the Shaftesbury Avenue. All foliage visible is within the boundaries of the properties which are developed along it.

Positioning the fence within the hedge does not help prevent the consistent dumping of rubbish behind the boundary wall, especially adjacent to the bus stop where significant amounts build up within a short space of time and must be removed by ourselves. A litter bin adjacent to the bus stop has been requested but has never been provided by West Sussex Highways. We have had to put up with and remove a significant amount of rubbish the whole time of living in the property, approximately nine years.

The current hedge also requires constant pruning to prevent it growing out onto the path and blocking pedestrians from the full width of access. The fence will prevent this from occurring, keeping the pathway clear all year round. However, by maintaining the height and breadth of the hedge on the inside of the fence it will help give a softer look to the structure. The branches will be able to droop down and cascade over the fence hiding the upper part of the development and will just be pruned to prevent obstruction to users of the pathway.

Given this application is applying for permission retrospectively, several immediate neighbours have commented how much of an improvement the existing part of the fence is.

The road running parallel with West Park Lane has several properties with fences equal in height and of greater length to the proposed one at number 47, and these are actually within a conservation area and adjacent to the highway. The fact that these similar fences above boundary walls have been allowed, shows the proposed development is not setting a precedent. There is a great inconsistency from the planning dept. and the decision to refuse the fence due to it being simply near to a conservation area is inconsistent with planning policy. These properties have longer fences, no bus stops near them, are adjacent to the highway and have far less traffic using the road. Also, there are numerous other properties along the road leading to Shaftsbury Avenue and in fact, all over Worthing, where high boundary fences or walls adjacent to the highways are present, showing again the inconsistency within the Local Council.

Annex 2 shows photos of other fences above boundary walls within the Robson Road Conservation Area adjacent to West Park Lane/Shaftsbury Avenue plus similar high fencing actually within another conservation area in the west Worthing, Ilex Way, and just a small selection of others in close proximity to the address.

In conclusion, the proposed development is considered in keeping with the design and appearance of the local area and in is accordance with the Worthing & Adur Local Plan and the National Planning Policy Framework and therefore it is respectfully request that the development is approved.

Annex 1- Photographs of the proposed development











Annex 2- Photographs of existing fences in the adjacent conservation area of Robson Road.

































Annex 3 Photographs of existing fences in the surrounding area























