Expiry Date -

Development Control – Delegated Officer Report

Application Number: **Recommendation – APPROVE**
AWDM/0928/12

Site: **'Tara' St. Nicolas Lane Shoreham-by-Sea**

Proposal: **Retrospective application for the erection of palisade timber fence on front boundary and between adjoining neighbours boundary in front garden (latter to be reduced in height to 1 metre)**

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The proposal is for a retrospective retention of length of fencing and gate to front and side boundaries.

The application property is a modern two-storey detached building with an integral garage to its side. Its roof is shallow hipped and it has a shallow front bay.

The surrounding Conservation Area is residential in its character. There is a mixture of property types in the immediate area. The overall pattern of development is of a close-knit village centred on St. Nicolas Church

Relevant Planning History
SU/122/68
6 Detached Houses each with garage
05-06-1968

Consultations
None

Representations
Objections received from occupiers of "The Lambing Field" St Nicolas Lane and Mr Tim Dexter (address anonymous):-

- *Contravenes condition. Other properties not erected fences but planted shrubbery or hedging. Advice disregarded and fence erected. Continuous stream of feedback from local residents and passers-by making comment on appearance and materials not being in keeping. Gates constructed open outwards onto footpath, making them safety risk. Involved a minor accident to member of my family. Owners reliant on anyone entering to close gate behind them. Gates contravene Highways Act. Immediate neighbour to St Nicolas*

Church, Old Shoreham Road, which is in Conservation Area. Church is Grade I Listed Building. Newly constructed fence not in keeping with flint wall which not only surrounds the church but also western boundary wall for Tara. Landscape significantly changed by felling of two mature Cyprus trees. Fence is oppressive and overbearing. Outlook previously featured the main Church window replaced by 2 metre high rough sawn timber.

Relevant Planning Policies and Guidance

South East Plan (GOSE 2009): BE1, BE6, CC1, CC6
Adur Local Plan (saved policies): AG1, AH7, AB4, AB11

Planning Assessment

Principle

Upgrading of residential accommodation is acceptable, subject to the statutory tests for new development in relation to Conservation Areas and Listed Buildings being satisfied

Character and visual amenity, Conservation Area, and setting of Listed Buildings

At its present height the 2 metre side boundary fence is incongruous with its surroundings as it is stark and overtly prominent. However the applicant has agreed to lower its height to 1 metre, and supplement this with laurel hedging. The side and front fence and gate would also be treated with a dark timber stain.

These alterations are considered sufficient to mitigate the impact of the fencing so that it would no longer be harmful to identified amenities, including the outlook for the immediate neighbour to the east. This is for the following reasons:

Firstly, the planning condition imposed on the original permission for the property did not intend to prohibit fences whatsoever. Fencing forward of the building is allowable provided no harm to identified amenities would result.

Secondly, the application property has little architectural merit; its rather nondescript modern design has only a neutral contribution on the setting of adjacent Listed Buildings (Grade I Church of St. Nicolas and Grade II Old School House, St. Nicolas Lane) and the qualities of the Conservation Area.

Thirdly, the Old Shoreham Conservation Area Report (adopted September 1993) analysis map identifies the open property frontage along St. Nicolas Lane as a loss of enclosure. It goes on to state "*a feeling of enclosure is an essential characteristic of the old village and new development should encourage this theme*." The new front boundary fence would have the obvious benefit of restoring a feeling of enclosure, a desirable action according to the appraisal.

Fourthly, although this type of fencing is not evident in the immediate street it is used as front and side boundary treatment on Grade II Listed cottages further north (No. 9 The Street and Hunter's Moon Cottage), and along the Old Shoreham Road frontage surrounding the Grade I Church of St. Nicolas. It is

therefore an established feature within the wider Conservation Area and the setting of Listed Buildings within it. Since this type of fencing is acceptable within the context of the setting of several Listed Buildings, it would not be unacceptable on a nondescript modern unlisted building.

Fifthly, although the application property is adjacent to the Grade I Church of St. Nicolas the setting of this church is well much defined by its own flint boundary wall. This is an unmistakable demarcation of solidity. Structures and buildings beyond it in neighbouring gardens, including fences, are set apart and readily distinguishable from this setting, even from longer views at points in the street. The Old School House is directly south of the application property but the road between the two effectively severs the school house setting from that of the application property.

For all these reasons, no visual harm would arise from the fencing as it is intended to be altered, with the settings of adjacent Listed Buildings and the established character and appearance of the Conservation preserved.

Because the current fencing is unacceptable it is prudent to insist that the existing fencing is altered and additional soft landscaping planted out in a timely manner, such as within 2 months of the date of this permission.

Highway safety

The gate is onto a quiet lane that operates as a cul-de-sac. Very little traffic uses it and there is sufficient space to turn in the lane without causing nuisance to other highway users. Enforcement of gates opening outward across the pavement is the responsibility of the highway authority, West Sussex County Council. For these reasons, no highway danger would result from this development.

Recommendation

APPROVE for the reason:-

The proposed reduction in the height of the side fence and the addition of a dark stain will ensure that the development is not detrimental to the local environment and does not detract from the character or appearance of the Conservation Area and/or setting of Listed Buildings. It would not result in any detriment to the amenities of neighbouring properties and/or highway safety, and consequently would not conflict with the 'saved' policies of the Adur Local Plan (AG1, AH7, AB4, AB11) and the South East Plan (CC1, CC6, BE1, BE6).

Subject to Conditions:-

1. Approved plans

2. Notwithstanding the approved drawings, within 2 months of the date of this permission the entirety of the length of the front boundary fence and gate and side boundary fence shall be applied with a dark timber weather proof stain.

Reason: To secure the removal of an unacceptable development in a timely manner to preserve the established character and appearance of the Conservation Area and setting of adjacent Listed Buildings to comply with saved Adur Local Plan policies AH7, AB4, AB11 and South East Plan policies BE1, BE6, CC6

3. Notwithstanding the approved drawings, within 2 months of the date of this permission the entirety of side boundary fence shall be reduced to 1 metre in height and soft landscaping planted out on site. The soft landscaping shall consist of the following: 5 no. specimens of Portugal Laurel planted at 90cm in height and 60cm from the side boundary fence as altered, with 90cm spacing between each specimen.

Reason: To secure the removal of an unacceptable development in a timely manner to preserve the established character and appearance of the Conservation Area and setting of adjacent Listed Buildings to comply with saved Adur Local Plan policies AG1, AH7, AB4, AB11 and South East Plan policies BE1, BE6, CC1, CC6

Informatives

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to any representations? Y

Case Officer signed: Matthew Porter Date: 27-2-2013

Authorised and signed by: Peter Barnett Date: 28 February 2013