Development Management - Delegated Officer Report

Application Number: AWDM/0536/22 Recommendation – REFUSE

Site: 7 Malthouse Close, Sompting, BN15 0EF

Proposal: Change of use of amenity land to residential garden and enclosure with a new 1.8m high Timber Plank installation with concrete posts installed 680mm in from boundary line of property

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 and Surroundings:

The application property comprises a two storey end of terrace. The address is Malthouse Close although the property faces onto West Street to the south. The majority of the cul-de-sac is characterised by open plan front gardens with few fences or walls. The application sides (west), onto an 'L' shaped public footpath which is actually the pedestrian access to the properties no.'s 1 through 7 and no.'s 9 through 17 Malthouse Close. The entrance door, as with no.'s 9 through 17, faces onto the pedestrian access to the west, whereas the entrance doors to no.'s 1 through 5, face onto the strip of pedestrian access to the south.

Parking and vehicular access to the site and no.'s 1 – 7, is off Malthouse Close to the north.

On the opposite side of the footpath to the south is a high level flint wall enclosing the rear gardens of residential dwellings; continuing north the walls abutting the footpath reduce in height to 1 metre, enclosing the frontage of dwellings that front onto the footpath.

There is a strip of land outside of the existing side boundary to no. 7 which was once grass, but now is devoid of any planting. This strip of land was once public amenity land. The existing side boundary to no. 7, is a wall to a height of some 1.8m

Proposal:

This application seeks planning permission for:-

- The change of use of public amenity land to residential garden land;
- Provide an enclosure around the land with a 1.8m high timber planks, laid horizontally;
- Installation of trellis on every other section outside of residential garden for plantation growth (unspecified height).

Consultations:

Environmental Health Public Health: No objection

Environmental Health Technical Services: No comments

Environmental Health Private Sector Housing: No comment

WSCC Highways:

The proposed land to be subject to change of use is not considered public highway and as such no concerns would be raised to the change of use. The fencing proposed to enclose the land will not encroach onto public highways and will not obstruct the existing footway to the west of the property, nor obstruct vehicular visibility along Malthouse Close.

Conclusion

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 NPPF (para 111), and that there are no transport grounds to resist the proposal.

Representations:

Sompting Parish Council: The Council have no objection to this application subject to the confirmation of ownership of the land and the appropriate legal steps taken.

Relevant History:

AWDM/0080/13 Change of use of amenity land to residential garden and enclosure with new 2metre high wall. **Approved 18.03.2013**

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 1, 15
Supplementary Planning Guidance comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'
National Planning Policy Framework 2021

Planning Assessment

Principle:

The change of use of public amenity land to residential garden land located within the built up area can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the surrounding area.

Visual & Residential Amenity:

There was an earlier approval for the change of use of the land in 2013.

Whilst the change of use of the land from amenity land to residential garden land is acceptable in principle, it is considered that the provision of a 1.8m high, timber plank enclosure around this land is not acceptable as it would be out of character with the locality by reason of its height, form and the materials proposed.

(It is also noted that although the application is applying for a 1.8m high enclosure, the application form indicates that the height of the concrete posts is 2.44m; there will also be gravel boarding 150mm high which will likely take the height of the boards up to 1.95m)

Malthouse Close appears to be open plan on the north side of the road, but on the south side there are boundary walls, and the materials for the boundary walls which are either brick, flint or a mix of brick and flint, although no. 17 Malthouse Close which has close boarded fencing on more than one boundary. Also, this fencing is lower than the boundary proposed in this application. Further, it has retained a section of wall adjacent to the footpath.

A lower boundary enclosure stepped back from the edges of the pavement might be acceptable at the application site, however, despite suggesting this, it was not taken up.

A length of time has now passed for this application, and the applicant has not come back with any alternatives, therefore the application will be considered as it stands. And for the reasons given above, the application is not considered to be acceptable as it will be out of character with the immediate locality to which it seeks to be placed.

Recommendation

REFUSE for the following reason(s)

1. By reason of its height, position and use of materials, the proposed timber plank boundary fencing is considered to be an inappropriate structure for this location which will be out of character with and harmful to the visual amenities of the locality. It is thereby contrary to policy 15 of the Adur Local Plan

Informatives:-

1. Refused with discussion
2. It is noted that there are inconsistencies with the details of the enclosure height, which would need to be resolved should there be any further application submitted.

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

Case Officer: Eve Hearsey Date: 05.10.2022

Authorised by: Date: