Expiry Date - 24/11/2014

Development Control – Delegated Officer Report

Application Number: AWDM/1315/14 **Recommendation – REFUSE**

Site: **10 Amberley Close Shoreham-By-Sea West Sussex BN43 5GY**

Proposal: **Change of use from highway verge to private garden and retention of 1.8m high feather-boarded fence with wooden posts on north and west boundaries (retrospective)**

Date of site visit: 2/10/14

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a detached house on a corner plot in a modern development. The area is characterised by an open design with grassed verges and set-backs forming a distinct ambiance. There is one such grassed buffer on the northern side of the application site property and the adoption of this from Public Highway to private garden is sought as well as the retention of a 1.8m high close boarded fence to enclose the area on its northern flank at the perimeter with the footpath and on the west boundary with no. 8 Saxons.

Relevant site history

None

A draft Stopping – Up Order ref. SE/1577 - has been served by West Sussex County Council in respect of the proposed removal of the grassed verge from public highway subject to this application.

Consultations

West Sussex County Council:

"This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

The application seeks to change the use of a grassed area of highway verge to extend the applicant's private garden. It is understood that the applicant

has submitted to the Department for Transport the necessary paperwork to apply for this area of land to be officially "stopped up" i.e. have the highways rights extinguished in order to allow this garden extension to be lawful.

In regards to this application alone, no concerns would be raised for this area to become part of the applicant's private garden. However, further issues may arise in regards to this by other departments of the County Council during the consultation period for the Stropping Up order.

I therefore suggest the below condition be included in any planning consent for this application.

Conditions

No development shall be undertaken within the public highway until such time as the existing highway rights have been extinguished by means of a Stopping Up Order. The Applicant is advised to contact the Government Office for the South East for further details. Please note that this response does not indicate that the land will be successfully "Stopped Up", this is a separate process and not related to this consultation. "

Representations

Two representations received.

From neighbouring address at 8 Saxons, an adjoining plot to the west citing loss of amenity, highways hazard, loss of egress visibility, potential for noise increase, the setting of an undesirable precedent for further such fences and the harm to the character of the area.

A representation from 19 Saxons cites the fence and posts as being out of character.

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies):
AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising:
Development Control Standard No.3 'Extensions and Alterations to Dwellings'
Assessment of Saved Policies (ADC 2013)
National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

The proposal comprises upgrading of the existing housing stock located within the built up area and 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 dwelling and its surroundings.

In this case, DC Standard No. 3 states that the addition of boundary fences can have a significant effect on the character of an area.

Visual amenity

The fence forms a stark and harsh feature in the street scene which is a contrast to the open design of the development. The greenery forms a markedly positive feature that makes a strong contribution to the ambiance of the estate so that the loss of any of these grassed surfaces to an enclosed garden will be to the clear detriment of the area's character. While there are fences on the boundaries of other properties in the area, these do not encroach upon the common grassed surfaces and are enclosing gardens in keeping with the original layout of the development. Whilst there may be a fence erected up to 2m tall along the east boundary of no. 8 Saxons pursuant to permitted development rights, as the application seeks retention of the fence in its entirety it is in the public interest for the fence to be removed so as to maintain the verdant and open character of the area.

Residential amenity

The fencing runs along the frontage and the western boundary of the property to the west at 8 Saxons and will have some reducing effect on light to this property and some effect on outlook but not so much as to warrant refusal of themselves. The objections from this neighbouring address are noted and with regard to the issue of highways hazard, the response from WSCC Highways raises no objection on these grounds, as set out in the foregoing. The noise potential is noted but this may be possible in any event as the grassed verge can host activities with a potential for noise as it stands and it is agreed that the setting of a precedent may be a risk should this fence be approved. The character concerns set out on both objections are addressed above.

Recommendation

REFUSE

and proceed with enforcement action to seek the removal of the fence

for the reason:-

The fence and posts, by reason of their stark appearance and prominent position, detract from the open and verdant character of the locality to the detriment of the visual amenities of the area. The proposed change of use and retention of the fence and posts therefore conflict with saved policies AG1 and AH7 of the Adur District Local Plan and the policies of the National Planning Policy Framework.

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

Expiry Date - 24/11/2014

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

Case Officer: L Simmons Date: 29 /10/14

Authorised by: J Morin Date: 03.11.2014