expires 11/8/08.

Development Control – Delegated Officer Report

Application Number: ADC/0193/08 **Recommendation - Permit**

Site: **44 Cheal Close Shoreham-by-Sea West Sussex BN43 5RQ**

Proposal: **Screen fence and gate (2.35m high) at side and rear (retrospective)**

The Application

The application property is a detached bungalow located on the north side of Cheal Close, within a residential part of the built up area.

The applicant seeks retrospective permission for a garden boundary fence that is 2.35m in height on the east side boundary adjacent to No.42. The fence itself stretches for 15.2m and terminates at the junction with the north side boundary, and with a gate (also 2.35m in height) adjoining the house 3.3m from the front elevation.

Located to the east is No.42, the western half of a pair of semi-detached bungalows of similar proportions to that on the application site. The pairs of bungalows in the road are all sited at an angle to the street which results in them being stepped in front of each other. No.42 has previously been extended on the west side with a side porch hard-up to the boundary. The garden of No.42 has a raised lawn area 0.3m in height adjacent to a coniferous hedge which stretches for 9m along the garden side of the dwelling and is 2.5 – 2.75m in height.

Consultations and Representations

Third Parties: There have been three letters of objection to the fence from the No's 42 & 46 the neighbours directly to the east and west, and from No.5 on the opposite side of the road. The main concerns are:

- The fence blocks light from a neighbouring garden (No.42 east side)
- The needs state fences should be no more than 6'2"
- The fence would set a precedent.
- It is very prominent to see.

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.'
PPS 1 '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 extensions and alterations should be designed so as not to result in an unacceptable degree of overlooking, a loss of natural light or an overbearing effect on neighbouring dwellings. They should be of sympathetic design and materials to the original dwelling and the area in general.

Visual amenity
The fence terminates 3.3m back from the front elevation of the property where a gate meets the house to allow pedestrian access to the rear garden. The gate is adjacent to the rear of the side porch of No.42, with the porch being 2.15m at the guttering and eaves level and rising up to 2.5m where it meets the side of the bungalow.

Given that the gate is parallel to the road it would be this feature that would have the most effect on the visual amenity of the streetscene. The gate (and fence) are well set back and hidden from view from the east and west by the front of the house, and the adjacent porch of No.42. It is considered that as the gate well screened, is only 1.6m in width and located close to the adjacent porch which is equally as high that it does not appear overbearing or unduly prominent.

The gate and fence themselves are well made in unstained timber and are not out of keeping in design. It is usual for the arris rails of a close boarded fence to be on the side of the fence owner, however in this case they have been sited on the side of the neighbouring properties. This may be considered unneighbourly but in itself would not constitute a reason for refusal.

Residential amenity
The main concern is whether the fence has an effect on the amount of light available to the rear and side of No.42 and whether the height is such that it causes an unacceptable feeling of enclosure.

The side of the adjacent property (No.42) appears to be used as an access way from the existing side porch to the rear garden area. An obscurely glazed window serving a bathroom is located part way down the west elevation and the bungalow itself is sited 1.8m from the fence. The side area of No.42 is paved but does not appear to be used as a patio or recreational area. 1.0m into the rear garden there is a lawn which is raised 0.3m in height, it is adjacent to the high coniferous hedge which screens the majority of the fence

from view of the garden. From the rest of the garden a small, 1.0m long, portion of the fence is visible before it becomes screened by the bungalow.

The occupier of No.42 is objecting to the loss of light that the fence causes. The stepped and angled siting of the dwellings in the street results in the east elevation of No.44 projecting 4.0m to the rear of No.42. The height of the application dwelling is higher than the 2.35 fence and therefore it is felt that the fences effect on light would be negligible. The high hedge in the rear of No.42 screens the most part of the fence in the garden area. The only window in the west side of No.42 is an obscurely glazed bathroom window, and the separation to the fence is 1.8m.

Given that the west side of No.42 is 1.8m from the fence and that the area is used mainly as an access which is already screened from the westerly sun, it is felt that the height of the fence would not have a particular feeling of enclosure. Where the garden of No.42 is mostly used the fence is obscured from view by a high hedge. Should the hedge be removed or die the effect would only be of a fence 2.0m in height due to the raised lawn area.

It appears that the application fence itself has replaced a lower panelled fence and concrete post arrangement of 1.5m that existed between No's 42 and 44, and whilst the boundary treatment is dramatically different in height to what previously existed it is felt that, on balance, the fence would not adversely affect the residential amenity of No.42.

Given that the visual effect on the streetscene would be negligible and that it is felt that there would not be a loss of residential amenity it is considered that a precedent for high fences is not being set.

One of the objectors states that the deeds of the property state that boundary fences should only be 1.8m. This is below the height allowed under permitted development, and in any case would the covenants of a persons deeds would not normally be a planning consideration.

Recommendation

APPROVE for reason that :-
1PPi – amended
The proposed development does not detract from the local environment and has taken place without resulting in unacceptable detriment to the amenities of neighbouring properties. It consequently does not conflict with the policies of the ADLP (AG1, AH7) and the WSSP (DEV1)

Case Officer: [signature] PB 16/7/08
Date: 09.07.08

Chair of the Development Control Committee:
Date: A. J Mills 24/07/08.

Planning Services Manager:

Date: 22/7/08