Expiry Date - 30/04/2024

Development Control – Delegated Officer Report

Application Number: AWDM/1700/23 **Recommendation – REFUSE**

Site: **51 New Road Worthing West Sussex BN13 3JW**

Proposal: **Retrospective application to remove brick garden wall and replace with wooden fence with concrete posts (1.84 metres high)**

Date of site visit: 12/04/2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The site is located to the south side of New Road near the junction with Arun Crescent within a residential area of Worthing. The property comprises of a detached bungalow with predominantly facing brick elevations and a tiled gable roof. The property occupies a corner plot and is set back a good distance from New Road behind an open front lawn. A wooden close boarded fence with concrete posts, understood to have formerly been a brick wall, has been constructed which projects from the side (east) of the bungalow and runs adjacent and parallel with Arun Crescent and doglegs west to enclose and form the curtilage of the property. Beyond the rear curtilage is a hardstanding which serves surrounding properties' garages, including one which belongs to the applicant. The locality is low density and the street scene has an open character with grass verges commonplace.

The site is not within a conservation area, is not a listed building and there are no protected trees on site.

Proposal

Retrospective planning permission is sought for the retention of the wooden fence and concrete posts measuring 1.84m high which encompasses most of the side (east), extending right out to adjacent to the footpath of Arun Crescent, and the rear of the plot.

The fence has been constructed using natural pine and cedar wood fence panels with concrete posts at equal intervals.

The works were completed on 02/10/2023. The application has been submitted following an enforcement enquiry under AWEN/0228/23 on 14/11/2023.

Relevant Planning History:

Planning permission granted at the application property for single storey extension to front elevation under 07/0771/FULL, decision issued 13 Aug 2007. And erection of pitched roof extension at side to provide new dining and utility room under WB/0232/83, decision issued 05 April 1983.

Planning permission granted at nearby property No. 63 to replace collapsed wall with new fence and trellis 2.3m in height on north-east side boundary of rear garden relocated nearer to the highway with retention of part of the grass verge planted with shrubs under AWDM/1568/16, decision issued 28 Nov 2016. Previous refusal at this property for erection of 2.0 metre high brick wall fronting Arun Crescent under 02/00072/FULL, decision issued 01 Mar 2002.

Reason for refusal: 'The proposal by virtue of its size, siting and design would be visually detrimental to the predominantly open character of the overall street scene and it's thereby contrary to…' (superseded policy).

Consultations: None.

Representations: None.

Relevant Planning Policies

National Planning Policy Framework (Revised December 2023)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Worthing Local Plan (2023) 2020-2036
SP1 (Presumption in Favour of Sustainable Development)
DM5 (Quality of the Built Environment)

Planning Assessment

There is no objection in principle to extensions and alterations to residential dwellings within the built-up area. The key considerations are the effects on the visual and residential amenities of the locality.

Policy Context

The NPPF

Paragraph 131 of the NPPF under Chapter 12 'Achieving well-designed and beautiful places' stipulates that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Paragraph 135 continues to emphasise the importance of good design, stipulating that (non-exhaustive) 'Planning policies and decisions should ensure that developments:

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting…
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.'

Paragraph 139 stipulates that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies or government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes...'

Worthing Local Plan 2023

Policy DM5 'Quality of the Built Environment' of the WLP stipulates that (non-exhaustive) 'a) all new development (including extensions, residential annexes, alterations, ancillary development, change of use and intensification) should:

i) be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area. This will include consideration of proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping;
ii) enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping, impact on street scene and layout of the development;
iii) make a positive contribution to the sense of place, local character and distinctiveness of an area…'

Paragraph d) of the policy 'Ensuring good design' requires that 'Development must reflect government guidance on design and take into account any local design guidance and supplementary planning documents such as design guides and codes. Weight will be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, so long as they fit in with the overall form and layout of their surroundings.'

SPG 'Extending or Altering Your Home' (WBC)

The policies and relevant sections of the Design Guidance SPG – 'Extending or altering your home' clearly set out the expectations for development and require that ancillary development is well designed to reflect the predominant characteristics of the local area, does not adversely affect the appearance of

the street scene, is of a scale that is proportionate to existing and surrounding development and makes a positive contribution to the area.

Visual Amenity

The properties and their curtilages within the surrounding area maintain a reasonably consistent set-back position from the road which contributes to the openness of the streetscape. The grass verges and/ or set back positions of the curtilages to those properties which form corner plots are a key factor in ensuring the open character is preserved between pavement and property. As such, the fence is considered to have been constructed to the detriment of the prevailing character of the street scene by virtue of its prominent height and position immediately adjacent the pavement. Moreover, the appearance of the natural pine and cedar wood fence panels with concrete posts fails to take up a design which is sympathetic to the street scene and its solidness would emphasise its starkness.

To approve the proposal would set a harmful precedent which could result in the deterioration of the aforementioned open character of the area. It is acknowledged that other corner plot properties along New Road have achieved works of a similar nature to what is being proposed, namely at No. 63. However, that proposal was supported in view that the grass verge was retained and the design of the fence, with particular reference to the trellis, offers visual relief. Weight is also given to the fact that the previous application at No. 63 for a new boundary treatment set back 1m from the street scene was refused on grounds relating to harm to the open character of the locality.

In view of the above, the retention of the fencing in this position would have a significant and harmful impact on the character of the street scene and visual amenities of the locality.

Residential Amenity

There would be no adverse impact on the residential amenities of surrounding neighbours as the fence is considered to be situated a sufficient distance away, owing in part to the open nature of the locality.

Recommendation

REFUSE for the reason:-

Due to its height, design and position adjoining the back edge of the pavement the fence constitutes an intrusive and discordant feature of the street scene that is out of keeping and unacceptably harmful to local character, appearance and distinctiveness. The development is therefore contrary to Policy DM5 of the Worthing Local Plan, Supplementary Planning Guidance 'Extending or altering your home' and the policies of the revised National Planning Policy Framework.

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Informative

Unfortunately, given the constraints of the site and nature of the application, it has not been possible to advise any amendments to the application. However, the Local Planning Authority has clearly set out, within its report, the reason for refusal.

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

Case Officer: Jason Albon Date: 30/04/24

Authorised by: Jo Morin Date: 30.04.2024