Development Control – Delegated Officer Report

Application Number: AWDM/1755/14 Recommendation – REFUSE

Site: 8, Malthouse Close, Sompting, Lancing

Proposal: Replacement of unauthorised 1.15metre high gates and fence in front garden with 1.0 metre high gates and fence

Date of site visit: 3.2.15

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application property is a two storey mid terrace dwelling house on the north side of Malthouse Close. Malthouse Close is on the whole characterised by terraced and semi-detached dwellings set back from the highway with open frontages. When these houses were built a condition was attached to the consent to allow the new development to remain open plan to protect the character and appearance of the street scene. The condition is set out below:-

Notwithstanding the provisions of the Town and Country Planning (General Development) order, 1963, no gate, fence wall or other means of enclosure shall be erected or constructed in front of the buildings unless permission is granted by the LPA on an application in that behalf.

The buildings on the south side of the highway are different from the application site (and the rest of the development) built under the consent where the above condition was attached. These dwellings are differently orientated with some positioned at right angles to the highway and others fronting West Street with their rear boundary abutting Malthouse Close. There is also a high flint wall directly adjacent to the pavement on the south side of the close.

As existing the frontage of no. 8 Malthouse Close has been enclosed with wavy-edged close boarded fencing with trellis above. Double 5-bar gates with gate posts are directly adjacent to the pavement. This is to a maximum height of 1.15 metres. Planning permission is required for fencing and gates at any height to the front of this property due to the above condition. Permission is sought by the applicants to reduce the height of the fence and gates to 1 metre. The applicant states that the purpose of the enclosure is to provide a safe and secure environment for their young children, one of whom is disabled, in the front garden and to prevent them from running onto the road.

The current application arises following an enforcement investigation (AWEN/0184/14 refers).

Consultations: none

Sompting Parish Council: - Neither object to or support the application. We are sympathetic to personal circumstances and whilst not an objection, the Council expressed its concern that fencing off a front garden sets a precedent and is contrary to the character and appearance of the street scene.

Representations: 1 representation has been received from a neighbour commenting that the fence/gates are very unattractive and seem to serve the purpose of providing a home for a dog in the front garden and a place for small children to play.

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7
National Planning Policy Framework (CLG 2012).

Planning Assessment

Principle

There is no objection in principle to the means of enclosure however the main issue is the impact of the fence and gates on the character and appearance of the locality and street scene and the impact on the character and appearance of the main, host dwelling.

Visual amenity

The main issue in this case is how the existing fence and gates as reduced to 1 metre in height will impact on the character and appearance of the street scene and the property itself. As stated above the north side of Malthouse Close and to the west all the houses were built together as one development with an attached condition stating the frontages should remain open plan. All of which remain totally open plan with some planting apart from one of the properties in the far corner of the close which has a low level dwarf wall. This does not, strictly speaking, result in a means of enclosure and certainly does not dominate the street scene. The use of matching brick work also reduces any visual impact. This is more a decorative feature that cannot be compared to the means of enclosure at the application site.

The condition was put in place to ensure that the open plan nature and design of this development of houses is retained. The fences and gates that have been erected require consent. The applicants seek consent for the gates and fences to be reduced to 1 metre in height.

It is considered in this case that the principle of the fences and gates enclosing the frontage of the dwelling whether it is 1.15 metres, 1 metres or possibly even lower is the key issue. The nature of these structures, as a means of enclosure is contrary to the open plan character of this housing development. Their lowering would not remove the detrimental impact to the surrounding area. If permission was granted there would be concern that this would set a precedent for further unsuitable means of enclosure within this

row of dwellings. The cumulative effect of which would be of serious detriment to the open plan aspect in the street.

Although the principle of the means of enclosure is fundamentally unacceptable it should be of note that the design of the fencing and gates erected are not the most subtle in appearance and draw further attention to this incongruous feature. Notwithstanding this any changes to the type of fencing proposed would not overcome the concerns set out above. It still remains an enclosure to the frontage of property within an open plan development.

As well as being detrimental to the street scene the fencing and gates as existing, and as reduced, are overbearing on the existing modest dwelling. They over dominate and result in a feature that is out of keeping with this type of property.

The dwellings opposite in Malthouse Close show examples of means of enclosure such as the close boarded fencing abutting the pavement opposite the site, the high flint wall and also the brick wall further to the west. This side of the road is a more piecemeal residential area with no uniform appearance with buildings of differing design, orientation and time of build. Due to the individual nature of these dwellings it is not considered that the walls and fences here set a precedent for any similar development on the open plan builds opposite and to the west. These have a uniform open character. Any proposals for means of enclosure to the dwellings opposite could be judged on its own merits due to the unique nature of these buildings. The application site must be judged in the context of the adjacent dwellings of which it is a part of one open plan development of a specific, uniform character.

The personal circumstances of the applicant have been considered however on balance it is not considered that the need for the means of enclosure can out weight the harm that is created due to its siting as the existing height or reduced.

Residential amenity

It is not considered that the fencing or gates have any impact on the residential amenities of the occupiers of the adjacent dwellings. Other than a visual impact the fence and gate will not be positioned in such proximity to neighbouring windows to result in any loss of light or overbearing impact.

Recommendation

REFUSE

The fencing and gates as reduced in height to 1 metre would be detrimental to the open plan character of the existing dwelling and street scene. It would represent an incongruous and obtrusive feature that would set a precedent for further similar development. This would be visually out of keeping with the existing open plan development and to the detriment to the existing built environment, thereby conflicting with policies AG1 and AH7 of the Adur District Local Plan and the policies of the NPPF.

Informative

1. 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. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

2. For avoidance of doubt this refusal relates to the following drawings/plans:-
   Block Plan - received 23rd Jan 2015
   Proposed Front Garden Fence - Front and Side Elevation - received 23rd Jan 2015
   Proposed Front Garden Fence - West and East Side Elevations

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

Case Officer: Hannah Barker Date: 24th February 2015

Authorised by: Jo Morin Date: 25.02.2015