

Report to: Planning Applications Committee
Date: 21 April 2021
Application No: LW/20/0737
Location: 10 Chene Road, Peacehaven, BN10 8XG
Proposal: Installation of boundary fence (retrospective) and new entrance gates together with raised patio, partially on pre-existing embankment, together with new retaining wall and new pergola structure.

Applicant: Mrs T Pryor
Ward: Peacehaven East
Recommendation: Grant planning permission.
Contact Officer: **Name:** Julie Cattell
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IMPORTANT NOTE: This scheme is not CIL Liable.
Map location:



1. **Executive Summary**
 - 1.1 The proposed and existing works are considered to be acceptable and approval is recommended.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- N/A

2.2 Lewes District Local Plan

- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – DM25 – Design

3. **Site Description**

3.1 The application site is located on the western side of Chene Road, Peacehaven. Chene Road is a narrow-unmade road located on the southern side of the A259, sloping gently upwards to the south, leading to a holiday park. There are just four residential properties on Chene Road, including number 10, which is located close to the top of the road.

3.2 Number 10 is a newly built detached property set back from the road frontage set in a large site covering approximately 0.3ha. The land on the application site slopes gently down to the north-west. There is a narrow strip of land between the two properties which does not appear to belong to either site. The plot of number 12 is set slightly higher than the application site.

3.3 The new house was built on the footprint of the two-storey house that was previously on the site. There was a raised patio attached to the original house extending northwards approximately 14m from the house, with a static caravan on it. The roof of the caravan was at a height of approximately 2.5m above the level of the patio. The patio has been partially demolished but much of the earth and rubble has been retained in situ.

3.4 The original planning permission for the house, LW/16/1007, removed permitted development rights under classes A-C of Schedule 2 of the Town and Country Planning (General Permitted Development) Order. Classes A-C cover extensions and alterations to the property, including to the roof.

3.5 The area is subject to an Article 4 Direction, designated in 1978. The A4 Direction removes permitted development rights for “*..the erection, construction, improvement or any other alterations of gates, fences, walls or other means of enclosure as well as the formation, laying out and construction of means of access to a highway.*”

4. **Proposed Development**

4.1 The application seeks retrospective planning permission for a 2m high slatted timber fence that has been installed around most of the perimeter of the site.

4.2 Also sought is planning permission to create a retaining wall to support the re-instatement and extension of the pre-existing raised patio with an increase in height of 200mm, to a width of 6.34m and extended in length by a further 6m. The increased height of the patio is to reduce the height of the step down to it from the house. The patio will have steps down to the garden.

- 4.3 On top of the patio will be a 2.8m high timber pergola, constructed from 200mm square black stained timber posts and ring beams, set 5m apart, with an open slatted roof.
- 4.4 The 2m high fence will be stepped away from the site boundary and continued along the rear of the pergola. The area between the fence and the site boundary will be infilled with planting. Finally, a pair of 1.8m high electronically operated, horizontal slatted timber gates, stained grey, will replace the existing entrance gates.
- 4.5 Other landscaping works shown on the application drawings are within the remaining Permitted Development rights for the property.

5. **Relevant Planning History**

- 5.1 LW/16/1007 - Demolition and rebuilding of dwelling house – Approved 11 January 2017.
- 5.2 LW/17/0485 - Erection of replacement dwelling, including formation of roof terrace to west elevation (with stairs down to garden), provision of flue to north elevation, additional windows on north and east elevations (those on east elevation to be obscure glazed) and part cedar or larch cladding to north, west and south elevations (amendment to planning approval LW/16/1007) – Approved 29 August 2017.

6. **Consultations**

6.1 Environment Agency

6.1.1 No response.

6.2 Southern Water

6.2.1 No objections.

6.3 Landscape Officer

6.3.1 No response.

6.4 Design and Conservation Officer

6.4.1 No response.

6.5 Peacehaven Town Council

6.5.1 It was resolved to recommend refusal for the following reasons:-

- Application in article 4 land. Located in area of Outstanding natural beauty.
- Loss of privacy – over-looking, causing loss of privacy or light, too close.
- Out of keeping with street scene - impairment of street scene, changing the character and appearance, detrimental to it, will spoil the ambience of Road/Avenue, unfriendly.

7. **Neighbour Representations**

- 7.1 Representations have been received from a neighbour, objecting to the application for the following reasons:

- Overbearing.
- Overdevelopment.
- Loss of privacy.
- Loss of view.
- Land has been built up from level from before new house was built.
- Applicant is planting leylandii trees inside the fence.

8. **Appraisal**

8.1 Key Considerations

8.1.1 The main considerations are design and amenity of occupiers of the neighbouring property.

8.2 Design

8.2.1 The boundary fence comprises standard 2m high horizontal timber slatted panels. In the absence of the Article 4 Direction, a boundary fence or wall of this height would be permitted development.

8.2.2 The aim of the A4 Direction is “...to encourage good design...” As the fence cannot be seen from the public realm along Chene Road or from long views from the A259, it is considered that the fence does not conflict with the aims of the Article 4 Direction. The design of the new gates is also considered to be an improvement on the existing gates, and again, do not conflict with the aims of the Article 4 Direction.

8.2.3 As noted above, the 2m high boundary fence will be continued immediately behind the fence to retain privacy between the two properties. The pergola will extend 900mm above the fence line, approximately 200mm higher than the roof of the static caravan that was on the pre-existing patio.

8.2.4 In terms of design, the pergola is considered to be acceptable and to complement the contemporary design of the house.

8.3 Amenity

8.3.1 In this situation, the amenity issues to be considered are overlooking and overshadowing.

8.3.2 The patio will be screened by the 2m high fence which will provide a satisfactory level of screening to protect the occupants of both properties from mutual overlooking.

8.3.3 The proposed fence would essentially be in the same relative location as the static caravan; the section of the pergola that would protrude above the fence is an open structure which would not lead to loss of daylight or sunlight or create an overbearing impact on the rear part of the neighbouring garden. Overall, it is considered the combination of the fence and pergola is so similar to the former situation that a refusal on these grounds could not be justified or upheld at appeal.

8.4 Comments on objections

8.4.1 The applicant's agent has confirmed that leylandii trees have been planted inside the fence line. There is legislation in place to control the height of leylandii hedges and is outside the remit of planning.

8.4.2 Loss of a view, which would not be the case here anyway, is not a planning consideration.

9. **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

10.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions.

10.2 However, if the Committee is minded to refuse planning permission, authorisation is sought to issue an Enforcement Notice alongside the refusal, seeking the removal of the fence.

10.3 Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Proposed Elevations	10 March 2021	02B
Proposed Layout Plan	10 March 2021	02B
Proposed Block Plan	10 March 2021	03B
Proposed Elevations	10 March 2021	04B
Location Plan	19 November 2020	Site Location Plan
Planning Statement	12 January 2021	

- Reason: For the avoidance of doubt and in the interests of proper planning.

11. **Background Papers**

11.1 None.