

<b>App.No:</b> 150921 (HHH)	<b>Decision Due Date:</b> 28 October 2015	<b>Ward:</b> Langney
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 17 September 2015	<b>Type:</b> Householder
<b>Site Notice(s) Expiry date:</b> N/A		
<b>Neighbour Con Expiry:</b> 27 <sup>th</sup> September 2015		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b>		
<b>Location:</b> 258 Sevenoaks Road, Eastbourne		
<b>Proposal:</b> Retention of existing 2m high closed board timber fence to facilitate extension of rear/side garden boundary.		
<b>Applicant:</b> Mrs Jackie Whitlock		
<b>Recommendation:</b> Refuse Planning Permission and Authorise Enforcement Action		

### **Executive Summary**

Applicant seeks retrospective consent for the retention of boundary fence and enlarged side/rear garden.

Proposed boundary treatment given its design, height and location is such that it materially affects the open plan nature of this part of the estate. Given this it is considered that the proposal fails to respect the character and appearance of the site and surrounding area and has resulted in a form of development that has an overbearing and unneighbourly relationship with the occupiers of the adjacent property.

Retrospective planning permission is not to be issued and the application be refused and enforcement action authorised.

### **Relevant Planning Policies:**

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013

C8 : Langney Neighbourhood Policy  
D10A Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development  
UHT4: Visual Amenity  
HO20: Residential Amenity  
US5: Tidal Flood Risk

**Site Description:**

End of terrace property that is fronting an open area of informal green-space with their side boundary facing onto Sevenoaks Road. Adjacent properties to the rear face directly onto Sevenoaks Road.

The fence the subject of this application has been erected and is formed by 1.8m timber close boarded fence supported by concrete posts.

**Relevant Planning History:**

EB/1972/0235

62 BUNGS (9 WITH INTEG GARAGES) & 53 GARAGES Approved Conditional  
1972-05-11

EB/1968/0602

RES DEV Approved Conditional  
1969-04-10

**Proposed development:**

Applicant seek consent to retain boundary fence/trellis, 1.8m height and timber construction.

The applicant has submitted supporting information stating that they had followed permitted development legislation.

**Consultations:**External:

East Sussex County Highways Department: There are no highway safety issues with this proposal. It's not close to any junction so there is no impact on visibility splays. The forward visibility required (43m) is all provided for well within the highway boundary.

Neighbour Representations:

22 letters of consultation have been sent to neighbouring residential properties in connection with the current application; and has resulted in the following responses:-

- 1 letter of support
- 2 letters of observation/concern making in the main the following issues:-
  - Impact upon the character and appearance of the site and surrounding area,
  - estate was planned as an open plan estate.
  - Acknowledge the desire of the applicant to enclose a much larger garden providing secure and safe garden area for the family,
  - if supported would set a precedent for other sites in the area/estate.
  - Highway safety issues
  - Lines of sight have been impacted, previously could see Kingfisher Drive junction
  - Lines of sight very much reduced.

## **Appraisal:**

### Principle of development:

There is no objection in principle to home owners wishing to extend their properties/plots to meet their family needs/requirements. Any such change or resulting development should be designed to a high standard, and appearance should respect the character of the host property in particular and the surrounding area in general.

### Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity and Policy B2 of the Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

The siting/location of the proposed boundary treatment is such that it does materially affect the amenities of the occupiers of the adjacent/nearby residential properties. The greatest impact is upon the occupiers of the residential property to the rear of the plot/property and is considered that the fence in this regard has resulted in a form of development that is over-dominant and unneighbourly.

### Design issues:

Policy B2 of the Eastbourne Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character. Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy D10a of the Eastbourne Core Strategy and Policy UHT1 of the Eastbourne Borough Plan state that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials, setting, alignment and layout.

Seen in isolation the construction and the subsequent design and appearance of the fence is acceptable however it is considered that due to the very prominent and exposed position that the character and appearance of the immediate site and surrounding area in general is materially affected by this proposal.

It is therefore concluded that both the long and short-range views of the site are substantially affected by this proposal and as such the open plan nature of this part of the estate has been materially impacted.

### Other matters:

Given that there remains a significant highway verge added to layout and bend in the road it is considered that there remains adequate highway visibility and therefore it is considered that the proposed boundary treatment would not result in any material highway safety concerns.

## **Human Rights Implications:**

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.

**Recommendation:**

**Refuse Permission/Enforcement Action:-**

Planning Permission be refused and Enforcement Action be authorised to secure the removal of the unlawful fence:-

The development has resulted in a form of development that has an over-dominant and unneighbourly relationship to/with the occupiers of the adjacent property, in addition to compromising the setting/character of this part of this open plan estate. The proposal is considered to conflict with policies UHT1, UHT4 and HO20 of the Saved Policies of the Eastbourne Borough Plan and Policies B1, B2, D10a of the Eastbourne Core Strategy Local Plan.

**Informatives**

N/A

**Appeal:**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.