

ITEM F

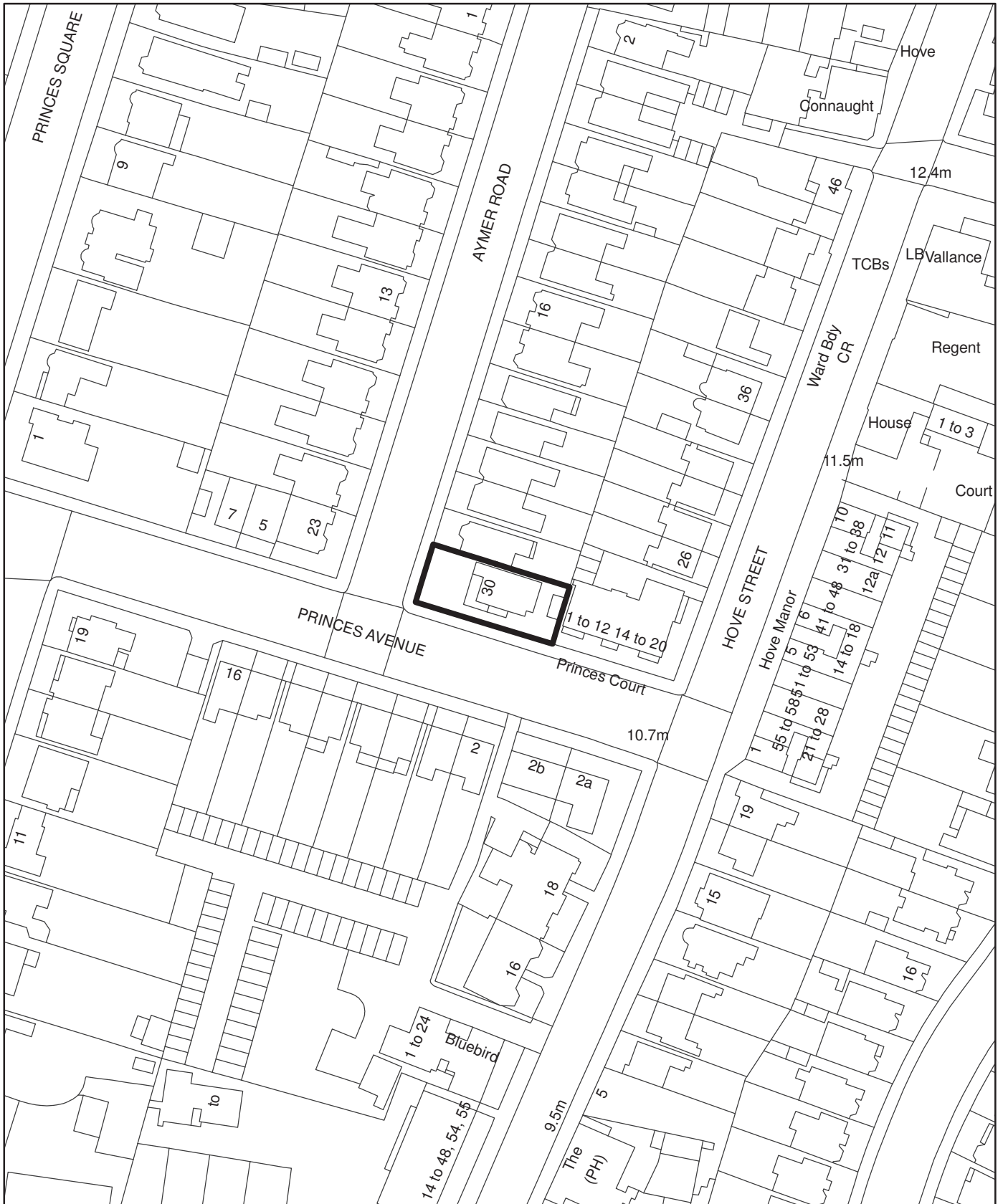
30 Aymer Road, Hove

BH2013/03023

Householder planning consent

20 NOVEMBER 2013

BH2013/03023 30 Aymer Road, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/03023	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	30 Aymer Road Hove		
<u>Proposal:</u>	Erection of boundary fence. (Part retrospective)		
<u>Officer:</u>	Mark Thomas Tel 292336	<u>Valid Date:</u>	04/09/2013
<u>Con Area:</u>	Pembroke & Princes	<u>Expiry Date:</u>	30/10/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road , Brighton BN3 5PD		
<u>Applicant:</u>	Jeremy Hoye, 30 Aymer Road , Hove BN3 4GA		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a bungalow situated on the eastern corner of Aymer Road and Princes Avenue. The property is located within the Pembroke & Princes Conservation Area and is subject to an Article 4 Direction. The area is typified by low boundary walls, some with fencing over. There are examples of higher fencing to street fronting boundaries in the vicinity, notably at no. 19 Princes Crescent which features a vertical close boarded fence to a height of approximately 1.8m.

3 RELEVANT HISTORY

BH2013/02053 Erection of new 1.83m high boundary fence (Retrospective)- Refused

BH2010/03264 Erection of new build double garage to replace existing and widening of existing crossover and dropped kerb- Approved

BH2007/00014 2 rooflights to south elevation (retrospective)- Approved

4 THE APPLICATION

- 4.1 Planning permission is sought part retrospectively for the erection of a 1.36m high boundary fence to the western and southern boundaries adjacent the public footways on Aymer road and Princes Avenue and a gate to the western boundary. A 1.83m fence has been erected, and the proposal seeks to retain this fence, albeit with a reduction in height.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** Ten (10) letters of representation have been received from **Flat 1, 28 Aymer Road; Flat 2, 28 Aymer Road; 58 Pembroke Crescent; 60**

Pembroke Crescent; 2 Princes Avenue; 51 Hove Manor, Hove Street; 13 Hove Street; 35 Whittingehame Gardens supporting the application for the following reasons:

- The new fence would be more presentable than the previous hedge
- The new fence would be in keeping with the area
- The fence represents an improvement to the street scene
- The new fence would not be excessively high
- The reduction in height of the fence would be an improvement
- There are larger fences and walls in the area

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

QD14 Extensions and alterations

QD27 Protection of Amenity

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD9 Architectural features

SPD12 Design Guidance for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the impact of the development upon the character and appearance of the recipient property and the wider conservation area, and the impact on the amenity of occupiers of neighbouring properties.

Planning Policy:

8.2 Policy HE6 of the Brighton & Hove Local Plan states that proposals within or affecting the setting of a Conservation Area should show a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, and should use building materials and finishes which are sympathetic to the area.

8.3 SPD9 and SPD12 state that the design and height of boundary walls should relate to the character of the street/surrounding area, and that inconsistency in form and height can be harmful to a street scene.

Design:

8.4 The current application follows the refusal of application BH2013/02053. This application sought (retrospectively) to retain a 1.83m high fence and an entrance gate. The current application seeks to retain the fence, but with a reduction in height to 1.36m. Application BH2013/02053 was refused for the following reason:

1. The fence and entrance gate by virtue of their heavy and bulky appearance, its excessive height and its considerable extent has resulted in significant harm to the character and appearance of the recipient property, and the character, appearance and setting of the conservation area. As such, the development is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

8.5 Whilst the current application address the issue relating to height, by lowering it to more closely reflect the characteristic height of street-fronting boundary treatments in the locality, it does not address the reason for refusal which relates to the heavy and bulky appearance of the fence. The fence would retain the bulky horizontal timbers which would relate poorly to the over riding character and appearance of the Conservation Area, where lighter weight vertical open boarded have been utilised where present.

- 8.6 For the reasons outlined, the proposed development would result in significant harm to the character and appearance of the recipient property and the wider Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan and SPD12.

Impact on Amenity:

- 8.7 The proposed fence and gate is situated a sufficient distance from windows serving habitable rooms at neighbouring properties so as not to result in significantly increased levels of overshadowing, loss of outlook and increased sense of enclosure.

9 CONCLUSION

- 9.1 The proposed timber fence and gate by virtue of its heavy and bulky appearance would result in significant harm to the character and appearance of the recipient property, and the character, appearance and setting of the conservation area.

10 EQUALITIES

- 10.1 None identified

11 REASON FOR REFUSAL / INFORMATIVES

Reasons for Refusal:

1. The fence and entrance gate by virtue of their heavy, bulky and excessive horizontal emphasis would result in significant harm to the character and appearance of the recipient property, and the character, appearance and setting of the Conservation Area. As such, the development would be contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Site location and block plan	A.03	Rev. P1	4 th September 2013
Existing plans and elevations	A.01	Rev. A	4 th September 2013
Proposed plans and elevations	D.01	Rev. B	4 th September 2013