

Parish: Fishbourne	Ward: Fishbourne
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**FB/18/03033/DOM**

**Proposal** Retrospective erection of a shed and replacement boundary fencing.

**Site** Little Dolphins Main Road Fishbourne Chichester West Sussex PO18 8BD

**Map Ref** (E) 483112 (N) 104796

**Applicant** Mr Richard Spawton

**RECOMMENDATION TO PERMIT**



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## **1.0 Reason for Committee Referral**

1.1 Applicant is a Member/Officer of Council, or spouse/partner.

## **2.0 The Site and Surroundings**

2.1 The application site is occupied by a two storey, end of terrace dwellinghouse, located outside of the Fishbourne Settlement Boundary, but within an established cluster of residential properties, east of Black Boy Lane and to the north of the junction of the Main Road with Old Park Lane. The property is Grade II Listed; occupying a prominent position on the northern side of the A259, within the Fishbourne Conservation Area.

2.2 The dwelling (known as Little Dolphins) forms the western end property in a terrace of three early 19th century terraced cottages. All three period cottages (Little Dolphins, Mermaid Cottage and April Cottage) were listed (Grade II) on the 28th January 1986. The listing description of the property is as follows;

BOSHAM CHICHESTER ROAD (north side) SU 80 SW FISHBOURNE 16/615 April Cottage, Mermaid's Cottage and Little Dolphins- II One building. Early C19. Two storeys. Five windows. Red brick. Hipped tiled roof. Casement windows.

2.3 Along with The Black Boy Inn and Fishbourne Farmhouse, the three cottages form a historic core of properties that are grouped around the junction with Black Boy Lane. The Fishbourne Conservation Area Character Appraisal acknowledges that, in addition to Fishbourne Farmhouse, the three cottages are an important remnant of Fishbourne's agricultural economy as the cottages were interspersed with the farms that were located in the area at the time of construction.

## **3.0 The Proposal**

3.1 The application seeks planning permission for the erection of a shed within the garden to the side of the existing dwelling and replacement boundary fencing along the front of the site. A fence and shed of a different sizes to those proposed have already been erected on site without permission.

3.2 Amendments have been sought to the proposals since they were initially submitted and therefore the proposal is slightly different to what has been constructed on site. The fence as now proposed would be lower than the existing unauthorised fence, and the proposed shed would also be reduced in footprint. The fence would be 1.2m in height to the front of the property, increasing to 1.5m in height for the remainder of the front boundary. The existing shed would be reduced in width by 1.2 metres so that it would measure approximately 2.5 metres (h) x 3.35 metres (d) x 4.15 metres (w). The shed would be located to the north-west corner of the garden area, to the west of the dwelling-house. In addition, the shed as proposed would be stained 'Cupirno!' Old English Green and it is proposed that English Ivy would be planted to grow over the proposed fence.

#### 4.0 History

18/01931/LBC	PER	Internal alterations including replacement staircase, removal of downstairs bathroom, new bathroom at first floor, lining of walls, replacement window sills and covering of floor to living room
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#### 5.0 Constraints

Listed Building	Grade II Listed
Conservation Area	Yes
Rural Area	Yes
AONB	No
Flood Zone 2	No
Flood Zone 3	No

#### 6.0 Representations and Consultations

##### 6.1 Parish Council

No Comment.

##### 6.2 Third Party Comments

No letters of support or objection have been received.

##### 6.3 Applicant/Agent's Supporting Information

During the course of the application the applicant/agent has submitted supporting information to demonstrate that the fence would be located in the same position as the previous fence along the frontage of the site, and that as amended it would be the same height as the former fence.

#### 7.0 Planning Policy

##### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Fishbourne Neighbourhood Plan was made on the 31st March 2016 and forms part of the Development Plan against which applications must be considered

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 33: New Residential Development

Policy 47: Heritage

7.3 The Fishbourne Neighbourhood Plan:

Policy H1: Heritage Protection

National Policy and Guidance

7.4 Government planning policy comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

*For decision-taking this means unless material considerations indicate otherwise:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.5 Consideration should also be given to sections 12 (Achieving well designed places) and 16 (Conserving and Enhancing the Historic Environment).

Other Local Policy and Guidance

7.6 The following documents are material to the determination of this planning application:

The Fishbourne Conservation Area Character Appraisal 2017

7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## 8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Impact upon heritage assets and the visual amenity of the surrounding area
- iii. Impact upon the amenity of neighbouring properties

### i. Principle of development

8.2 The application site is located outside the Fishbourne Settlement Boundary and therefore the proposal is considered to be development in the countryside under policy 45 of the Chichester Local Plan (CLP). As the site has a lawful residential use, a residential outbuilding or other alteration to the property is acceptable in principle, subject to it being of an appropriate scale, siting and design, and complying with development plan policies. The principle of development is therefore considered to be both sustainable and acceptable in accordance with policy 2 and 45 of the CLP.

### ii. Impact upon heritage assets and the visual amenity of the surrounding area

8.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA) to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. Section 72 of the same act requires that the Local Authority give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

In addition, Section 16 of the National Planning Policy Framework (NPPF) stresses the importance of protecting heritage assets, stating that Local Planning Authorities' should take account; of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. Policy 47 of the Chichester Local Plan and Policy H1 of the Fishbourne Neighbourhood Plan assert that permission should only be granted where it can be demonstrated that the proposal conserves or enhances the special interest and settings of the designated heritage assets.

8.5 The proposed shed would be situated to the side of the property; this is the only amenity area associated with the dwelling and would be visible from the highway. However, as amended, the shed would be proportionate to the size of the plot in which it is set and of a size that would not result in harm to the setting of the Listed Building. The proposed reduction in width would ensure that the shed is in line with the building to the west and would also reduce its prominence when viewed from within the Fishbourne Conservation Area. The painting of the shed 'Old English Green' would further mitigate the appearance of the shed.

- 8.6 Prior to the renewal of the boundary fence, the previous fencing had a natural and soft appearance; a product of the vegetation that had grown both over the top and up the front of the fence. This gave it a more natural appearance that left the boundary fence almost unrecognisable through the vegetation. Although the remainder of the terrace features hedging along the front boundary it is notable that boundary treatments in the surrounding area display a high degree of variety; with examples of fencing, walls and hedging all fronting the public highway in the immediate locality.
- 8.7 The unauthorised fence measures 1.8 metres in height. The vegetation in front of and over the fence has been lost, providing a more stark and urbanised appearance that is harmful to both the Fishbourne Conservation Area and the setting of the listed building. The incongruity of the new fencing is accentuated by the increase in the height. The proposed reduction in height to the fencing, which is the subject of this application, would however result in a fence of the same height, in the same location as the previous fencing.
- 8.8 The application also proposes to plant English Ivy over the fence. This would help soften the appearance of the fence over time and ensure the return of the southern boundary of the site to its former appearance. Over time, the fence will also weather down, providing a more silvered appearance. The return of the fence to its previous height with the addition of planting would ensure that, in due course, the character and visual amenity of the street scene and Fishbourne Conservation Area would not be compromised, whilst also preserving the setting of the Listed Building.
- 8.9 On balance, the proposed fence and shed would not result in visual harm to the locality, it would conserve the character and appearance of the Fishbourne Conservation Area and it would not detract from the setting of the Listed Building. The application is therefore considered to be acceptable in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, and Policy 47 of the Chichester Local Plan and Policy H1 of the Fishbourne Neighbourhood Plan.

iii. Impact upon the amenity of neighbouring properties

- 8.10 The proposed fence would be suitably located to ensure that it would not restrict those using the public footpath in front of the property. The shed would have a proposed height of 2.5 metres and would be set off both the northern and western boundaries of the site. This would be sufficient to ensure no harm to neighbouring amenity, with particular regard to massing and impacts on light.

Conclusion

- 8.11 Based on the above assessment it is considered the proposal is compliant with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Policy 47 of the Chichester Local Plan and Policy H1 of the Fishbourne Neighbourhood Plan and therefore the application is recommended for approval.

## Human Rights

8.12 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

**RECOMMENDATION PERMIT** subject to the following conditions and informatives:-

- 1) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 661-PL-001A, 661-PL-004A, 661-PL-005A, 661-PL-006A.

Reason: To ensure the development complies with the planning permission.

- 2) Within 1 month of the date of this decision the fence along the southern boundary of the site shall be lowered or replaced with a fence to the height shown on approved plans. The fence permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the character and appearance of the heritage assets.

- 3) Within 2 months of the date of this decision the existing shed within the site shall be reduced in width and stained with Cuprinol Old English Green in accordance with the approved plans.

Reason: In the interests of protecting the character and appearance of the heritage assets.

- 4) All planting/landscaping, including the planting of English Ivy, shall be carried out in accordance with the approved details. These works shall be carried out within the first planting season after the erection/amendment of the fence hereby permitted unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

## INFORMATIVE

- 1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favor of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact William Price on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PI8QQYER0WT00>