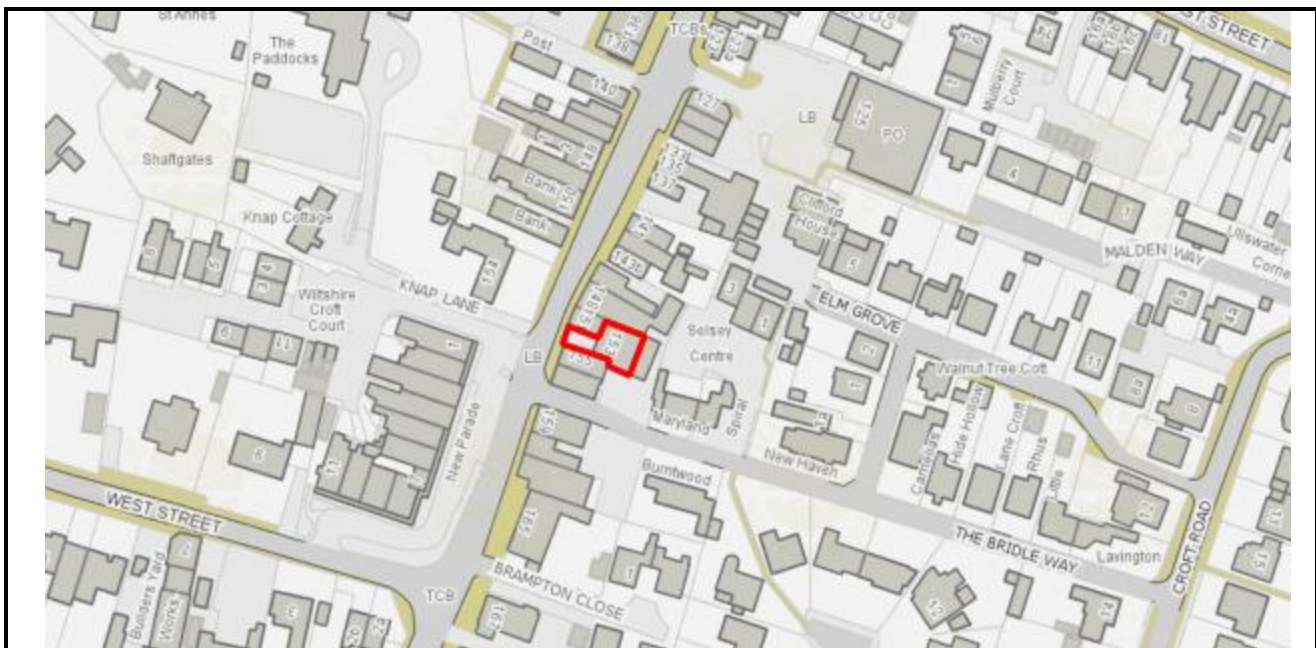



Parish: Selsey	Ward: Selsey South
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SY/20/01821/FUL

Proposal	Retrospective wooden boundary fence.		
Site	153 High Street Selsey Chichester West Sussex PO20 0QB		
Map Ref	(E) 485303 (N) 93111		
Applicant	Mr Edward Sye	Agent	

RECOMMENDATION TO REFUSE



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Red Card: Cllr T Johnson: Exceptional level of public interest

2.0 The Site and Surroundings

2.1 The application site comprises a single storey terraced building in use as a micro pub with outside seating area located on the east side of High Street, Selsey and situated within the settlement boundary of Selsey and the Selsey Conservation Area. Unlike the other buildings in the terrace, the application property is set back from the street with a courtyard to the front of the premises. There are retail units to the north and south of the site, a car park to the east and a residential dwelling to the west.

3.0 The Proposal

3.1 The application seeks retrospective planning permission for the erection of a wooden fence to the front boundary of the site.

3.2 The fence is a maximum of 1.5m in height, the top 0.35m of the fence is a trellis with the remainder of the fence close boarded. The fence wraps round the south side boundary to the front of the neighbouring property to the south. There is a wooden gate to the front boundary that is 1.8m in height.

3.3 Prior to the installation of the fence the front boundary was open. The fence was installed between 24th June and 4th July 2020.

4.0 History

19/00910/FUL	PER	Change of Use from A1 to A4.
20/01670/FUL	PCO	Change of use from B8 (storage and distribution) to D2.

5.0 Constraints

Listed Building	NO
Conservation Area	YES
AONB	NO
Tree Preservation Order	NO
Flood Zone 2	NO
Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Selsey Town Council

Selsey Town Council supports this application.

6.2 CDC Conservation and Design

The frontage of 153 High Street is set back from the building lines along the East side of the street leaving an unbuilt / undefined gap. In principle the provision of a physical boundary here is welcomed providing greater definition to the public realm, however it is considered this should be of a design which reflects the character and material quality used for front boundaries elsewhere in the conservation area. The conservation area character appraisal identifies walls within the conservation as mainly comprising Mixen stone, sandstone, red brick and beach flints. The current and proposed use of wooden fence panels for a front boundary is therefore considered out of keeping with this and not a suitable material for a front boundary, particularly given its clear visibility along the edge of the public realm and within the conservation area.

Whilst variety is seen in front boundary walling materials within the conservation area it is considered that a good quality but simply detailed brick wall perhaps with railings above to minimise the height of the solid wall would be the most appropriate solution here. This should enable the applicant to achieve the enclosure required whilst also using materials of an appropriate quality for the conservation area. The host building and the range of buildings to the South are relatively contemporary in age therefore the use of more traditional detailing seen in the stone and flint walls of the conservation area is likely to be at odds with the age of the host building and its immediate surroundings.

6.3 Third party objections comments

1 no. letter of objection has been received, summarised:

- a) The fence does not fit in with the streetscene.
- b) If the property wishes to delineate the area from the footpath to the front of the shop stainless posts on substantial bases with an attractive rope barrier could be placed outside in a morning and removed when business ceases in the evening.
- c) The neighbouring shop to the south has had a window blocked off. Queries what would happen if the shop changes ownership and the owners want the window for display purposes.

6.4 Third party support comments

11 no. letters of support have been received, summarised:

- a) The fence is an improvement to the High Street and is in keeping with the area.
- b) The fence is of high quality aesthetically pleasing and well constructed.
- c) The fence separates the customers from pedestrian traffic.
- d) The fence secures the premises.
- e) The blanket preservation order on the High Street imposed is detrimental to the development of the High Street.
- f) This business is trying very hard to survive during these difficult economic times brought about by the Covid pandemic. Part of this survival strategy has been to provide an outdoor area for their customers to enjoy a drink safely in the fresh air.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the Site Allocations DPD and all made neighbourhood plans. Following expiry of a six week period and no legal challenge having been received, the Selsey Neighbourhood Plan is now able to move forward to referendum but in accordance with current Government advice this will not be held until 6 May 2021 (in accordance with Regulation 13 of the Postponement of Elections and Referendum Regulations 2020). However, Government guidance is that the plan may carry significant weight where relevant to a planning application, even though it would not have been tested through referendum.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 47: Heritage

Selsey Neighbourhood Plan

- 7.3 The policies of the Selsey Neighbourhood Plan relevant to this application are:

Policy 002: Historic Environment

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.4 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2022. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.5 Government planning policy now comprises the February 2019 National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,
For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.6 Consideration should also be given to Sections 4 (Decision-Making), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment).

Other Local Policy and Guidance

7.7 The Selsey Conservation Area Character Appraisal and Management Proposals document is also material to the consideration of the application.

7.8 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) Design and impact upon the character of area and heritage assets
- iii) Impact upon the amenity of neighbouring properties

Assessment

i) Principle of development

8.2 The application site is located within the settlement boundary, where development is generally supported, providing that the proposal respects the setting, form and character of the settlement. The general principle of the development is therefore acceptable subject to the considerations below.

ii) Design and impact upon the character of area and heritage assets

8.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 192 of the NPPF requires new development in a Conservation Area to make a positive contribution to the local character and distinctiveness. Policy 47 of the Chichester Local Plan requires that development proposals conserve or enhance the special interest and setting of heritage assets. Policy 002 requires all new development in the Conservation Area to reflect the character and historic context of the existing development.

- 8.4 In the Selsey Conservation Area Character Appraisal and Management Proposals the area of land to the north of 155 High Street in front of 153 High Street has been identified as a negative feature and it has been recommended that the appearance of this area is improved. The Character Appraisal also identifies walls within the Conservation Area as mainly comprising Mixen stone, sandstone, red brick and beach flints. The attached neighbouring properties do not have front boundary treatments as they open directly onto the pavement. The front boundary treatments on the opposite side of the street are low walls constructed of brick and/or stone. Whilst a boundary treatment to the front of the site may be acceptable in principle, the fence due appearance, siting and design would not result in an improvement to this part of the conservation area, rather it would cause further harm.
- 8.5 The boundary fence erected at the application site due to its height, material and also its overly detailed design with wavy top and high curved gate detail is out of keeping with the traditional and simple form of the other boundary treatments in the area. In addition as the neighbouring properties are constructed of brickwork and render, the fence strongly contrasts with the materials of these properties. Given the design, materials and clear visibility of the structure along the edge of the public realm, the structure appears discordant within the streetscene and negatively impacts on the visual amenity and character of the area, resulting in less than significant harm to the designated heritage asset.
- 8.5 The boundary fence enables the area of land in front of 153 High Street to be separated from the street and thereby allows greater control over the maintenance of this area by the business, however this does not constitute a public benefit, and the separation could in any event be provided in a far more sensitive manner. It is therefore considered that the identified harm to the Conservation Area is not outweighed by any public benefits and therefore in accordance with the NPPF the impact upon the designated heritage asset would not be acceptable.
- 8.6 It is considered that a lower boundary treatment constructed with materials of an appropriate type and quality for the Conservation Area may achieve the desired sense of enclosure without detracting from the character and appearance of the area permanently, however it has not been possible to secure such a scheme during the course of the application.
- 8.7 Due to the siting, appearance, design and material of the fence, the proposal would not respect and enhance the character of the surrounding area and site and there are no public benefits that would outweigh the identified harm. The development would conflict with policy 47 of the Local Plan, policy 002 of the Neighbourhood Plan, the Selsey Conservation Area Character Appraisal and Management Proposals, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the NPPF.

ii) Impact upon the amenity of neighbouring properties

- 8.8 Due to the size and siting of the fence it would not have a negative impact on the amenities of the neighbouring properties in regards to overshadowing.

8.9 Comments were raised during the consultation of the application by a third party that a window at a neighbouring property has been blocked off by the fence. The fence would not directly cover the window, and any rights of way over the courtyard area to access the window referred to would be a civil matter between the applicant and the neighbouring properties not a planning matter.

Conclusion

8.10 The fence due to its prominent siting, appearance, design and use of materials would not respect and enhance the character of the surrounding area and site. The proposal would instead detract from the visual amenity of the streetscene and would result in harm to the conservation area which would not be outweighed by any public benefits. Therefore the proposal would not accord with policy 47 of the Local Plan, policy 002 of the Neighbourhood Plan, the Selsey Conservation Area Character Appraisal and Management Proposals, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the NPPF and therefore it is recommended that the application be refused.

Human rights

8.11 In reaching this conclusion the Human Rights of the applicant has been taken into account when reaching this recommendation and it is concluded that the recommendation to refuse is justified and proportionate.

RECOMMENDATION

REFUSE for the following reasons:-

1) The fence due to its prominent siting, appearance, design and use of materials would not reflect the character and historic context of the other boundary treatments in the Conservation Area and it would not make a positive contribution to the local character and distinctiveness, rather the proposal would appear as a discordant feature within the streetscene which would be detrimental to the character and appearance of the designated heritage asset. The proposal therefore conflicts with policy 47 of the Chichester Local Plan, policy 002 of the Selsey Neighbourhood Plan, the Selsey Conservation Area Character Appraisal and Management Proposals, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the National Planning Policy Framework.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Location plan	02		10.09.2020	Not Approved
PLAN - Elevations	03		20.08.2020	Not Approved
PLAN - Block plan	002		20.08.2020	Not Approved

Informative

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QDTT49ER10R00>