DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0415-23**	**Applicant:**	**Mr J Mason**
Proposal:	Proposed front boundary wall and gates		
Location:	Lapwing 72 Backgate Cowbit		
Terminal Date:	27th June 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal is for a front boundary wall and gates at Lapwing, 72 Backgate. It will be 2m in height and the existing gravel verge will be 2.2m wide meaning the boundary wall will be over 2m from the road. This means that this development could be built under Permitted Development which, as a fall back position, is a material consideration of significant weight.

Site Description

The site is within the settlement boundary of Cowbit as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). It is a detached two storey property with a gravel driveway on the front, there is a garage being constructed currently which was approved in 2022. There is a fence along the side of the property with a high hedge on the neighbouring side acting as boundary points.

History

H01-0867-22 - Two storey side and rear extension, detached garage and alterations - Approved

Consultation Responses

Lincolnshire County Council Highways

No objection.

Resident Comments Summarised as Following

Concerns that the wall will not provide suitable and safe egress off of their own driveway. Given the height of the wall and the location it will cause a significant risk of vehicle collisions and risk of serious harm and damage.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The application proposes a 2 metre highway boundary wall with gates along the front boundary of the property. Dwellings in this immediate area have a variety of boundary treatments including low walls that are nearer to the highway and others down this road have walls similar to this one in terms of design and height. The materials being used will also match the existing dwelling itself. Given this, it is not considered to appear out of character for the area and create visual discrepancies.

Impact upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed wall is 2254mm away from the road verge and this is an adequate distance away from the road to avoid causing any concerns regarding unsafe access / egress. The development would also not be overbearing for the area.

Other Matters

A resident comment was received stating that the wall '*will not provide suitable and safe egress off of our driveway* ' and '*Given the height of the wall and location this we believe will cause a significant risk of vehicle collision from one side of the build* '. These comments were made before the amended plans were received. Following on from this it can be considered that the wall is an adequate distance of 2254mm from the road, and therefore will not cause unsafe access/egress and have minimal impact upon residents and the highway.

Planning Balance

This development is in accordance with Policies 2 & 3 of the SELLP and Section 12 of the NPPF.

Most importantly, it falls under Permitted Development as it is 2 metres in height and over 2 metres away from the road.

The planning balance is therefore in favour of the proposal and can only approve it.

Conclusion

The recommendation is for a delegated approval.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.