DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	**H02-0956-21**	**Applicant:**	**Miss P Smith**
Proposal:	Reposition Boundary Fence		
Location:	2 St Mary Close Crowland		
Terminal Date:	9th November 2021		

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	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for the proposed repositioning of the boundary fence to the property at 2 St Mary Close.

Site Description

The site is characterised by a detached bungalow on a fairly spacious plot within a residential part of Crowland.
The dwelling is situated on the corner of St Mary Close and has a block paved driveway, with no boundary treatment to the front and side grassed garden.

Dwellings in the area are a similar age and design.

History

No relevant planning history.

Consultation Responses

North Level District IDB:
No comment.

Local Highway and Lead Local Flood Authority:
Does not wish to restrict the grant of permission.

Crowland Parish Council:
The Parish Council are disappointed to see fencing being put right up to the roadside which could have a detrimental impact on visibility at the junction.

Member of Public (1 comment):
Concerns over the potential for damage to existing neighbouring fence and that the fence would need repairing. Concerns of hedge to rear growing over 2.5m and encroaching on property.

Planning Considerations

Layout, Design, Size and Scale

The existing fence enclosing the rear garden would be repositioned 3m further south, approx. 300mm from the edge of the footway, and be 2m high closeboard fencing. The fence would continue to project forward of the bungalow but at a reduced height of 1m and be post and rail type.

Although the relocation of the higher boundary fencing further out would not particularly benefit the overall appearance of the street scene, there are other examples in the vicinity where fencing has been re-sited further out.
The applicant has advised that the 1m high fencing would be post and rail type, although this could be erected under permitted development rights without planning permission. It is therefore considered that it would be unreasonable to refuse the present application on character grounds.

Taking the above into account, the new boundary fencing is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Highway Safety

The Highway Authority have no objections to the new position of the fencing in terms of impact upon safety of pedestrians or drivers.

Given the above, the boundary treatment is considered to be compliant with Policies 2 and 3 in the SELLP, 2019 and is in accordance of Section 12 in the NPPF, 2021 and is therefore deemed acceptable.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the

determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The new boundary fencing arrangement would not materially harm the character or appearance of the locality or adversely impact upon highway safety. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

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.

Conclusion

The recommendation is for a delegated approval.