

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H03-0955-19 **Applicant:** Mr & Mrs D Brereton
Proposal: Extension of boundary fence
Location: 7 Harvest Mews Deeping St Nicholas Spalding
Terminal Date: 20th November 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application for the extension of boundary fence at 7 Harvest Mews. The proposal seeks to provide fence that is 4 metres in length and projects 1.2 metres from the western side extension bordering a private driveway for a detached garage. The fence will be 2 metres in height and constructed from concrete posts and fence panels. A permitted development shed, no more than 2.5 metres in height will be constructed behind the fencing.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of a similar age and design with open arable fields to the south and east of the site, with

dwelling to the north and west.

History

H03-0082-92

Outline - Residential development including details of means of access - Approved - 31 May 1995

H03-0547-98

Outline - Residential development inc. details of means of access (renewal of H03/0082/92) - Approved - 03 December 1998

H03-0739-00

Reserved Matters - Proposed residential development - Withdrawn - 17 December 2001

H03-0072-01

Reserved Matters - Proposed residential development (195 dwellings) - Approved - 12 November 2001

H03-0765-01

Reserved Matters - Proposed residential development (duplicate of H03/0072/01) - Withdrawn 16 November 2001 - Appeal Withdrawn - 13 November 2001

H03-1374-01

Reserved Matters - Residential development of 25 plots (substituting 26 plots of previously permitted scheme) - Approved - 29 January 2002

H03-0719-02

Full - Proposed residential development - Plots 65-109 & 140-167 (revision to previously approved scheme) - Approved 31 January 2003

Consultation Responses

None

Planning Considerations

- Principle of development

Principle of development

There is not considered to be any material harm to neighbouring residential amenity from overshadowing or impact on highway visibility. The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the dwelling or the surrounding area.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.