

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H04-0816-22      **Applicant:** Mr & Mrs L Atkin  
**Proposal:** Erection of boundary fence  
**Location:** 24 Lindum Way Donington Spalding  
**Terminal Date:** 13th October 2022

### 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 2021

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<br>SUPPORT | 0      | 0       | 0       | 1        |

### CASE OFFICER ASSESSMENT

#### PROPOSAL

This is a householder application for the relocation of a boundary fence at 24 Lindum Way, Donington. The current fence continues the line of the southern side elevation wall to the eastern rear boundary of the site. This proposal seeks to extend the existing 1.95 metre high fence southwards by 6 metres, leaving a gap of 100mm to the adjacent pavement. The current use of the land to be enclosed is open garden space within the ownership of the applicant.

## SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by dwellings of a similar age and design. The proposal land is in Environment Agency Flood Zone 3 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

## RELEVANT HISTORY

None

## CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objections - *"For this proposal the access and parking arrangements remain unchanged, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety."*

## PLANNING CONSIDERATIONS

Principle of development

This application is residential development on residential land within defined settlement limits. The principle of development in this location is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The scale and layout of rear garden is increased with the fencing remaining at the same height of 1.95 metres. No trees will be removed to facilitate this proposal. The character and appearance of the surrounding area is not considered to be materially impacted by this proposal.
2. The fence is constructed using concrete posts, fence panels and gravel boards and will be sited to the south and south-east of the existing dwelling, encompassing existing garden land.
3. The proposed fencing materials are fairly common and will match those of the frontage fencing on the northern boundary of the site.
4. The existing access and vehicle generation levels are not impacted by the relocated fence line.
5. The capacity of existing community services and infrastructure is not impacted by this proposal.
6. There is not considered to be an increase in noise, odour or disturbance as a result of the proposed fence relocation. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal will not materially add to development of the site.

Overlooking - The proposal is not fenestration and will not increase any existing overlooking aspects.

Overshadowing - 32 and 34 Lindum Way are 18 metres to the south of the proposed 1.95 metre high fencing. Due to the separation distance the fencing and the location of the fencing to the north of these dwellings, there will not be an overshadowing impact from the fencing.

7. The proposal land is in Environment Agency Flood Zone 3 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. Drainage is not impacted by the relocated fencing.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The scale and layout of rear garden is increased with the fencing remaining at the same height of 1.95 metres. No trees will be removed to facilitate this proposal. The character and appearance of the surrounding area is not considered to be materially impacted by this proposal. A sense of place is not impacted by this proposal.

2. The proposal is for fencing on land within the ownership of the applicant. No public open space will be lost as a result of the proposal.

5. Increased enclosed space would be available as a result of the proposal for cycle and bin storage. The number of off road parking spaces are not altered. The existing access and vehicle generation levels are not impacted by the relocated fence line.

11. There is not considered to be an increase in noise, odour or disturbance as a result of the proposed fence relocation. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal will not materially add to development of the site.

Overlooking - The proposal is not fenestration and will not increase any existing overlooking aspects.

Overshadowing - 32 and 34 Lindum Way are 18 metres to the south of the proposed 1.95 metre high fencing. Due to the separation distance the fencing and the location of the fencing to the north of these dwellings, there will not be an overshadowing impact from the fencing.

12. The proposal land is in Environment Agency Flood Zone 3 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. Drainage is not impacted by the relocated fencing.

This application accords with SELLP Policy 3.

#### Highway safety

Due to the 30 mph speed limit and the remaining open space on the side and frontage of the property, there is considered to be an acceptable level of visibility around the bend on which the property is located. There is not considered to be a material highway safety impact from the proposal. The County Highways & SUDS Officer has no objections to the submitted details.

#### **PLANNING BALANCE**

The relocated fencing is not considered to have a material impact on highway safety nor the character or amenity of the surrounding area. This application is considered to accord 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 2021.

#### **CONCLUSION**

This application is recommended for 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.