DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0789-23**	**Applicant:**	**Mrs C Clarke**
Proposal:	Erection of boundary fence - Retrospective		
Location:	98 Fleet Road Fleet Spalding		
Terminal Date:	9th November 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 2023

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking retrospective permission for the erection of a boundary fence at 98 Fleet Road. The fence has a total length of 11m and is 1.83m high.

Site Description

The site lies outside of the defined settlement boundaries of Fleet Hargate as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The dwelling is made of a white brick with brown fascias and uPVC windows and doors. It has a dark tiled roof. It sits adjacent to the Fleet Garden

Centre which also features a large fence around the front boundary. There are a variety of mature trees and hedges surrounding the western curtilage of the site.

History

No relevant planning history.

Consultation Responses

Lincolnshire County Council Highways

No objection -

The fence, for which Consent is hereby being sought, replaces a hedge along the front boundary of 98 Fleet Road. In terms of its maintenance requirement, the fence is preferable to the hedge, because it does not have the capacity to grow outwards and thereby restrict a driver's visibility when entering the public highway. Provided the fence is within the lawful boundary of this property, then its presence here would not be expected to have an unacceptable impact upon highway safety and accordingly, the highway authority does not wish to object to the grant of Consent for this Application.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The fence will be made of treated timber wood and is a different material/ colour to other fences that are in the immediate area. It has a height of 1.83m and a total length of 11m, it is set back 2.7m from the road. It runs the full length of the front boundary of 98 Fleet Road and provides privacy for the residents. The closest fence to 98 Fleet Road is a green metal fence which appears to be around 1m in height, there is also a small fence attached to this which is made of wood painted green with trellising on top of it. The closest residential property, 102 Fleet Road, shares its boundary with the Fleet Road Nursery and features a boundary fence running the full length of the shared boundary which, like the application fence, is made of wood and is 2m in height. This shows

that there a multiple fences within the area that feature different designs, styles and colours and therefore despite this fence also being different it doesn't mean it will stand out and look out of place along Fleet Road. The retrospective fence is therefore in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The fence is within 2m of a road and this is the reason the application has been submitted, despite the distance to the road it is considered that it wouldn't cause any concerns regarding unsafe access/egress.

In any case, the fence is not considered to result in any overbearing impact or overshadowing. As such the proposal is not considered to unacceptably harm the residential amenity of neighbouring properties by reason of unacceptable overshadowing or overlooking.

Highway Safety

Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Lincolnshire County Council Highways were consulted on this application with a potential that it causes harm upon the safety of the road due to its closeness. Following the consultation it was concluded that the fence would not be expected to have an unacceptable impact upon highway safety and is more favourable than the previous hedge as it won't 'grow outwards and thereby restrict a driver's visibility when entering the public highway' and therefore they have no objection to this application.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2 & 3 of the SELLP, along with the identified sections contained within the NPPF. The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

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.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.