

DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No:	H05-0990-19	Applicant:	Mr P Barnes
Proposal:	Removal of hedge and erect wall and railings to front of dwelling		
Location:	The Limes 21 Fleet Road Fleet		
Terminal Date:	28th November 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance**National Planning Policy Framework 2019**

Section 12 - Achieving well-designed places.
Section 16 - Conserving and enhancing the Historic Environment

Representations:

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

CASE OFFICER ASSESSMENT**Proposal**

The proposal is for the removal of the front boundary hedge, erection of a boundary wall with

railings which would exceed the 1m permitted development limit for garden walls adjacent to the highway.

Site Description

The host property for the proposals sits within close proximity to the Grade II listed Holbeach House, which is of great significance to the character of Holbeach at large, despite its position some distance outside of the Holbeach Conservation Area (HCA). The area immediately surrounding the property is otherwise characterised by large C19/20 properties. Despite the similar period of construction of the Victorian properties, there is a wide range of architectural styles employed in each one's design.

The host property itself is a Victorian era villa featuring many original and traditional features such as stone lintels and cills, dual chimneys, slate tiled roof and bay windows. The building has recently seen the addition of a 2 storey extension on the western elevation.

History

H05-0179-17

Two-storey side extension. APPROVED on 10/04/2017

Consultation Responses

Local Residents

Wall will exceed 2 and a half metres which may be against rules and regulations

Lincolnshire County Council Local Highway and Lead Local Flood Authority

No objections and does not wish to obstruct granting of planning permission.

Planning Considerations

Resident objections

Resident's complained that the wall would exceed 2 and a half metres at its highest point and that this would be against planning regulations. Whilst it is true that the proposals will exceed 2.5m, there is no regulation which states that a fence exceeding 2.5m in height is not permissible. Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 states that if a fence is proposed which is adjacent to the highway and would exceed 1m in height it requires planning permission. In view of this, the applicant has filed this application.

Impact upon the highway

The proposed wall will exceed the 1m permitted development limit for walls erected adjacent to the highway. However, the Local Highways Authority have been consulted and have returned a comment of no objections. As such the Local Planning Authority must take that to mean there is no discernible risk to the Highway or road safety presented by this proposal.

Design and Layout

The Local Planning Authority seeks no amendment to the design or layout of the proposed wall. This is because it is considered that the proposed design is sympathetic to the host property and the surrounding area.

Additionally, its design and layout will not, when coupled, be inappropriate to the host property in scale and massing. The Layout is suitable to service the proposed use as a boundary wall.

Heritage Impact

The Local Planning Authority does not consider there to be any negative impact upon the historic environment. Whilst the site does neighbour the Grade II listed Holbeach House, the site still sits a good distance away from the listed property and the frontage that would be affected by the

proposed wall can not be considered to be in the setting of Holbeach House. As such, the proposal would have no negative impact upon, and therefore CONSERVES, the Historic Environment.

Conclusion

For the reasons listed above, the Local Planning Authority considers this application to be in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 16 of the National Planning Policy Framework (2019). Therefore, 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.