DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0017-22**	**Applicant:**	**Miss A Hutchesson**
Proposal:	Erection of gate/fence and covered area - retrospective		
Location:	14 Holbourne Site Dawsmere Road Gedney Drove End		
Terminal Date:	27th April 2022		

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	1	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking retrospective permission for the erection of gates/fence along the side and rear boundaries standing at 2.5 metres in height and a covered canopy element to the rear with a rear projection of 6.5 metres and standing at 3.2 metres in height. A shed is also shown on the submitted plans with a depth of approximately 7 metres and standing at 2.4 metres in height.

SITE DESCRIPTION

The application site comprises a two storey semi-detached dwelling located on Dawsmere Road in Gedney Drove End. The property is located within the Gedney Drove End settlement boundary and the area is semi-rural. The dwelling is red brick built with white door/window frames. To the front of the site is a gravelled area. There is a shared vehicle access to the north-west. The rear of the site is enclosed by high level fencing/gates.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Gedney Parish Council

No observations.

Building Control

Checked timber sizes on Trada tables and are just in tolerance. Rear elevation has now been fire protected with cement based board and intumescent caulk used. Structure has been there for 3 years.

Residents

3no letters of objection have been received from the same neighbour at no.13 Holbourne Site siting the following concerns:

·There may be potential fire risk from the wooden structure
·The structures are out of keeping with the area
·The structures block light in out garden
·There are no gutters installed so rainwater runs off into our garden
·Fumes from cars in the rear garden will come into our property causing harm to our health
·The photographs submitted are not up-to-date

PLANNING CONSIDERATIONS

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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, among other considerations. 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.

The adjacent neighbour at no.13 Holbourne Site has objected to the proposal on grounds that the proposed structures are out of keeping with the area. The concerns are noted, however, given the structures are located at the rear of the site there are no prominent views from the public realm therefore no unacceptable impact is considered to result on the character of the area. In addition, there is no strong built character form therefore the development is not considered to be out of character in any case.

As such the proposed structures are on balance considered to comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning

decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The attached neighbour has objected to the proposal structure on grounds that it blocks light in their garden. The concerns are noted, however, it is not considered that the proposed fence/gates/canopy result in any unacceptable impact on this neighbour. The proposed canopy element standing at 3.2 metres in height is the main element under consideration. It is accepted that this element given its rear projection of approximately 6.5 metre does result in some overbearing impact on this neighbour. However, given its height of only 3.2 metres there would not be unacceptable levels of overshadowing. As such on balance this element can be accepted.

The fence/gates stand at 2.5 metres in height which is only 0.5 metres higher than what can be erected under permitted development. This is not considered to be significant enough to warrant a refusal.

The shed shown on the submitted plans stands at 2.4 metres in height therefore this element falls under permitted development and does not require planning permission.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Other matters

The attached neighbour at no.13 Holbourne Site has raised the following concerns:

·There may be potential fire risk from the wooden structure - this is noted and a Building Control application was submitted. Building Control has inspected the works and has advised that they have no concerns following fire protection of the rear elevation with cement based board and intumescent caulk.
·There are no gutters installed so rainwater runs off into our garden - This is a civil matter therefore the proposed scheme could not reasonably be resisted on this basis.
·Fumes from cars in the rear garden will come into our property causing harm to our health - this is noted, however, a number of properties, including the application site already have vehicle access from the rear of the site and many of the residents park to the rear of the site therefore the scheme could not reasonably be resisted on this basis.
·The photographs submitted are not up-to-date - A site visit was undertaken and up-to-date photos of the site taken. The submitted plans appear to reflect what has been erected on the site.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or the amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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

The application can be approved under delegated powers.