DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0495-23**	**Applicant:**	**Mr C Myers**
Proposal:	Erection of boundary fence - Retrospective		
Location:	Certo Cito 27 Hillgate Gedney Hill		
Terminal Date:	2nd August 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 2021

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	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This a householder application seeking permission for the erection of a retrospective boundary fence at the front and side of Certo Cito, 27 Hillgate. The fence at its highest point is 1.5m and at its lowest point is 1.15m. It runs 33m in length from the drive to the side elevation and 37m from the side to the edge of the boundary on the south, in total it is 70m in length.

Site Description

The site is within the settlement boundary of Gedney Hill as outlined within the South East Lincolnshire Local Plan , 2019 (SELLP). The property is a bungalow made of red brick with a tiled roof and white uPVC windows. It is of similar design and style to other properties along Hillgate and is on a similar sized plot. The garden area in the front appears well kept with a long gravel drive down the side of the property with access onto the highway through a fence. Directly opposite the property there is a listed building 'The Red Lion Public House'.

History

No relevant planning history.

Consultation Responses

South Holland Internal Drainage Board

No comments.

Lincolnshire County Council Highways

No objection.

Greg Watkinson - SHDC Conservation Officer

'I confirm that due to the small-scale nature of the works and the distancing from the nearby designated heritage asset, I do not consider this proposal to risk harming the appreciation of any such asset and therefore wish to raise no objections on heritage conservation grounds.

Therefore, the Case Officer should continue to consider the proposal in accordance with S16 of the NPPF and P29 of the South East Lincolnshire Local Plan (2019), in addition to all other relevant planning policy and guidance'

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, 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.

The fence at its highest point on the front elevation is 1.26m and the lowest point round the side is 1.15m. Once round the corner onto Highstock Lane the fence goes up to 1.5m high which then runs to the end of the boundary. The fence runs the whole length of the boundary at the front and in total is 70m long, 33m from drive to side elevation and 37m from highest point at the side to the end of the boundary. The fence is made of standard wood and is of a similar design to other fences along Hillgate and Highstock Lane. There are similar fences to this in the area with a variety of designs with some having panels and some having multiple horizontal planks. The retrospective fence is therefore in keeping with fences in the local area and means that it won't stand out when compared with these and is in accordance with Policies 2 & 3 of the SELLP and Section 12 of the NPPF.

Impact upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and

relationship to existing development and land uses as main considerations when making planning decisions.

The fence is within 1m 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 Impact

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 causes harm upon the safety of the road due to it being on a bend. Following the consultation it was concluded that the fence would not be expected to have an unacceptable impact upon highway safety and therefore they have no objection to this application.

Heritage

Section 16 of the National Planning Policy Framework involves 'conserving and enhancing the historic environment'. As the extension will be near a Grade II Listed Building, the proposal must adhere to the guidance set out in this section. The proposal must also adhere to Policy 29 of the South East Lincolnshire Local Plan, 2019.

It has been considered that despite the retrospective fence being relatively near to the Listed Building, it is not considered to bear any visual impact upon it and therefore would not negatively impact the asset. This fence therefore is in accordance with Policy 29 of the SELLP and Section 16 of the NPPF.

Planning Balance

The fence is similar to other existing fences within the area and therefore matches the surrounding, it doesn't cause any harm on amenity or impacts residents through overlooking, overshadowing etc. It also doesn't cause any harm on the listed building nearby and has no impact upon highway safety.

It is in accordance with Policies 2, 3 and 29 of the SELLP and Section 12 & 16 of the NPPF.

Conclusion

The recommendation is for a delegated 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.