DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0152-22**	**Applicant:**	**Mr & Mrs G Sharples**
Proposal:	Proposed Boundary Brick Wall		
Location:	April Rise Boston Road Gosberton		
Terminal Date:	11th April 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well-designed places.
Section 15- Conserving and enhancing the Natural Environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed boundary brick wall to replace the existing hedging to the rear boundary of April Rise, Boston Road, Gosberton.

Site Description

The site is situated within the settlement boundary of Gosberton, according to the South East Lincolnshire Local Plan, 2019. The site lies to the west of Boston Road and is situated on a spacious plot, adjoined by dwellings of a variety of ages and design. There is a business situated to the rear of April Rise, the building of which is a considerable distance away from the rear boundary

of the property.

History

None relevant.

Consultation Responses

No comments received.

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 proposed boundary wall would be constructed in place of the existing hedging. It would be approx. 2.6m high including the bricked pillars. The wall would pan across the entire rear boundary of the site.

The proposed materials are a traditional red facing brickwork, which is of a similar brickwork colour to that of the original dwelling. On this basis, and the fact that it is located to the rear of the dwelling, it is not considered that there would be a strongly justifiable reason for refusal on character grounds.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Impact upon Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

It is not considered that there would be a material adverse impact on residential amenity in terms of overlooking, loss of light or being overbearing given that there is no residential property situated to the rear of the application property.

Taking the above into account, the proposed boundary brick wall is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Other Considerations

It can also be noted that birds may use hedges for their nesting periods, and hedging contributes to the biodiversity of the area. However, the hedging is currently in poor condition hence the desire to be replaced with a brick boundary wall.

A note will be added to remind that hedging should not be removed during the nesting period.

On the basis of the above, there is no undue conflict with Policy 28 in the SELLP (2019) and Section 15 in the NPPF (2021).

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed new boundary brick wall will not materially harm the character or appearance of the locality, highway safety, or ecology interests (subject to the hedging being removed at an appropriate time). It is therefore considered to be in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019.

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.

Conclusion

The recommendation is for a delegated approval.