

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0034-23 **Applicant:** Mr & Mrs T Weston
Proposal: Erection of boundary fence and garage - Retrospective
Location: 25 Langwith Drive Holbeach Spalding
Terminal Date: 10th March 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

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application that seeks retrospective permission for the erection of a 1.8 metre fence along part of the northern boundary and a detached timber garage/outbuilding in the rear garden measuring 5.6 metres x 5.6 metres and standing at 2.9 metres in height (2.2 metres to the eaves).

It should be noted that the initial plans did not include the garage/outbuilding. This was subsequently added to the application.

Site Description

The site is located on Langwith Drive and is within the Holbeach settlement boundary. It comprises a detached bungalow located on a corner plot. There is a gravelled driveway to the front providing off-street parking provision for 2 vehicles. The immediate area comprises a mixture of bungalows and two storey dwellings.

History

H09-1325-21 - Erection of bungalow - Refusal

Consultation Responses

Cllr F Biggadike

Supports the scheme subject to no objections from LCC Highways with regards to visibility splays.

LCC Highway Authority

No objection as the fence does not cause any obstruction to the drivers' visibility when emerging from the side road into Langwith Drive.

Public

Two letters of support and two letters of objection have been received siting the following concerns:

- The owner is selling vehicles from the property and may be using the fence to hide these
- The fence and the garage are ugly and do not enhance the appearance of the street

Planning Considerations

Design and layout

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.

One local resident has objected to the scheme and considers the fence and garage to be ugly in appearance and do not enhance the appearance of the street. The concerns are noted, however, the fence in question, whilst quite prominent in the street scene given its prominent location, it is not uncommon for a corner plot to have such a fence for privacy purposes. In addition, there are several properties within close proximity (43 Spalding Road and 2a Langwith Drive) with similar fences therefore it could not reasonably be argued that the fence is out of character with the area.

With regards to the garage/outbuilding there are only glimpsed views of this from the street therefore it does not appear overly prominent in the street scene. In addition the building is only 0.4 metres higher than what could be erected under permitted development. If the building was sited 2 metres away from the eastern and southern boundaries it would fall under permitted development. In this instance the impact on the street scene would be the same therefore the scheme could not reasonably be resisted.

As such the fence and garage are considered acceptable as they do not materially harm the character or appearance of the locality and therefore satisfactorily comply with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the NPPF in this respect.

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 fence is not considered to impact the amenity of neighbouring properties given it is located adjacent to the highway. With regards to garage/outbuilding this has a modest footprint and height and given its relationship with the closest neighbour at no.23 Langwith Gardens located to the east of the application site no unacceptable impact is considered to result. This neighbour does not have any primary windows in its side elevation facing the application site therefore the garage does not result in any overbearing impact or unacceptable overshadowing.

As such the proposal is not considered to unacceptably harm the residential amenity of adjacent neighbours by reason of unacceptable overshadowing or overbearing impact.

Highway safety

LCC Highway Authority has not objected to the proposal as the Langwith Drive front boundary of the application site lies behind a footway and verge area so the fence that has been erected on this side of the property causes no obstruction to drivers' visibility when emerging from the side road into Langwith Drive. As such no impact results on highway safety.

Other matters

A local resident has raised concerns that the applicant is selling vehicles from the site and may be using the fence to hide these. The concerns are noted, however, this is not part of the proposal and in any case there was no evidence of this when a site visit was carried out. If this is the case then it should be reported to Planning Enforcement so it can be investigated.

Planning Balance

The fence is not considered to materially harm the character and appearance of the area, result in neighbouring amenity or highway safety issues.

Conclusion

Taking into account the considerations above, the proposal accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and also Section 12 of the National Planning Policy Framework (NPPF), 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 is approved under delegated powers.