SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 24 June 2020**

(Author: **Joan Isus - Planning Officer)**

Purpose: **To consider Planning Application H09-0204-20**

Application Number:	H09-0204-20	**Date Received:**	27 February 2020
Application Type:	FULL		
Description:	Proposed 1.8m high boundary wall		
Location:	KENT FIELDS WOODHOUSE LANE HOLBEACH		
Applicant:	Mr M D Seymour	**Agent:**	Mr M D Seymour
Ward:	Holbeach Hurn	**Ward Councillors:**	Cllr C N Worth

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H09-0204-20

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is a District Councillor.

2.0 PROPOSAL

2.1 This is a full planning application that seeks permission for proposed 1.8m high boundary wall at Kent Fields, Woodhouse Lane, Holbeach.

3.0 SITE DESCRIPTION

3.1 The site forms part of ribbon development extending from the built-up area of Holbeach towards the north of the A17. It is a corner plot abutting the road junction of Woodhouse Lane (east) and Washway Road (south).

3.2 Kent Fields is a large bungalow which is fairly set back from the road junction. The site access is from Woodhouse Lane. The drive is to the west of the property and it is concealed by a brick wall and pillars. A detached garage stands adjacent to the northern boundary. There is no mean of enclosure adjoining the road junction but a verge surrounding the corner plot.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by

the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 2 - Development Management
Policy 3 - Design of New Development

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H09-0382-18 - Erection of boundary wall - Approved

H09-1194-16 - Garage conversion and proposed detached garage - Approved

6.0 REPRESENTATIONS

6.1 Holbeach Parish Council

No objections.

6.2 LCC Highways/Suds

Permission could be granted subject to a condition:

Notwithstanding the details shown on the submitted drawings, the boundary wall hereby permitted shall be set out and constructed so that no part of the above ground brickwork or railings falls within a 2.0 metre x 60 metre visibility splay to the west side of the junction of Woodhouse Lane with Washway Road so that drivers exiting the Woodhouse Lane junction into Washway Road have sufficient visibility of any traffic approaching from their right side if it safe to complete the manoeuvre.

Without the wall being set back to accommodate the visibility splay, permission should be refused.

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 Principle of development

7.3 There is no objection to the principle of developing a means of enclosure which is ancillary to the residential curtilage.

7.4 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 key material considerations are addressed below.

7.5 Design and layout

7.6 The proposed development is a 1.8m high boundary wall which would comprise one metre high base brickwork and 0.8 metre high iron railings on top of it.

7.7 The wall would extend from the site access on Woodhouse Lane to the adjacent property Sharow along the site boundaries abutting the road junction. This means of enclosure would be

set back 1.5 metres from the edge of the carriageway.

7.8 The combination of brickwork and railing would contribute to mitigate further the visual impact rather than an entire 1.8 metre high brick wall. The existing boundary treatments in the vicinity comprise conifer hedges of different heights, brick walls and pillars, and more than one metre high timber closeboarded fence. On balance, the external appearance of the proposed wall would not appear at odds with the features of the wider street scene and, by extension, the residential character of the local area.

7.9 However, design is an overarching concept and the relationship of the proposed wall with its setting in functional terms must be also taken in account. In fact, Policy 2 includes "the relationship to existing development and land uses" as one of the criteria to meet when assessing development proposals. Similarly, Paragraph 127 of National Planning Policy Framework (NPPF), 2019 set out that development should function well and add to the overall quality of the area; and create places that are safe, inclusive and accessible, among other criteria.

7.10 Highway safety

7.11 The 1.5 metre separation distance from the edge of the carriageway has been a matter of concern for the County Highways Authority. At such proximity, the drivers of motor vehicles would not benefit from sufficient visibility when exiting the site from the existing vehicular access.

7.12 The Authority has not objected to the proposals unless accordingly conditioned should planning permission be granted. The requirement is to ensure a 2.0 metre x 60 metre visibility splay to the west side of the junction of Woodhouse Lane with Washway Road. The applicant was mindful of such requirement and revised plans were subsequently submitted. However, the amendments were eventually withdrawn under applicant's request as it was preferred to make no alterations to the existing trees and shrubs off the verge. Therefore, the determined plans would still show the proposed wall within a 1.5 metre separation distance from the edge of the carriageway, contravening the County Highways Authority's requirement.

7.13 Paragraph 109 of National Planning Policy Framework (NPPF), 2019 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.14 In view of considerations above, the proposed development in fact would cause an unacceptable impact on highway safety and therefore the application is contrary to the highway safety standards.

7.15 **Conclusion**

7.16 The proposal would be acceptable in terms of principle of development and visual appearance. However, design is an overarching concept and the functional relationship of the proposal with its setting must be also taken in account.

7.17 The erection of the proposed wall would reduce the field of view of motor vehicle drivers exiting the site and as such the safety of road users would be significantly undermined. On balance, it is considered that there would be an adverse impact which would significantly and demonstrably outweigh any benefits should permission be granted.

7.18 In summary, this application is contrary to Paragraph 109 and Section 12 of National Planning Policy Framework (NPPF), 2019; as well as Policy 2 of South East Lincolnshire Local Plan (SELLP), 2019.

7.19 **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.

8.0 RECOMMENDATIONS

8.1 **Refuse planning permission for the reason listed in Section 9.0 of this report.**

9.0 REASONS FOR REFUSAL

1. Paragraph 109 of National Planning Policy Framework (NPPF), 2019 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy 2 of South East Lincolnshire Local Plan (SELLP), 2019 includes the relationship to existing development and land uses as one of the criteria to meet when assessing development proposals. Similarly, Paragraph 127 of National Planning Policy Framework (NPPF), 2019 set out that development should function well and add to the overall quality of the area; and create places that are safe, inclusive and accessible, among other criteria.

The erection of the proposed wall would reduce the field of view of motor vehicle drivers exiting the site and as such the safety of road users would be significantly undermined. On balance, it is considered that the proposed works as they stand would create an adverse impact which would significantly and demonstrably outweigh any benefits should permission be granted.

The proposed development is contrary to Paragraph 109 and Section 12 of National Planning Policy Framework (NPPF), 2019; as well as Policy 2 of South East Lincolnshire Local Plan (SELLP), 2019.

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

   This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

3. The determined plans are:

   Site Location Plan;
   Block Plan;
   Application Form

Background papers:- Planning Application Working File

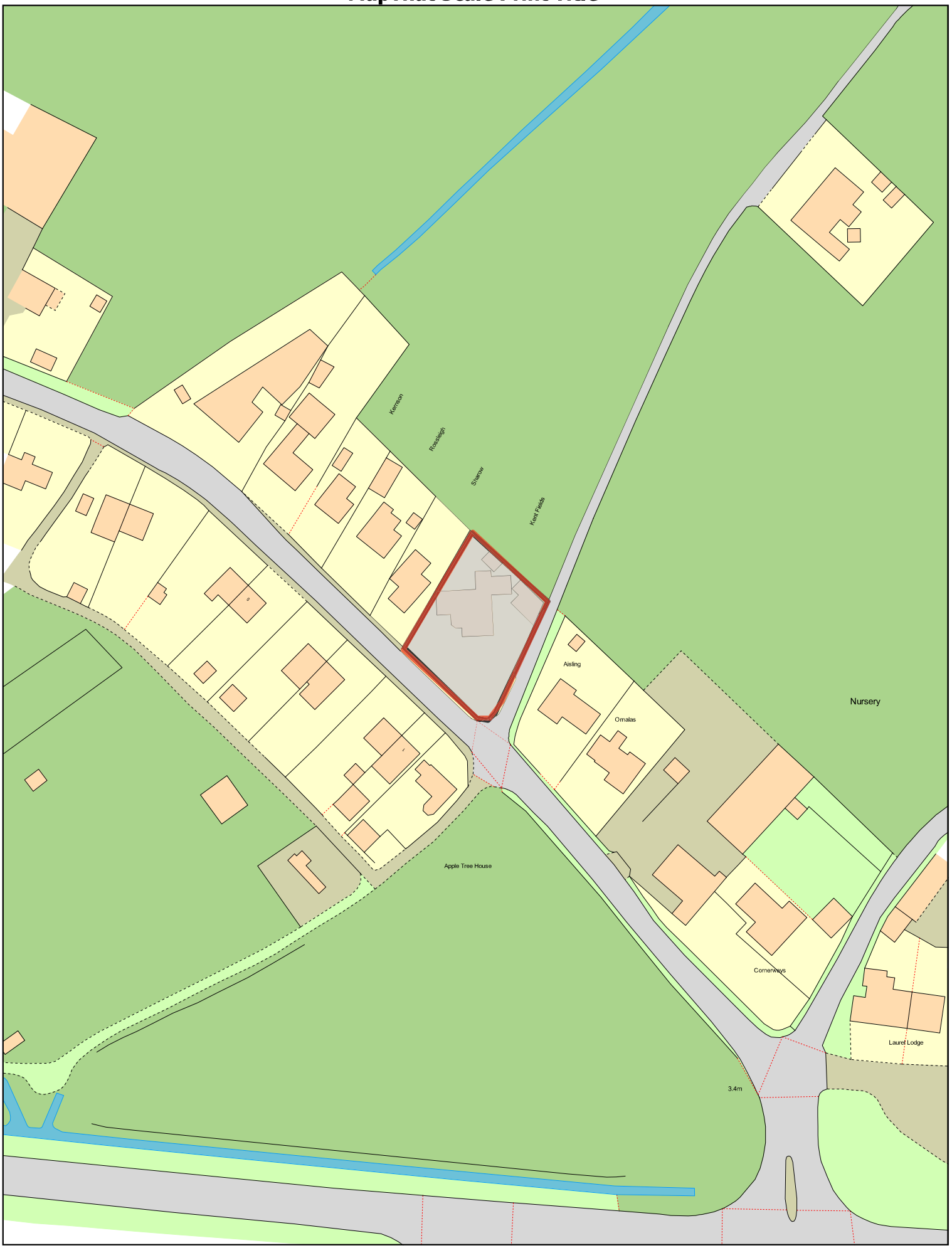
Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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