

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0649-21 **Applicant:** Mr A Piers
Proposal: Proposed Front Boundary Wall
Location: Anvers 94 Spalding Road Holbeach
Terminal Date: 10th August 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
28 The Natural Environment
36 Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

NPPF 2021

Section 12. Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission to erect a 1.2 metres high wall and 3no 1.5

metre high pillars along the front boundary. The bricks would match the existing house.

SITE DESCRIPTION

The application site is a two storey detached dwelling located on Spalding Road in Holbeach. The property has a paved driveway to the front providing off-street parking provision for several vehicles. The site is enclosed along the sides with boundary hedges and is currently open along the front.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Cllr F Biggadike

Street scene along that part of Spalding Road mainly hedges and this property is 100 years old. This hedge has been pulled out completely recently and therefore the application should be retrospective.

Trees and Nature Conservation Officer

Permission is not required to remove the hedge. The frontage of the original property, looks typical of one built in the late 1920's, and is likely to have had a hedge planted at this time, more than likely of privet. So if the hedge was planted when the house looks to have been built this would have been before the Planning Legislation under which we work existed.

Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. So if birds had been nesting in the hedge, it should not have been removed until any young had completely left the nest.

Local Highway Authority

Does not wish to restrict the grant of permission

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 application proposes a 1.2 metre high wall (1.5 metres including the pillars) along part of the front boundary. Whilst the majority of the properties in the immediate area on this part of the street have hedges along the front boundary there are a variety of boundary treatments on the opposite side of the street, including walls. Given this and the low height of the proposed wall it is not considered to appear overly prominent or result in incongruous impact on the street scene.

As such the proposed wall would on balance comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Removal of hedgerow and impact on wildlife

A local councillor objected to the removal of the hedge along the front boundary.

The Council's Trees and Nature Conservation Officer has advised that permission is not required to

remove the hedge. The frontage of the original property, looks typical of one built in the late 1920's, and is likely to have had a hedge planted at this time, more than likely of privet. So if the hedge was planted when the house looks to have been built this would have been before the Planning Legislation under which we work existed.

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Impacts upon Residential Amenity

The proposed fence would be located adjacent to the highway therefore no neighbours would be unacceptably impacted by it.

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).

Impact on Highway safety

The Local Highway Authority has advised that the proposed wall would not have an impact on the public highway and therefore has not raised any objections. As such the scheme is considered acceptable from a highway safety perspective.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or highway safety. 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 (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.

RECOMMENDATION

The application can be approved under delegated powers.