

DECISION DELEGATED TO HEAD OF PLANNING

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**Application No:** H11-0402-22      **Applicant:** Mr K Tear

**Proposal:** Proposed vehicular access and erection of 2m high fencing along southern & western boundary

**Location:** 33 Bridge Road Long Sutton Spalding

**Terminal Date:** 17th June 2022

#### 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      | 0       | 0       | 0        |
| HIGHWAYS & SUDS<br>SUPPORT                  | 0      | 0       | 0       | 1        |
| SOUTH HOLLAND<br>INTERNAL DRAINAGE<br>BOARD | 0      | 0       | 0       | 1        |

#### CASE OFFICER ASSESSMENT

**Proposal**

The application seeks planning permission for a new vehicular access and erection of 2m high fencing along the part of the southern & western boundary.

## **Site Description**

The application site is located on Bridge Road, within the Long Sutton settlement boundary. It comprises a two storey detached dwelling. The site has a wide frontage with its main amenity space to the west of the dwelling. The immediate area comprises a mixture of residential dwellings varying in size, design and ages. The site backs onto open countryside.

## **History**

No relevant planning history.

## **Consultation Responses**

### Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission subject to an informative regarding the new access.

### South Holland Internal Drainage Board

The Board has previously issued consent to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure) and to culvert the Board maintained watercourse. However, there are now some minor changes that need to be made to the consent through a non-material amendment, but the Board has no major concerns.

## **Planning Considerations**

### Layout and Design

Paragraph 130 of 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

Given the remote location of the site the proposed fencing would provide security and privacy to the occupiers as their main amenity space is to the front/wide of the dwelling. The proposed fence along the front boundary would only cover a small section of the front boundary with a large section of it set back from the front boundary. As such it would not appear overbearing in the street scene. The side boundary fence meets the permitted development criteria therefore this element cannot reasonably be resisted.

The proposed access is not considered to significantly alter the overall appearance of the site as the existing gravelled area to the front is already used as informal parking.

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.

### Highway implications

The Local Highway Authority has not raised any objections to the proposal and has advised that the provision of the vehicle access crossing proposed would allow residents to park their vehicles within the curtilage of their property. Some further detailed work will be required to provide a suitable gradient into the property from the higher Bridge Road without compromising the use of the roadside footway but it is expected that this should be achievable. The proposed fence is far enough back from the edge of the carriageway of Bridge Road to not impede drivers' visibility.

As such the proposal is not considered to result in any unacceptable impact on the safety of pedestrians or drivers.

### Impacts 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.

There are no immediate neighbours to the west of the site where a fence would be located therefore there are no neighbouring amenity concerns.

The proposal therefore accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

#### Other matters

South Holland Internal Drainage Board has advised that the Board has previously issued consent to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure) and to culvert the Board maintained watercourse. However, there are now some minor changes that need to be made to the consent through a non-material amendment, but the Board has no major concerns. An informative has been placed on the decision notice advising the applicant of this.

#### Planning balance

The proposed access would not result in any highway safety issues and the fence would not detract from the existing character of the site or the immediate area.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

### **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 (2021).

#### **Additional Considerations**

None.

#### 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.