

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0993-21 **Applicant:** Mr B Simpson
Proposal: Proposed replacement fence to north east side
Location: 1 The Chantry Long Sutton Spalding
Terminal Date: 25th November 2021

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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed replacement fence to the north east side of the property at 1 The Chantry, Long Sutton.

Site Description

The site is situated within the settlement of Long Sutton, according to the South East Lincolnshire Local Plan, 2019. It is a detached bungalow situated on a private driveway, off The Sidings. To the front of the dwelling is a large block paved driveway and the side boundary is situated to the north

west. The dwellings within the private drive are a similar age and design and are detached properties. The property to the north east is a bungalow.

History

H11-0510-01- 3 bedroom bungalow and garage- Approved on 08-08-01.

H11-1259-00- Erection of 3x3 bed det bungalows and det double garages and 1x3 bed det bungalow and att double garage- Approved on 11-01-01.

Consultation Responses

Public objection (1)-

Concerns over the height of the fence causing loss of light and overshadowing of garden and impact on enjoyment and amenity of garden and dining/sunroom. Line of sight will be obscured.

Planning Considerations

Design

The fence proposed to be replaced is that along the north east side boundary, which is currently a closeboard fence. The proposed height of the fencing is approx. 2.1m and approx. 36m in length across the entire north eastern side of the boundary. The replacement would also be closeboard.

The height of the existing fence is approximately 1.8m and it is not considered that a height increase of around 30cm would materially impact upon the character and appearance of the street scene.

Impact on character is not therefore considered a sufficient reason for refusal and it satisfactorily accords with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021.

Residential amenity

The proposed replacement fencing would represent a height increase of approximately 30cm on the existing. Given that there is at least 8m distance between the rear elevation of 27a Garnsgate Road and the fence, it is not considered that a relatively minor increase in height would have a material overshadowing, loss of light or overbearing impact.

Whilst impact on views is a consideration, there is no particular right to a view over neighbouring land and this matter has very limited weight in the overall planning balance.

Given the above, the boundary treatment is considered to be compliant with Policies 2 and 3 in the SELLP, 2019 and is in accordance of Section 12 in the NPPF, 2021 and is therefore deemed acceptable.

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 replacement fence will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 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.