

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0514-23 **Applicant:** Mr M Penta
Proposal: Erection of boundary fence - Retrospective
Location: 20 Gedney Road Long Sutton Spalding
Terminal Date: 3rd August 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder application for the erection of a boundary fence (retrospective) at 20 Gedney Road, Long Sutton. The fence is 2.4m high which is 0.4m higher than what can be approved under Permitted Development.

Site Description

The site is within the settlement boundary of Long Sutton as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). This property is a semi-detached house sharing its boundary with No. 22 and is on the right side. It is built identical to its direct neighbour and is made from the same brick type, roof tiles, doors and windows. There are a variety of house types along Gedney Road, the ones directly across the road are detached house. It has a small driveway situated on the east elevation. They have a long rear garden that is around 60m, parts of the garden appear overgrown with a variety of items situated here. There is a static caravan where this fence is which has an application in currently.

History

H12-0363-23 - Siting of a static caravan to be used as annexe to main dwelling - Withdrawn

H12-0559-23 - Siting of a static caravan to be used as annexe to main dwelling - Approved

Consultation Responses

Greg Watkinson - SHDC Conservation Officer

No objection.

'Whilst the proposal site is within relatively close proximity to a Grade II listed building, it is not felt that the proposed new fence would bear any visual impact upon appreciable views of the asset and as such would not contribute any material negative impact upon the listed building.

The officer should therefore continue to consider the application in accordance with Policy 29 of the SELLP, as well as all other relevant policies and guidance'

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, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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 2.4 metre high boundary fence on the north east boundary between No. 20 and No. 18a. The 2.4 metre section spans a total of 15m in length and mainly covers the section where the static caravan is situated, this is to add privacy for those living inside. The fencing either side of this is 1.8m in height and therefore is slightly less than the allowed limit. The 2.4m section is made of two different materials as the higher section appears to be added on at a later date whereas the 1.8m fence towards the rear is made of a different material to this as is the front section of the fencing.

It can be considered that the difference in materials throughout the fence makes it stand out and therefore creates visual discrepancies and could have an impact upon the locality, it therefore conflicts with Policies 2 & 3 of the SELLP and Section 12 of the NPPF.

Impact upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

It could be considered that the fence will cause loss of light and could potentially be overbearing on the area and to the neighbours, the fence is located directly adjacent to the neighbours window at No. 18a and would therefore block any natural light getting in due to the proximity and small distance between the two. However, due to the static caravan being located on the other side of the fence it would prevent a loss of privacy as the caravan window would look directly into the neighbouring window if the fence was taken down as a result of the application being refused.

Taking the above into account, it can be considered that the retrospective fence would cause loss of light and be overbearing on the area and therefore conflict with Policies 2 & 3 of the SELLP and Section 12 of the NPPF, however it would provide adequate privacy for both No. 18a and the host dwelling due to the location of the caravan and therefore would benefit both neighbours following an approval.

Heritage

Section 16 of the National Planning Policy Framework involves 'conserving and enhancing the historic environment'. As the extension will be near a Grade II Listed Building, the proposal must adhere to the guidance set out in this section. The proposal must also adhere to Policy 29 of the South East Lincolnshire Local Plan, 2019.

It has been considered that despite the retrospective fence being relatively near to the Listed Building, it is not considered to bear any visual impact upon it and therefore would not negatively impact the asset. This fence therefore is in accordance with Policy 29 of the SELLP and Section 16 of the NPPF.

Planning Balance

It can be considered that this application for a retrospective fence conflicts both Policies 2 & 3 of the SELLP and Section 12 of the NPPF in terms of design, layout and size and also the materials it is made out of due to it having multiple different sections. It also causes loss of light into a window and can be seen as overbearing due to its size and proximity to the neighbouring dwelling.

Overall, there are harms that are caused by this application onto the neighbour and this wouldn't be something that is usually approved due to the reasons mentioned previously (materials, overshadowing etc). However, due to the Section 191 application for the siting of a static caravan being approved, it puts the Local Planning Authority in a position where this application must also be approved as it would prevent any overlooking from the windows of the caravan into the neighbouring window it is situated in adjacent to and therefore provide privacy for the residents at No. 18. Therefore, the application will be approved on the basis that it will prevent the loss of privacy for the neighbouring property despite not looking ideal.

Although certain aspects of the development go against the application, the planning balance is in favour more so.

Conclusion

The recommendation is for a delegated approval.

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.