

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H12-1037-19 **Applicant:** Mr & Mrs N Johnson

Proposal: Removal of leylandii conifer hedge and gate and replace with brick wall with railings and gate

Location: 75 Garnsgate Road Long Sutton Spalding

Terminal Date: 20th December 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2019

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 SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application to seek permission for the removal of a leylandii conifer hedge and gate and replace with brick wall with railings and gate at 75 Garnsgate Road, Long Sutton, Spalding.

Site Description

The site is at the north-west part of Long Sutton. The area is residential characterised by frontage ribbon development. The houses are detached within spacious plots. Further behind the rear boundary, there is an open field. Opposite the road there is a row of houses, and behind them, The Shrubberies Nature Reserve which extends to the north and east.

History

None.

Consultation Responses

Lincolnshire County Council as Local Highway and Lead Local Flood Authority

No objection.

Planning Considerations

Principle of development

The site is within the settlement boundaries of Long Sutton as set out in the South East Lincolnshire Local Plan (SELLP), 2019. There is no objection to the principle of landscaping works on the site. The key policy issues therefore relate to the material considerations mentioned below.

Layout and design

The hedgerow to be removed is mature and totally obscures views of the front drive from the road. The proposed boundary treatment would be low level brick wall with railing over and between brick piers. Electrically operated gates would replace the existing farmyard gates.

Whilst the hedge measures 2.6 metres high, the brick wall would be 0.80 metre high and the railing on top 0.7 metre high. The pier bricks would be approximately 1.63 metres high. The brick wall would extend the width of the front boundary of the site as the existing hedge and gates do and would be constructed of bricks matching the existing dwelling.

The appearance of the proposal would be similar to the boundary treatment to the front of the adjacent properties No. 73. and No. 72.

Highway safety

No detrimental impact is anticipated in terms of highway safety. The proposed rail gates would be of similar width of existing farmyard gates and the brick piers would be lower than the existing hedge. The vehicular crossover would remain intact. The County Highways Authority has raised no objection in this respect.

Residential amenity

Given the scale and design of the proposal, further views would be likely from the house occupiers onto the road without losing significantly privacy in their own property.

No adverse effect would occur to the residents of the adjacent properties in terms of overbearing effect.

Conclusion

In light of the above, the proposed development 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.

It is therefore recommended to approve this application via delegated powers.

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.