DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0327-21**	**Applicant:**	**Mr & Mrs M Legavicius**
Proposal:	New front boundary wall and metal infill panels and sliding gate. New domestic waste treatment plant to rear garden.		
Location:	West View Hall Gate Moulton		
Terminal Date:	25th May 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 2019

Section 12- Achieving well designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for a proposed front boundary wall, metal infill panels and sliding gate at West View, Hall Gate, Moulton. Additionally, a new domestic waste treatment plant to the rear garden is proposed.

Site Description

The site is situated in the countryside according to the South East Lincolnshire Local Plan, 2019.

The detached bungalow is on the eastern side of Hall Gate, approx. 2km south of the settlement of Moulton. To the west of the property on the opposite side of the road there is an agricultural farm and to the north are two dwellings situated on similar sized plots. There are open fields to the east.

The property currently has tall hedging to the front boundary. Beyond this is a large front grassed and gralleved area which is used for parking. Access to the rear is down the southern side of the property and the rear garden is large.

History

No relevant planning history.

Consultation Responses

Moulton Parish Council - No overriding problems but would be good if there were more details on the materials being used.

Local Highway and Lead Local Flood Authority - Does not wish to restrict the grant of permission.

Public (1 no. comment received, summarised) -
- Concern that metal panels are not in keeping with a domestic residence
- New waste treatment plant is close to boundary and drainage field has not been indicated

Planning Considerations

Layout, Design, Size and Scale

Paragraph 127 of the National Planning Policy Framework (NPPF), 2019 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 proposed boundary wall would be constructed in place of the existing hedging. It would be approx. 1.8m high including the bricked pillars and metal panels. The wall would pan across the entire front boundary of the site. To access the driveway will be a sliding electric gate.

The proposed materials are a Traditional Brick and Stone in 'Ferro' and the metal work will be galvanised and powder coated aluminium finished in black. A brick type more in keeping with the South Holland vernacular would be preferable, however it has been advised that the wall has already been constructed in the proposed brick up to 1m in height. This can be done as permitted development with no restrictions on materials. On this basis, it is not considered that there would be a strongly justifiable reason for refusal on character grounds.

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, 2019 in terms of layout, design, size and scale.

Vehicular manoeuvrability and visibility

A 1.8m high boundary wall to the front of the property will not adversely impact upon vehicular manoeuvrability and visibility along Hall Gate or the dwelling it will serve. The Local Highway Authority have been consulted and have no objections.

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

Foul Drainage

The new domestic waste treatment plant will be situated further into the rear garden than the existing and close to the northern boundary. The agent has confirmed that it will be approx. 3m away from the neighbouring boundary as per the relevant regulations. It has also been confirmed by

the agent that the drainage field will run backwards into the applicant's garden, running roughly parallel to the rear boundary and in line with the treatment plant location.

At such a position it is not considered that the waste treatment will have a detrimental impact on the neighbouring property and their foul drainage arrangements. It therefore accords with Policies 2 and 3 of the Local Plan in this regard.

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 new boundary treatment arrangement to the front of the dwelling and new sewage waste treatment plant will not materially harm the character or appearance of the locality or highway safety. 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.