DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0493-21**	**Applicant:**	**Mrs W Britton**
Proposal:	Proposed new fence and trellis to existing fence		
Location:	11 Seas End Road Moulton Seas End Spalding		
Terminal Date:	7th July 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	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a new fence towards the rear and to add trellis on to the existing rear boundary fence. The new fence would stand at 2.2 metres in height. The trellis would be 450mm in height

SITE DESCRIPTION

The property is a detached bungalow located on Seas End Road in Moulton Seas End. The dwelling is red brick built and partially rendered and painted white. The property has a gravelled driveway to the front/side with off-street parking provision for several vehicles. the site is adjacent to a commercial garage. The immediate area comprises a mixture of single and two storey dwellings all varying in character. The property backs onto open countryside.

RELEVANT PLANNING HISTORY

H13-0516-06 - Proposed conservatory to front of dwelling - Withdrawn

H13-0804-06 - Proposed extension to front of dwelling - Approved

REPRESENTATIONS

No comments received.

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 fence would provide security and privacy to the occupiers from the adjacent commercial garage. The proposed fence would be set back from the front of the site by some 30 metres. Given this and its positioning the fence would not appear overly prominent in the street scene. Although the fence does not particularly benefit the appearance of the street scene, there are a variety of boundary treatments along this road in terms of materials and heights.

The proposed trellis would sit on top of the existing rear boundary fence which is approximately 1.8 metres in height. The proposed trellis would increase its height to 2.25 metres which is not considered to be significant given the fact a 2 metre high fence can be erected under permitted development.

As such the proposed fence and trellis would in balance comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

The proposed fence would be located approximately 5.2 metres from the shared boundary with the neighbour to the south which is a commercial garage and would not be overly prominent as it would not be significantly higher than the existing fence along the shared southern boundary with this neighbour. As such no unacceptable impact would result.

The fence would not be visible to the neighbour to the south as it would be blocked by the applicants existing house.

The proposed trellis would not result in any unacceptable impact on neighbouring amenity as there are no neighbours to the rear of the site.

As such the proposal would accord with Paragraph 127 of National Planning Policy Framework (2019) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

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 (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.

RECOMMENDATION

The application can be approved under delegated powers.