

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-1180-21 **Applicant:** Mr B Akinkugbe
Proposal: Erection of boundary fence - retrospective
Location: 2 Seas End Road Moulton Seas End Spalding
Terminal Date: 13th January 2022

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking retrospective permission for a boundary fence along the southern boundary. The fence is constructed from feather edge wood fence panels. It stands 6ft in height with approximately the last 2 metres of the fence closest to the footpath dropping in height.

SITE DESCRIPTION

The application site is located on Seas End Road in Moulton Seas End. It comprises a detached dwelling of contemporary design with white rendered walls, a grey tiled roof and anthracite grey UPVC windows. It has a detached garage sitting forward of the dwelling. The immediate area comprises mixed development of both traditional and contemporary dwellings.

RELEVANT PLANNING HISTORY

H13-1212-21 - Proposed 4 bed house and detached garage - approved under H13-0664-17.
Removal of Condition 3 relating to existing hedge and access - Pending consideration

H13-0664-17 - Proposed four-bed house and detached garage - Approved

H13-0759-16 - Replacement dwelling (indicative 4 bedroom house and detached double garage) - Approved

REPRESENTATIONS

Local Highway Authority

Does not wish to restrict the grant of permission.

Residents

3no letters of objection have been received siting the following concerns:

- The works have already been carried out
- Obstructs views of adjacent neighbour when existing the site

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; 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 fence provides security and privacy to the occupiers from the adjacent access road. The fence is not considered to 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 therefore the fence in question is not out of character.

As such the proposed fence complies with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

The closest neighbour the fence is visible to is no.4 Seas End Road located to the south of the application site. Given the minor nature of the proposal, the relationship with this neighbour and the fact the fence is only marginally higher than this neighbours boundary hedge it is not considered that any unacceptable impact results on this neighbour.

As such the proposal accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Impact on Highway safety

Neighbours have raised concerns the fence reduces pedestrian/vehicle visibility. The concerns are

noted, however, the Local Highways Authority has not raised any objections. The applicant has made consideration of the last panel to be sloped in order to provide suitable visibility for vehicles emerging on to the highway. As such the scheme is considered acceptable from a highway safety perspective.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or highway safety. 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, 3 and 36 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.