

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0299-23 **Applicant:** Mrs J Ingle
Proposal: Removal of hedge and erection of boundary fencing
Location: Holly Lodge 120 Six House Bank West Pinchbeck
Terminal Date: 2nd August 2023

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

CASE OFFICER ASSESSMENT

Proposal

Proposal is for the removal of an existing border hedge and the erection of a 1.8-metre-high close board fence at Holly Lodge, Six House Bank.

Site Description

The site is outside of any of the settlement boundaries outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP), but is within a stretch of linear development between West Pinchbeck and Northgate.

The property is of white, painted brick, fronting onto the highway. The hedge in question directly fronts onto the footpath.

Relevant History

H14-1190-88 - Full. Residential Development. Approved 13/10/88.

Consultation Responses

Highway and Lead Local Flood Authority

"No objection: The replacement of the existing hedge with a 1.8-metre-high fence would not, in this situation, have any unacceptable impact upon highway safety. In fact, the removal of the requirement for routine maintenance of the hedge, to prevent obstruction of the adjacent footway, would be regarded as being beneficial. The highway authority does not wish to object to the grant of Consent for this Application."

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 visual impacts of the development would be limited, despite the prominent location. Boundary fencing is already common on the front of the highway and therefore the addition would not appear incongruous within the area. The proposed addition would not materially harm the character of the associated dwelling or the wider street scene.

The proposed scale of the fence is comparable to the existing hedgerow, as such, the scale of development would not appear incongruous.

As such, the proposal conforms to Policy 2 in terms of design and scale.

Impacts 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.

The proposal is a significant distance from any other property. As such, the potential amenity impacts of development are low. The replacement fence is comparable in terms of height to the existing hedge, further reducing the potential for overshadowing.

Naturally, as the proposal is for a fence, no additional overlooking would be created.

The proposal therefore conforms to Policies 2 and 3 of the SELLP in terms of amenity impact.

Planning Balance

The proposal conforms to Policy 2 of the SELLP in terms of design and scale. The proposed scale of development is comparable to the existing hedging making the scale acceptable. Six House Bank already has a number of similar structures fronting onto the footpath, naturalising the design.

The proposal would have no amenity impact. The proposed height of the fence would be equivalent to the existing hedge, preventing additional overshadowing. The proposal fronts onto a highway and, therefore, has significant distance to the any neighbouring property, further reducing the potential for overshadowing.

The relevant consultee from the Highway Department stated that the works will not have an adverse impact upon on the adjacent footway or highway. The lack of maintenance for the fence will reduce the potential for obstruction of the footway. The proposal therefore is acceptable in terms of highway safety.

The proposal conforms to Policy 2 and 3 of the SELLP and therefore the planning balance is in favour of the proposal.

Conclusion

The recommendation is for 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.