

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0692-24 **Applicant:** Mr & Mrs S Pacey

Proposal: Replace existing boundary hedge & brick dwarf wall with new 1.837m high brick wall & piers

Location: 1 Primrose Crescent Pinchbeck Spalding

Terminal Date: 16th October 2024

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 2023

Section 12 - Achieving Well Designed and Beautiful 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	1	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for the removal of an existing boundary hedge and brick dwarf wall, and erection of a new 1.837m high brick wall and piers at 1 Primrose Crescent,

Pinchbeck.

Site Description

The site is located within the defined settlement boundaries of Pinchbeck as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). No. 1 Primrose Crescent is a bungalow of a similar size and design to others in the immediate area with some properties being of a two storey design along the adjacent road The Chase.

The application site currently features a short brick wall and high hedge across the front and side curtilage, brick walls are also common in this area with differing designs throughout; although, these typically comprise dwarf walls.

History

H14-0384-95 - Erection of Sun House - Approved

H14-0590-98 - Extension to lounge and bedroom including permanent siting of summer house - Approved

H14-1542-05 - Extension to bathroom, replacement of flat roof to garage with tiled hip roof and conservatory - Approved

H14-1105-23 - Replace existing boundary hedge & brick dwarf wall with new 2m high brick wall & piers - Refusal

The above application was refused for the following reason:

Policy 2 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. Policy 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will demonstrate how an acceptable design of development including residential amenity will be secured. Policy 30 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) states that development proposals will not be permitted where they would lead to unacceptable adverse impacts on the amenities of the area. Paragraph 135 of the National Planning Policy Framework (NPPF, December 2023) states that 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, layout and appropriate and effective landscaping, are sympathetic to local character 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. Finally, Paragraph 134 of the National Planning Policy Framework (NPPF, December 2023) states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Policies 2 and 3 of South East Lincolnshire Local Plan (SELLP, 2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Due to the design of the wall it will appear oppressive and harmful to the street scene and character. There are no similar designs along Primrose Crescent or The Chase, this makes it look incongruous with a huge expanse of brickwork. As such, this conflicts with Policies 2 and 3 of the South East Lincolnshire Plan (SELLP, 2019) and Section 12 of the National Planning Policy Framework (NPPF, December 2023)

Consultation Responses

Lincolnshire County Council Highways Authority

Recommendation: No objection

The proposal is for Replace existing boundary hedge & brick dwarf wall with new 1.837m high brick wall & piers and it does not have an impact on the Public Highway or Surface Water Flood Risk.

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Trees and Nature Conservation Officer

What a shame to remove such a well-maintained conifer hedge, or that is what it appears from recent Google Street View images.

No objection to hedgerow removal. Put a note on Permission, should it be forthcoming; that the hedgerow should ideally not be removed during bird nesting season, Mid- February to end of September; unless very thoroughly inspected prior to removal for nesting birds.

Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law, and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England on Tel: 03000 603900.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received - one is in support and one is objecting.

These can be summarised as follows:

- Giving permission for this application would be beneficial to a lot of residents. It would improve the line of sight, at the junction, coming out of Primrose Crescent on to The Chase. This wall would not be as high as the current hedge, and certainly not as wide. It is still in keeping with the neighbourhood. It will enhance this area, rather than a usual 6-8 foot brown fence.
- I believe this construction could significantly impact the quality of life that we have worked hard to improve
- The construction of a tall wall would introduce a level of enclosure
- The proposed wall would likely obstruct views of the surrounding landscape, reduce natural light, and create a more confined atmosphere
- Moreover, such a structure could alter the overall character of the neighbourhood, making it feel more closed off and less connected.
- I kindly request that the council consider the potential negative impact on residents
- I would greatly appreciate it if the council could take these concerns into account when reviewing this proposal

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design, and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within Main Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The application site in this instance is in Pinchbeck as detailed by Policy 1. Regardless of such, the proposal solely relates to works at an existing and established residential dwelling and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

As such, the proposal is considered to be acceptable with the requirements of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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 South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposal comprises the erection of a boundary wall, following the removal of an existing dwarf wall and hedge. The existing hedging to the application site, as detailed above, provides a natural and less obtrusive boundary treatment to serve the site.

The proposal is similar in nature and scope to that of a previously refused application on site. The proposed boundary wall is to be 1.837m tall, proposing a modest reduction from that of the previously refused application of 273mm. Similarly, the proposed boundary wall would run the length of the external boundary of the host property, running the entirety of the application sites boundary with the highway of Primrose Crescent. This is as was previously proposed.

Whilst this would also be the to the extent of the existing wall and hedge, the proposed boundary treatment would comprise a height in excess of 1.8m. Notwithstanding the existing hedge, the proposed wall would provide an extensive bulk of brickwork running the entire length of this boundary, providing a much more stark and oppressive boundary treatment; with minimal openings as currently existing by way of a 3500mm gap for the driveway access, as well as the 965mm gap for the personnel gate.

It is considered that whilst the proposal has sought to amend the height, by proposing a reduction to the height of the wall when viewed alongside that previously refused, the resultant proposal, as currently submitted within this application, will remain an oppressive addition, and would adversely harm the character and appearance of the area.

The application site lies within a readily visible location, located at the pinpoint of Primrose Crescent, and The Chase, alongside its southern neighbouring property. Furthermore, the site lies immediately adjacent the western leg of The Chase, as approached from Rotten Row, providing a direct vantage point towards the application site and the site boundary subject to this proposal. It is therefore considered that the application site, and most notably the site boundary subject to this proposal, can be considered as a prominently sited plot, that is widely visible from within the surrounding approaches.

In light of this, it is considered that the proposed boundary wall would have a notable adverse impact upon the street scene, surrounding character and locality due to its scale, extent, the prominence of the site and its proximity to the footpath.

Discussions had taken place with the applicant and agent whereby it was discussed that a further reduction in height would be challenging and difficult to provide the extent of privacy or screening sought by the applicant, with further reduction allowing increased visibility towards the host properties garden. given this position, and stance that a further reduction would not be forthcoming, the LPA were informed that a new or proposed scheme would not be submitted and as such, a proposal that would conform with Local Plan or national policy would not be forthcoming, that would satisfy the Local Planning Authority in this instance.

It is noted that the current boundary treatment, in the form of a dwarf wall and hedging, a much increased natural boundary, provides screening to the site and as such, this aim is already established at the site in its current form. The extent of boundary wall, within the prominent location and proximity to the footpath, is not considered to be suitable and is considered to cause an unacceptable harm to the character and appearance of the area.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character and appearance of the area and would therefore be in conflict with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to the nature of the proposal there shall of course be no overlooking that will arise. The positioning of the plot ensures that no shadow shall be cast onto the nearby neighbour and therefore no loss of light will occur. In addition to this, whilst no privacy will be lost, with a similar extent of privacy being retained for the residents at 1 Primrose Crescent due to their garden being positioned adjacent to the site. Notwithstanding this, given that there are no similarly extensive boundary walls within the area when viewed in respect of its prominence and relationship to the highway, the proposed boundary wall would appear oppressive and therefore overbearing on the area.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Lincolnshire County Council Highways Authority were consulted on this application to ensure that the development causes no harm to the highway safety following its proximity to the highway. Their comments raised on objections in this instance and it is considered that there is no weight to refuse the application on highway grounds.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

It is noted that the proposed boundary wall would screen the application site, in terms of its external

garden area and host dwelling. However, the site benefits from a maintained hedge which provides an adequate level of screening that would not be further enhanced by this proposal; albeit, the ongoing maintenance would be reduced.

Notwithstanding this, the proposal represents an inappropriate development that would be harmful to the surrounding character and context. The development hereby proposed materially harms the character and appearance of the locality, by way of its extensive bulk, and prominence amongst other matters as addressed within the above report.

It is considered that the benefits of the proposal, as outlined above, would not be sufficient as to weigh the balance in favour of the development given the clear and identified concerns and harm caused to the surrounding character and design. The proposal fails to conform with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole.

In this instance, this is a material consideration that weighs against the proposal and as such, the planning balance is not in favour of the development.

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

Taking the above considerations into account, the proposal is considered to be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections

contained within the National Planning Policy Framework (NPPF) (December 2023). This is a significant factor in this case that indicates against the proposal and outweighs the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.