

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0705-23 **Applicant:** Mr M Simpson
Proposal: Erection of boundary fence & gates - Retrospective
Location: Waterside Cottage 76 Six House Bank West Pinchbeck
Terminal Date: 4th October 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 9 - Promoting sustainable transport
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

This is a householder application seeking permission for the erection of boundary fence & gates (retrospective) along the front and side of Waterside Cottage, 76 Six House Bank. The fence has a total height of 1.9m and runs a length of 33.6m whilst coming from the rear to front with a width of 22m.

Site Description

The site lies within the settlement boundary of Northgate as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The dwelling is made of two different brick types, the northern side is made of red bricks where as the southern property is a white render. Both feature a tiled roof and white uPVC windows. There appears to be a static caravan in the rear garden alongside a small garage. To the rear of the site there is a large open field a drain running the full length of Six House Bank.

History

H14-0486-94 - Two storey extension to provide kitchen and bedroom - Approved

H14-0652-94 - Details of re-claimed red bricks submitted (Condition 2 of H14-0486-94)

H14-0626-16 - Alterations and Extensions to form independent annexe - Approved

H14-0976-16 - Residential Development - Approved

H14-1112-16 - Details of roof tiles (Condition 4 of H14-0626-16) - Approved

H14-1102-19 - Residential Development - Approved

H14-0551-21 - Erection of detached dwelling - outline approval H14-1102-19 - Approved

Consultation Responses

Lincolnshire County Council Highways

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.

Comments-

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

The proposal is for fencing and it does not have an impact on the Public Highway.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 (updated 2021) are also a material consideration in the determination of planning applications, alongside adopted

Planning Considerations

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

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. 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.

The fence has a total height of 1.9m and is the same height throughout, it has a total length of 33.6m which can be split into the following. From the north boundary to the gates it is 18m, the gate itself is 4.3m, from the gate to the house it is 8.3m and finally from the house to the southern boundary it runs 3m. As mentioned, it goes along the full boundary of the property and has a total width of 22m coming from the west side up to the highway. The existing boundary treatment was made of timber fencing panels alongside some hedges/bushes. The proposed is standard sawn treated 100mm by 100mm timber fence posts with a 3 timber cant rails, timber sawn feather edge style continuous panels in 100mm wide sections, left treated in a natural light brown wood stain finish. As the application is retrospective following a site visit it was clear how it looks in regards to the area it is within, the materials used make it look like a standard wooden fence and therefore not out of place and in keeping. Finally, in regards to the design there are similar fences in the immediate area along Six House Bank and therefore it is acceptable and does not look out of place, there appears to be a variety of designs including small brick walls, horizontal wooden planks, hedges as boundary treatments, metal fences and other 1-2m high wooden fences. It is therefore considered that the retrospective wooden fence is in keeping with fences in the local area and means that it won't stand out and is in accordance with Policies 2 & 3 of the SELLP and Section 12 of the NPPF.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2021) 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.

The fence is within 2m of a road and this is the reason the application has been submitted, despite the distance to the road it is considered that it wouldn't cause any concerns regarding unsafe access/egress.

In any case, the fence is not considered to result in any overbearing impact or overshadowing. As such the proposal is not considered to unacceptably harm the residential amenity of neighbouring properties by reason of unacceptable overshadowing or overlooking.

Highway Impact

Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. 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.

Lincolnshire County Council Highways were consulted on this application with a potential that it causes harm upon the safety of the road due to its closeness. Following the consultation it was concluded that the fence would not be expected to have an unacceptable impact upon highway safety and therefore they have no objection to this application.

Planning Balance

The fence is similar to other existing fences within the area and therefore matches the surrounding, it doesn't cause any harm on amenity or impacts residents through overlooking, overshadowing etc. It also has no impact upon highway safety.

It is in accordance with Policies 2 & 3 of the SELLP and Section 9 & 12 of the NPPF.

Conclusion

The recommendation is for a 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.