DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0077-23**	**Applicant:**	**Mr N Thompson**
Proposal:	Proposed entrance gate and boundary fencing		
Location:	44 Cley Hall Drive Spalding		
Terminal Date:	22nd March 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
28	The Natural Environment

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well design places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Proposal for an entrance gate and boundary treatments at 44 Cley Hall Drive. The proposal is for a 2150mm high wooden fence and hedging around the perimeter of the curtilage. The entrance to the site will feature a 2150mm aluminium gate, between two 2300mm brick pillars.

A third brick pillar will be installed in the north-eastern corner of the boundary. A hedge will sit amidst this pillar and the entry gate. The bricks will match 42 Cley Hall Drive.

Site Description

The property is within the settlement boundary of Spalding. The character of the area is solely residential. The prevailing housing type is a two-storey detached dwellinghouse. A wide range of designs, appearance and ages have been observed across the area. The street pattern is based on cul-de-sac streets stemming from Halmer Gate as the main highway.

The site is long and rectangular. The property is two-storey which stands within the building line along the western side of Cley Hall Drive. The plot benefits from a spacious rear garden. A low brick wall and pillars bound the site to the front. There is also a paved driveway leading to the side garage as well as some landscaping such as bushes and young trees.
The northern boundary borders No.42 and also adjoins the rear gardens of No.35 and No. 37 an No.10 to the south. All buildings in the area are two-storey.

The boundary treatments to the south-west are comprised of hedging, trees, and dilapidated fencing, all of which appear to be over 2 metres. To the south-east is an approximately 1.2-metre-high brick wall, with a wooden trellis on top, creating an approximate total height of 1.8 metres. A similar brick wall is found to the north-east. The treatment to the north-west is a 1.8-metre-high wooden fence.

Relevant History

H16-0077-23 - Full. Proposed extension & alterations. Undecided.

H16-0594-21 - Full. Proposed extension & alterations. 15/07/21.

H16-0357-20 - Full. Proposed extension and alterations. Approved 24/04/20.

H16-1060-18 - Full. Proposed extension and alterations. Approved 06/12/18.

Consultation Responses

Highways and SUDS Authority

"No objection. No objection. The proposed entrance gate and boundary fencing are acceptable in highway terms. The gate is to be remotely operated, which will remove the need for a vehicle to wait momentarily in the road while the gate is being opened or closed, and will be sliding, which will reduce the amount of space required for opening and closing. This property is on the outside of a slight bend in the road which means that the visibility for drivers entering the road here is good in both directions. 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 and therefore does not wish to object to this planning 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 South-East Lincolnshire Local Plan (SELLP), 2019 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 fencing to the rear of the property poses minimal issues. There are existing tall boundary treatments here and the replacement of the older fencing will make a sizeable visual improvement.

To the front of the property, the hedging will be an improvement over the current vacant space. In the immediate vicinity No.37 Halmer Gate and No.12 Link Way both have sizeable hedging (over 2 metres in height) to their fronts. There is a prevailing theme of shorter boundary treatments within the wider area, however, by virtue of the two properties mentioned above, the proposed boundary

treatments would not be out of character.

The aluminium gate would be unique within the surrounding area. No property in the neighbourhood has as large of a gate or any metal work incorporated into their design. However, despite being unique, the proposal would not materially harm the appearance or character of the area and would not appear out of keeping with the area.

As such, the proposal conforms to Policy 2 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 of 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.

Naturally, there are no overlooking concerns as a result of this proposal.

The only potential increase in overshadowing is at the garden of No. 10 Link Way. However, there is only an approximate 30cm increase in height here. Therefore, the increase in overshadowing will be minimal.

Therefore, the proposal conforms to Policies 2 and 3 of the SELPP in terms of residential amenities.

Highway Safety

The relevant consultees have raised no objections to the proposal. They have stated that the works will be acceptable, and that visibility would not be significantly impacted as a result of the works.

Therefore, the works are acceptable in terms of highways safety.

Planning Balance

The proposal would create no significant additional overshadowing. The proposal is not considered to materially harm the character and appearance of the locality.

The trees to be removed to make way for the hedgerow are considered insignificant.

On balance, any adverse impacts of granting permission to the proposals would not significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

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.