DECISION DELEGATED TO DEVELOPMENT MANAGER

| | | | |
|---|---|---|---|
| **Application No:** | **H16-0351-20** | **Applicant:** | **Mr Vaupsas** |
| **Proposal:** | Proposed Boundary Fence | | |
| **Location:** | 1 Apeldoorn Gardens Spalding | | |
| **Terminal Date:** | 29th June 2020 | | |

**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 2019**

Section 12 of the National Planning Policy Framework (2019)

12 - Achieving Well Designed Places

**Representations:**

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

CASE OFFICER ASSESSMENT

**Proposal**

This is an application for a proposed boundary fence at 1 Apeldoorn Gardens, Spalding. The proposal seeks to provide a 42 metre long timber fence that wraps around the side and front boundary of the property. The 1.8 metre high fence will replace an existing hedge and fence approximately 1.4 metres in height and will be formed from concrete posts into which planks are slotted.

**Site Description**

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of a similar age and varying design.

## History

None

## Consultation Responses

LCC - County Highways & SUDS Officer

No objection - The applicants boundary line is up to the back edge of the footway. Should they wish to erect the fencing closer without creating a gap of 30cm as shown on the block plan submitted with this application, they will still be responsible for maintaining the verge in perpetuity.

## Planning Considerations

Principle of development

The principle of erecting a fence on residential land within the defined settlement limits of the largest settlement in the district is acceptable.

Impact of development

There have been no neighbour objections and there is not considered to be development precedent set as a result of siting a timber fence in this location. There are other fences of a similar height close to a highway in the vicinity. There is not considered be a material impact on highway safety as the fence is set away from the road, with a pavement inbetween.

## Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

## 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.