DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0370-20**	**Applicant:**	**Mr J Kirk**
Proposal:	Re-Location of Boundary Fence		
Location:	21 Meadowgate Lane Spalding		
Terminal Date:	2nd July 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 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 a full householder application for the re-location of a boundary fence at 21 Meadowgate Lane, Spalding.

Site Description

The site accommodates a detached dwelling and is a corner plot on the junction of Meadowgate Lane and Dowgate Close. It is set back from both roads and has a large driveway to the front which was in the process of being block paved at the time of the site visit. There is no boundary treatment to the front of the property, with the remainder of the curtilage at the front being grassed.

The current fencing to the rear garden is set back from the road (Dowgate Close) by approx. 3m.

History

H16-0602-00- Full- Erection of fence (Retrospective)- 23rd August 2000- Refused

H16-1230-00- Full- Erection of fence- 13th November 2000- Approved

Consultation Responses

Lincolnshire County Council as Local Highway and Lead Local Flood Authority - Does not wish to restrict the grant of permission.

Planning Considerations

Vehicular manoeuvrability and visibility from vehicles

The proposed relocation of the boundary fencing is not considered to have an effect on vehicle manouevrebility, and will prevent public from parking on no.21 Meadowgate Lane's property.

The fence is proposed to be situated approx. 800mm from part of Dowgate Close, however the fence would be set back from the main junction and will not screen visibility of oncoming traffic. The Highways Authority have not objected to the proposed re-location of the fence. The proposal is not considered to set a development precedent as there is already a fence on this corner plot.

Taking the above into account, the proposal in considered to comply with Policy 2 in the South East Lincolnshire Local Plan, 2019 in respect of access.

Design

The fencing will be approximately 6ft in height and will replicate the existing timber fencing on the property, with approximately an 800mm space from the curb. It is of typical design for a residential property and there is already a fence to this side on the corner plot. Overall, it is considered to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in respect of design.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 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.