

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0616-20 **Applicant:** Mrs L Dourado
Proposal: Proposed boundary fencing comprising part wood part iron
Location: 1 Piccard Drive Spalding
Terminal Date: 29th September 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 householder application for a proposed boundary fencing comprising of part wood, part iron at 1 Piccard Drive, Spalding.

Site Description

The property is located in a residential area to the south of Spalding. The detached dwelling is situated towards the west of Piccard Drive and north of Scott Drive, which is a small private drive off of Piccard Drive. The surrounding dwellings are of a similar age and design, with similar laurel hedging as the boundary treatments to the front.

The existing boundary treatment is mostly laurel bushes approx. 2m high to the north-eastern

boundary and approx. 1m high at the southern boundary, facing Scott Drive. The property is also directly opposite a junction to the cul de sac at Lewis Court.

History

None relevant.

Consultation Responses

Local highways- No objections.

Planning Considerations

Design

The proposed fencing will be a 2m high wooden fence to the north east boundary to enclose the private garden. The proposed 1.5m high iron fencing will also be situated to the north east boundary along the front elevation of the dwelling and also around the southern boundary. A section of the proposed fence will run along an Anglian Water sewer, therefore a section of the fencing would be able to be removed, allowing access to the manhole cover.

The proposed wooden fence would not negatively impact upon the appearance of the street scene due to the short length that it would be covering. There are also other properties along Piccard Drive with walls and fencing along the boundary which also face the road. Therefore, the proposed boundary fence would be considered to be acceptable.

The design of the proposed boundary fencing is considered to comply with Policies 2 and 3 in the SELLP, 2019 and in accordance with Section 12 in the NPPF, 2019. Therefore it is deemed as acceptable.

Vehicular manoeuvrability and visibility

A 2m high fence to the front of the property will not impact upon vehicular manoeuvrability and visibility along Piccard Drive. There are no junctions to be impacted by the proposed 2m high fence and the property's driveway will have a pedestrian visibility splay of approx. 2m by 2m, which is considered acceptable by the Local Highway Authority. Overall, the fence design is such that the site can be secured whilst allowing for visibility from vehicles.

On the junction at Scott Drive, the proposed iron fencing will be 1.5m in height with gaps in between which will allow there to be suitable visibility at the junction for vehicles.

Given the above, the proposed boundary treatment is considered to be compliant with Policies 2 and 3 in the SELLP, 2019 and is in accordance of Section 12 in the NPPF, 2019 and is therefore deemed as acceptable.

Conclusion

The proposal is considered to be in conformity with Policies 2 and 3 in the South East Lincolnshire Local Plan, 2019 and Section 12 in the NPPF, 2019.

The recommendation is therefore 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.