

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1074-21 **Applicant:** Mr S Vaupsas
Proposal: Proposed boundary fencing - amendment to H16-0351-20
Location: 1 Apeldoorn Gardens Spalding
Terminal Date: 13th December 2021

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 2021

Section 12 of the National Planning Policy Framework (2021)

12 - Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application at 1 Apeldoorn Gardens, Spalding for proposed boundary fencing and is an amendment to H16-0351-20. This is a partially retrospective application and seeks to provide a 1.8 metre high pressed steel brown fence sited 30cm from the internal edge of the pavement. The applicant seeks to have a gate at the location of the existing vehicular access that is constructed from matching materials and is also 1.8 metres high.

The gap between the sheets is approximately 10 centimetres wide with sheets alternatingly sited to the front and rear of the 10cm gaps. This allows the site to be viewed through the fence when

viewed by passing vehicles and pedestrians at certain angles. The previous proposal under H16-0351-20 sought wooden planks but the applicant states that they had encountered problems securing the materials due to Brexit and Covid. The front and side garden of the property was previously bordered by a hedge approximately 1.4 metres in height.

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by detached dwellings of a similar age and design. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H16-0351-20

Full - Proposed Boundary Fence - Full - 26 June 2020.

CONSULTATION RESPONSES

Members of the public - 3

The fence is an "eyesore" and is industrial in appearance.

"I was a child who grew up on this road." - This is not a matter which carries material planning weight.

They believe that the deeds state that the front gardens must be open - This is not a matter which carries material planning weight.

The application is retrospective - This is not a matter which carries material planning weight.

Impact on property prices - This is not a matter which carries material planning weight.

There is not a shortage of fencing materials in the UK - This is not a matter which carries material planning weight.

Design offers no privacy to the applicant - This is not a matter which carries material planning weight.

"You can everything in the back garden" - This is not a matter which carries material planning weight.

PLANNING CONSIDERATIONS

Principle of development

This is an application within defined settlement limits for residential development on residential land. The principle of development in this location is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;

8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the fencing is in keeping with other fences in the area. The existing boundary hedge has already been removed. Notwithstanding the height and positioning of the fence is appropriate, there is considered to be a material adverse impact on the character and appearance of the area by virtue of the materials of construction, which is industrial in appearance.
2. Fencing of industrial appearance is not commonly found in residential areas and whilst the dark brown minimises its prominence, the fence still retains an industrial palisade appearance that is out of keeping with the residential street scene. There is not a local or national policy requirement for means of enclosure to not be completely non-permeable in design.
3. Materials of construction are not common in residential locations and are considered to be inappropriate for the site.
4. The proposal will not materially impact the access or vehicle generation levels. Apeldoorn Gardens is not a major thoroughfare and the opening and closing of the gate will not impact highway safety.
5. The proposal will not impact existing community services and infrastructure.
6. The proposal will not have a noise, odour or disturbance impact on neighbouring land uses. However, there is considered to be a visual intrusion impact by virtue of the industrial appearance of the fencing in a residential area. The design is visually discordant and not in keeping with the character and appearance of the surrounding area. There is not a local or national policy requirement for means of enclosure to not be completely non-permeable in design.
7. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. The proposed fence will not impact flood risk in the vicinity of the site.

This application does not accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;

11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the fencing is in keeping with other fences in the area. The existing boundary hedge has already been removed. Notwithstanding the height and positioning of the fence is appropriate, there is considered to be a material adverse impact on the character and appearance of the area by virtue of the materials of construction, which is industrial in appearance. Because of these reasons there is considered to be a material impact on a sense of place.

5. The proposal does not impact the storage of bin, cycles nor the layout of car parking.

11. The proposal will not have a noise, odour or disturbance impact on neighbouring land uses. However, there is considered to be a visual intrusion impact by virtue of the industrial appearance of the fencing in a residential area. The design is visually discordant and not in keeping with the character and appearance of the surrounding area. There is not a local or national policy requirement for means of enclosure to not be completely non-permeable in design.

12. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. The proposed fence will not impact flood risk in the vicinity of the site.

This application does not accord with SELLP Policy 3.

PLANNING BALANCE

The fence design is not common in a residential area and there is not considered to be any viable means that can materially ameliorate the visual impact of the design. The fence is visually discordant being industrial in appearance and is considered to materially impact the character and visual amenity of the surrounding area. This application therefore does not accord 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.

CONCLUSION

This application is recommended for refusal.

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.