DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1074-22**	**Applicant:**	**Mrs D Kingston**
Proposal:	Erection of trellis - retrospective		
Location:	25 Spring Gardens Spalding		
Terminal Date:	16th March 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving Well Designed Places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Proposal is for the retrospective erection of a trellis at 25 Spring Gardens, Spalding. The trellis is located on the eastern boundary wall and measures 175cm (width) by 38cm (height). This brings the wall to a total height of approximately 2800mm. The works were completed in August 2018.

Site Description

The trellis is located on the rear, eastern boundary wall that separates 25 from 25a and as such is visible from both properties. The trellis is located on top of a whitewashed wall on the rear of an extension.

The trellis itself is constructed of wood and is comprised of a diagonal crosshatch within a wooden

semi-circle. The trellis is fitted to the wall via two wooden poles.

The property is a brown brick, end-terrace with a black tiled roof. The windows and fittings are of brown light wood with beige cladding above. The entrance is removed from the main highway. The immediate area is characterised by residential developments of fairly modern design. To the northwest is a construction yard. The south, east and southwest are flanked by residential properties. To the east is located 25a Spring Gardens, an infill development detached from 25, but located in extreme proximity.

Relevant History

H16-0729-11 - Full. Proposed single storey side and rear extension. Approved 24/11/11.

H16-0914-17 - Section 73A modification. Proposed single storey side and rear extension - approved under H16-0729-11. Removal of Condition 5 relating to maintenance of rear extension wall facing 25a Spring Gardens. Approved 02/11/17.

Consultation Responses

Resident Comments

One objection (summarised)

-Trellis would reduce the sunlight entering the property
-Trellis was not erected at time claimed

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 addition of the trellis will not create an incongruous feature. The design blends into the area well, creating no visual dissonance. The scale of the trellis is also considered to be in proportion to the existing wall and extension.

The proposal is deemed to conform to policy 2 of the SELLP.

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.

As the trellis is relatively short and can easily be seen through, there are no overshadowing concerns. Objections have been raised that the trellis will block sunlight, however, as the trellis has holes to allow plenty of light through, these concerns are considered minimal.

The nature of the works means there are no additional overlooking concerns.

The proposal is deemed to conform to polices 2 and 3 of the SELLP in amenity terms.

Planning Balance

Objections have been raised over the erection of the trellis, however, the claims that it will cause severe overshadowing are found to be insubstantial.

The planning balance is deemed to be in favour of the proposal.

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.