

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H17-0288-21 **Applicant:** Mrs McAllister
Proposal: Re-location of boundary fence
Location: 15 Kingfisher Drive Surfleet Spalding
Terminal Date: 19th May 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 2019

Section 12 of the National Planning Policy Framework (2019)

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application for the relocation of a boundary fence of 15 Kingfisher Drive,

Surfleet. The proposal seeks to enclose an area of grassed land within the ownership of the applicant. A pavement slab path allows rear garden gated access to 15, 13 and 11 Kingfisher Drive for the removal of refuse sacks and other items. This paved access will be relocated to the rear of the extended fence and will still allow for access for the occupants of numbers 13. The low level hedge at the rear of the fence will be retained, however, the non-protected tree will be removed to facilitate the amended access. The original application sought a fence that enclosed the entire grassed area but this has been amended to improve the overall character and highway safety.

SITE DESCRIPTION

The proposal site is within defined settlement limits and the surrounding area is characterised by dwellings of a similar age and varying design. The site is in Environment Agency Flood Zone 3, and is subject to "Low Hazard" flooding, with a maximum predicted flood depth of 0.25 metres. There is not considered to be a serious risk of flooding on this site and the application does not propose any habitable rooms.

HISTORY

No relevant history.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

Does not wish to restrict the grant of permission. Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the revised position of the proposed relocated boundary fence would avoid obstructing the visibility for the neighbours leaving their driveway and therefore, does not wish to object to this planning application.

Surfleet Parish Council

No comment.

Member of the public

Objected to initial plans citing concerns with highway safety and visibility. No objections were received after amended plans went out for further consultation. This matter is now considered to have been addressed.

PLANNING CONSIDERATIONS

Principle of development

The application site is within defined settlement limits and is for residential development on residential land, within the ownership of the applicant. 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 is considered to be acceptable for the site. One unprotected tree will be lost to facilitate the creation of an amended rear access footpath. The proposed fence line is not considered to materially impact the character and appearance of the surrounding area.
2. The design of the fence will be 6" gravel boards, 6' concrete posts with 5.5' feather board panels and a feather board gate. The design is considered to be appropriate for the site and does not impact the visual character of the surrounding area.
3. The materials of construction are designed to be long lasting and in keeping with the character of the surrounding area.
4. The proposed is not considered to impact vehicular access or vehicular generation levels. The initial design showing the fence adjacent to the road generated visibility concerns but the design has been amended with no subsequent objections received following a second consultation.
5. The proposal is not considered to impact community services and infrastructure.
6. There is not considered to be an impact on neighbouring land uses from noise, odour or disturbance. The 1.8 metre high fence is located 8 metres from the corner of the fence to the adjacent window at 15 Kingfisher Drive. This is not considered to a material loss of view or a material loss of height. This is due to the separation distance and the fence not being substantial in height. This area of fencing being less than 2 metres in height and not within 2 metres of a highway would not require planning permission.
7. The site is in Environment Agency Flood Zone 3, and is subject to "Low Hazard" flooding, with a maximum predicted flood depth of 0.25 metres. There is not considered to be a serious risk of flooding on this site and the application does not propose any habitable rooms.

The proposal accords 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 proposal is not considered to materially impact a sense of place. There are similar fences in the area that are a similar distance to the highway. The size, scale and layout is considered to be acceptable for the site. One unprotected tree will be lost to facilitate the creation of an amended rear access footpath. The proposed fence line is not considered to materially impact the character and appearance of the surrounding area.
2. The proposal seeks to protect the rear access to properties 15, 13 and 11 Kingfisher Drive by creating a new paving slab path access to the rear of the proposed fence.
5. The extended fence line still allows rear gate access to properties 15, 13 and 11 Kingfisher Drive for refuse disposal and cycle storage. Car parking is not impacted by this proposal.
8. The proposal is considered to reduce incidences of crime by enclosing an area of open private land that is sometimes subject to littering and dog / cat fouling.
11. There is not considered to be an impact on neighbouring land uses from noise, odour or disturbance. The 1.8 metre high fence is located 8 metres from the corner of the fence to the adjacent window at 15 Kingfisher Drive. This is not considered to be a material loss of view or a material loss of height. This is due to the separation distance and the fence not being substantial in height. This area of fencing being less than 2 metres in height and not within 2 metres of a highway would not require planning permission.
12. The site is in Environment Agency Flood Zone 3, and is subject to "Low Hazard" flooding, with a maximum predicted flood depth of 0.25 metres. There is not co

The proposal accords with SELLP Policy 3.

PLANNING BALANCE

The proposed fencing can be accommodated on site without materially impacting the character and amenity of the surrounding area. 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 South East Lincolnshire Local Plan, 2019.

CONCLUSION

The recommendation is one of 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.