

DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	H17-0741-24	Applicant:	Mrs C Daimond
Proposal:	Erection of trellis set - Retrospective		
Location:	4 Lowgate Lane Surfleet Spalding		
Terminal Date:	24th October 2024		

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 2023****National Planning Policy Framework 2023**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 12 - Achieving well-designed and beautiful places

National Guidance**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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks retrospective consent for the erection of a trellis along the north-western boundary of 4 Low Gate, Surfleet. The trellis stretches along the entire front boundary between 4 and 5 Low Gate, measuring approximately 572cm. The trellis has an average height of 195cm, rising to 220cm as the ground level drops towards the road. The trellis is constructed of timber and is stained a natural colour.

Site Description

The site is located outside of any of the defined settlement boundaries identified within the South East Lincolnshire Local Plan (2019). The site is therefore within the countryside in planning policy terms, however, the site comprises a residential dwelling and its associated garden space. The property is located approximately 850 metres east of the settlement of Surfleet. 4 Low Gate is one of six semi-detached dwellings located along Low Gate. Access and parking for all of the properties is primarily obtained via the rear.

4 Low Gate is typical of the area, being a semi-detached, red brick dwelling of moderate size. The front garden is demarcated via an existing hedge, of an approximate height of 1.4 metres. A fence is present along the boundary of 4 and 5 Low Gate, positioned on the side of 5 Low Gate.

Relevant History

H17-0499-15: (Full Application) Proposed two storey extension - approved 26 August 15.

H17-0184-20: (Full Application) Proposed building for storage of vehicles (personal use) - approved 14 May 20

H17-0832-22: (S73 Application) Proposed building for storage of vehicles (personal use) - approved under H17-0184-20. Modification to Condition 2 to allow amendments to previously approved plans - approved 18 October 22.

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on the South Holland website.

Surfleet Parish Council: No comments.

Cllr S A Slade: No response received.

Cllr J Avery: No response received.

Cllr E J Sneath: No response received.

Welland and Deepings Internal Drainage Board: No comments.

Highways and SUDS Support: The trellis does not have an impact on the public highway - it does not restrict any views for vehicles emerging onto the highway. Therefore, we have no highway objections to this proposal.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received.

The response sets out that the main concern with the trellis relates to the positioning of the trellis

within land that is not considered to be within the ownership of the applicant. The respondent instead sets out that the trellis has been installed on land within their ownership.

This representation letter has been reviewed; however, ownership matters, and boundary disputes are not material planning considerations. These matters are instead a civil matter.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity; and
- Highway Safety.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside of any settlement boundaries outlined within Policy 1. As such, the site is within the countryside from a planning perspective. Notwithstanding this, the development is for the installation of a trellis within a residential property. The principle of development is therefore appropriate, comprising an appropriate form of development for the location.

As such, the proposal is considered to be in accordance with the requirements of the SELLP when viewed in principle. This is subject to the assessment against site specific criteria; including (but not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn in the following sections.

Design and Visual Impact

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Similarly, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

As set out above, the trellis stretches along the entire front boundary between 4 and 5 Low Gate, measuring approximately 572cm. The trellis has an average height of 195cm, rising to 220cm as the ground level drops towards the road. The trellis is constructed of timber and is stained a natural colour. Permitted development rights allow for fencing up to 2m to be installed without planning permission provided the land is not next to a highway. This weighs in favour of the proposal as only parts of the trellis exceed 2m in height.

Neighbouring properties feature a mixture of hedgerows and fencing. There is no strict uniformity in terms of the boundary treatments within neighbouring gardens.

The trellis would have no significant detrimental design or character implications. The boundary treatment is relatively typical and appropriate in rural areas. The slats within the trellis enable views of the countryside, preventing a significant sense of enclosure or intrusion into the countryside.

Taking account of the design, scale, and nature of the development, the proposal is acceptable. The trellis would not cause an adverse impact to the character or appearance of the area. The development would therefore accord with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to the nature of the proposal, no additional overlooking would occur. Furthermore, the gaps of the trellis would ensure no overshadowing occurs as a result of the development.

The trellis would not have a significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal accords with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Paragraph 115 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an "unacceptable impact on highway safety".

The council's highways team have not raised any concerns with the trellis in terms of highway safety as the trellis does not impact severely on visibility. The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the SELLP, and Section 9 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as

amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The development is appropriate and does not materially harm the character or appearance of the locality, or amenity of nearby residents. The development therefore accords with the Local Plan and the NPPF.

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.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2 and 3 of the SELLP, as well as Section 12 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.