DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No: H18-0181-21 **Applicant:** Mr L Petts

Proposal: Replace fence with wall to front elevation and childrens play structure to rear (retrospective)

Location: Sundown 20 Railway Lane North Sutton Bridge

Terminal Date: 27th May 2021

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
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks retrospective permission for replacing fence with wall to front elevation and erection of children's play structure to rear of the dwelling known as Sundown at 20 Railway Lane, Sutton Bridge, Spalding.

Site Description

The site is within the built-up area of Sutton Bridge. The frontage development onto Railway Lane is highly varied in terms of built form, land uses and appearance. The area is predominantly residential with some non-domestic uses comprising a medical centre opposite the road and Council owned units for light industrial use down the road.

Immediately to the north, there is sizeable domestic garden associated with No. 14. To the south, a bungalow (No. 22).

The dwelling is a bungalow. The front land is laid in gravel uses as a drive area. The property benefits from a detached garage adjoining the northern boundary. The front brick wall and pillars subject to this application have been already completed. Likewise, the patio and children's play structure are developed at the rear garden. This part of the site is enclosed by an arched timber closeboard fence with concrete posts. The surrounding plots are similar in size and hosts bungalows.

History

H18-0639-13 - Proposed rear extension and alterations and erection of garage with studio/gym in roofspace - Approved

H18-0894-13 - Signage - Approved

Consultation Responses

South Holland IDB

No objection.
Requests the applicant to apply for Board's consent to relax Byelaw 10.

Sutton Bridge Parish Council

No objection.
"No observations either in favour or against the proposal".

LCC Highways/SUDS Authority

No objection.
Requests the Council to add two informative notes to the permission.

Members of the public

One resident has made a representation raising the following issues:

-Loss of privacy and overlooking impact due to the children's play structure
-Request the Council to ask the applicant for relocating the structure in a more neutral position.

Planning Considerations

Principle of development

The site is within the settlement boundaries for Sutton Bridge as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial planning considerations, the principle of developing works that are incidental to the enjoyment of a dwelling is acceptable subject to further material planning considerations.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The front wall is 800 centimetres high with pillars 1.40 metres high. Ornamental railing would be installed above the wall and would not exceed the highest point of the pillars. There would be two gates with tantamount railing, one for pedestrians and one further for motor vehicles. The existing vehicular crossover remains in place.

Having regard to the existing front boundary treatment in the vicinity, the new brick elements would not detract from the street scene and overall character of the local area. Other similar development has been observed in addition to low hedge with conifers. There is currently a variety in this regard and therefore the front mean of enclosure would suit well.

The maximum height of the boundary fencing is 2.15 metres. Timber closeboard panels are supported by a concrete base and pillars of shorter height. The height and appearance is characteristic of a residential plot.

The children's play structure mainly consists of a tower with slide and two sings. The full width is approximately 6.25 metres. The maximum height is to the gable pitch roof and amounts to 3.30 metres. The platform for the tower viewpoint is 2.30 metres above ground level. Overall, the scale and height of this structure is commensurate with the dwelling and other outbuildings within the site.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The main footprint of the children's play structure is set back in the region of 1.25 metres from the rear boundary line. At such distance, this development has a close relationship with No. 62 Stanley Drive which is the residential property that backs onto the application site.

By default, the children's play structure has a tower with access to a viewpoint platform. The rear garden is immediately behind the rear boundary line and a conservatory appear in close proximity to the new structure.

However, in advance of any conflict with the privacy of the adjoining property, the applicant has demonstrated that the internal access to the platform has been blocked. This arrangement is considered acceptable to prevent any overlooking effect from the development onto No. No. 62 Stanley Drive. Otherwise, the structure would fail to ensure good amenity standards to the occupiers of such property. To prevent any unauthorised use once retrospective permission is granted, it is recommended to add a condition to remind the blockage of the tower platform for internal access and prohibit access to it by any other means.

A ladder has been observed to the rear of the structure to have access to the top of the slides and descend through them. Any viewpoint would fall behind the highest point of the rear boundary fence, thereby no harm in anticipated in residential amenity terms in this case.

Planning Balance

The principle of developing a front brick wall and a children's play structure is acceptable at such location subject to further material consideration in planning terms.

The form, scale and appearance of the development is appropriate for the site and its setting. No adverse impact is anticipated in residential amenity terms proving that the access has been materially blocked to the tower platform of the children's play structure.

On balance, any adverse impact of granting permission would not significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Taking into account the above, this application accords with Policies 1, 2 and 3 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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.