

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0203-22 **Applicant:** Mr M Humphreys
Proposal: Proposed entrance gates including feature walls
Location: 138 New Road Sutton Bridge Spalding
Terminal Date: 18th April 2022

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

CASE OFFICER ASSESSMENT**PROPOSAL**

The application seeks planning permission for new gates/wall/pillars to the west of the site and a new 1.8 metre high fence along the southern boundary. The pillars would have a maximum height of 2.3 metres. The gates would be set in from the highway boundary by approximately 4.2 metres

and the height of the walls/pillars would drop to between 1.2 and 1.6 metres towards the southern boundary. the pillars would have brickwork matching the house and the gates would be constructed from hardwood.

SITE DESCRIPTION

The application site is located on New Road in Sutton Bridge. The site is outside of but immediately adjacent to Sutton settlement boundary. It comprises a newly constructed two storey detached dwelling with an attached garage to the side. To the front is a large gavelled driveway. The northern and southern boundaries are enclosed by a boundary fence and the western boundary, fronting the highway is partially enclosed by a hedge/trees.

RELEVANT PLANNING HISTORY

H18-1195-18 - Erection of dwelling - Plot 1. Outline approval H18-1111-16 - Approved

H18-1111-16 - Residential development - Erection of four dwellings - Approved

H18-0145-16 - Residential development - four dwellings - Approved

H18-0269-15 - Erection of 2 detached dwellings - Approved

REPRESENTATIONS

South Holland Internal Drainage Board

No comments as the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Sutton Bridge Parish Council

Supports the scheme as it is in keeping with the street scene.

PLANNING CONSIDERATIONS

Layout and Design

Paragraph 130 of 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; 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.

Given the varied boundary treatments in the immediate area, the proposed fencing, gates/pillars/walls are considered acceptable and would not unacceptably impact the character of the area. Given majority of the planting/soft landscaping along the front boundary would be retained and only a small section of the frontage would be gates/walls/pillars, the proposal would not appear overly prominent or out of keeping with the semi-rural character of the area.

As such the proposal is considered to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Highway implications

The Local Highway Authority has not raised any objections to the proposed gates/walls or fencing therefore it is not considered to result in any unacceptable impact on the safety of pedestrians or drivers. The proposed gates would be set in from the highway, allowing vehicles to stop within the site boundary whilst the gates are being opened and would not therefore obstruct the highway or result in highway safety issues.

Impacts upon Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) 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.

Given the relatively minor nature of the works and relationship with neighbouring properties the proposed development is not considered to result in any unacceptable impact on neighbouring amenity.

The proposal therefore accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Planning balance

The proposed entrance gates and feature walls would not result in any highway safety issues nor would they detract from the existing character of the site or the immediate area.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

The recommendation is for a delegated approval.