

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H18-0535-21 **Applicant:** Mr S Yorke
Proposal: Extension of existing 2 metre fencing
Location: La Triste 9 Wrights Lane Sutton Bridge
Terminal Date: 9th July 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
36 Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

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
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a 1.8 metres high fence along the northern boundary. The fence would match the existing 2 metre high fence along the northern boundary.

SITE DESCRIPTION

The property is a two storey detached dwelling located on Wrights Lane in Sutton Bridge. The dwelling is red brick built with white door/window frames. The property has a single attached flat roofed garage to the side and a driveway in front. The immediate area comprises a mixture of single and two storey dwellings all varying in character.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Sutton Bridge Parish Council

No objections as the proposal is in keeping with the residential character of the area.

Local Highway Authority/SUDS

The proposed fence would reduce pedestrian visibility. It is recommended that the last fencing panel is either reduced to 0.6 metres in height or splayed to ensure drivers have sufficient visibility.

Local residents

Two objections have been received siting concerns of highway safety.

PLANNING CONSIDERATIONS

Layout, Design, Size and Scale

Paragraph 127 of the 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; and 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, among other considerations. Likewise, Policy 2 of the SELLP 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 immediate area comprises low level walls/fencing/hedging in the front gardens. Given its location at the front of the property the proposed fence would be clearly visible and overly prominent in the street scene. As such the proposed fencing by virtue of its height (1.8 metres) would be out of place and incongruous in its setting in the street scene, resulting in unacceptable impact on the street and setting an unwelcome precedent.

As such the proposed fence would be unacceptable in terms of its impact on the character of the local area and therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Paragraph 127 of the National Planning Policy Framework (NPPF), 2019

Highway safety

Two objections have been received from local residents siting concerns of highway safety. The Local Highway Authority has also raised concerns and considers the proposed fencing would reduce pedestrian visibility.

Vehicles emerging from a driveway at the back edge of the footway require the driver to consider the possible presence of pedestrians and cycles. The absence of pedestrian visibility splays of 2m x 2m may encourage drivers to emerge more cautiously. Having given consideration to whether the absence of splays is appropriate, taking into account the number of vehicle movements, the amount of pedestrian activity and the width of the existing footway and the adjacent householders driveway, which will also be obscured, the Local Highway Authority has recommended that the last fencing panel is either reduced to 0.6 metres in height or splayed to ensure drivers have sufficient visibility.

This was discussed with the applicant, however, the suggested changes were refused as the applicant requires a higher level fence for privacy reasons.

As such the proposed scheme is considered to be unacceptable as it would result in highway safety issues.

Planning Balance

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.

The proposed fence given its siting and height would reduce vehicle visibility and result in unacceptable impact on the safety of the users of the public highway and the safety of the users of the site. In addition the proposed fencing by virtue of its height would be incongruous in its setting in the street scene.

The proposal is considered to materially harm the character and appearance of the locality and result in highways safety issues.

On balance, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

CONCLUSION

Taking into account the considerations above, the proposed development fails to comply with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 and Paragraph 127 of the National Planning Policy Framework (NPPF), 2019. The application is therefore refused.

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 application is refused under delegated powers.