DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0847-22**	**Applicant:**	**Mr & Mrs P Clery**
Proposal:	Installation of high level window in southern elevation and a door into the rear wall of the garage wall and new 1.8m boundary fence		
Location:	Little Curlew Guys Head Road Sutton Bridge		
Terminal Date:	20th October 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	0	0	0
WARD MEMBER	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for the installation of a high level window in southern elevation, a door in the rear wall of the garage wall and new 1.8m boundary fence along the north/north-western boundary.

SITE DESCRIPTION

The application site is located on Guys Head Road in Sutton Bridge. The site is outside any defined settlement boundary and within the open countryside. There are dwellings to the north and west of the site and one countryside to the south. Curlew Lodge located to the west of the site is grade II listed building. The site was formerly part of Curlew Court (north of the site). There are garages and

a driveway to the north-east of the site. The site is enclosed by a hedge/trees.

RELEVANT PLANNING HISTORY

H18-1042-14 - Change of use of ancillary buildings to residential unit - Approved

REPRESENTATIONS

Cllr C J T H Brewis

The boundary is on a substantial bend of a busy road therefore the fence should be sited at least 2 metres from the road edge for safety reasons.

PLANNING CONSIDERATIONS

Layout, Design, Size and Scale

Paragraph 130 of the 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; 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 proposed fence would provide security and privacy to the occupiers of the application dwelling. The fence is not considered to appear overly prominent in the street scene given its siting to the rear of the site.

The proposed new door and window openings would not be visible from the public realm therefore this element would not impact the street scene/area. In any case this element of the proposal is not considered to significantly or unacceptably change the overall appearance of the site.

As such the proposed fence complies with the aforementioned policies on design, layout and impact upon the character of the local area.

Impacts upon Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The closest neighbour is Curlew Court located to the north of the application site. Given the minor nature of the proposal, the relationship with this neighbour and the fact the fence is only marginally higher than the existing hedge/planting it is not considered that any unacceptable impact results on this neighbour. There would not be any unacceptable overlooking from the proposed new door and window opening.

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

Other matters

A local councillor has commented that given the application site boundary is on a substantial bend of a busy road the proposed fence should be sited at least 2 metres from the road edge for safety reasons. The concerns are noted, however, the proposed fence would be along the north/north-western boundary therefore it would not be near the road. As such no impact would result on highway safety.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or the amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

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 (2019).

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 can be approved under delegated powers.