

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H20-0289-20 **Applicant:** Mr M Campling
Proposal: Proposed Boundary Fence (retrospective)
Location: The Yews 2 Jarvis Gate Sutton St James
Terminal Date: 1st July 2020

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 2019

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application that seeks retrospective permission for proposed boundary fence at The Yews, 2 Jarvis Gate, Sutton St James.

Site Description

The site is located at the eastern end of the built-up area of Sutton St James. It is a corner plot

abutting the highway junction between Jarvis Gate (west) and Sutton Gate (south). The site amounts approximately to 4500 squares metres. The adjacent land under applicant's ownership to the east benefits from outline permission for residential use (H20-0656-16). The character of the area is predominantly residential with most of the dwellings being detached which were individually designed, hence the variety of appearances and ages.

The dwelling is a two-storey detached house facing Jarvis Gate. The area to the front and side is domestic garden in grass. The topography levels are visibly downwards from the highway to the house.

History

H20-0689-15 - Demolition of existing outbuildings and erection of garage/workshop and garden room - Approved

Consultation Responses

LCC Highways/SUDS Authority

No objection.

It is reminded that should proposals change to include works to alter the riparian watercourse to the east of the site, then consent will be required to South Holland IDB under the Land Drainage Act 1991 (and byelaw 4). This will be added to the decision as a note should permission be granted.

Planning Considerations

Principle of development

The site is within the settlement boundaries of Sutton St James as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of developing boundary treatment that is ancillary to a domestic plot is acceptable.

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 key material considerations are addressed below.

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; 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 fencing extends from the side wall of the house (point C on the block plan) to the southern boundary (point B) and further towards the rear boundary (point A). The first section (point A-B) measures 2 metres in height whereas the remainder facing Sutton Gate (point B-C) is 2.5 metres high. The purpose of the fence is to obscure further the views from the roads onto the rear garden of the dwelling.

The section running in parallel with the southern boundary is set back between 7 and 6 metres from the edge of the carriageway. In conjunction with the low topography of the site as mentioned above, the visual impact of the fence is slightly reduced upon the wider street scene. Moreover, the fence is not excessively long given the size of the entire plot and it is located at one of the least prominent locations of the boundary adjoining the highways. Last but not least, the proposals also include new planting and hedging which will help mitigate the presence of the fence and soften its visual impact.

Having regard to the considerations above, and the fact that the applicant could have erected a 2m high fence between points B-C without the need for planning permission, it is considered on balance that there is not sufficient justification for a refusal and that the development accords with the

aforementioned policies concerned on design, layout and impact upon the local character of the area.

Residential amenity

The proposals will provide further privacy to the residents of the Yews when enjoying the rear garden. The height of the proposals at the proposed location will not create any adverse impact of future housing to the east. The development therefore complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Highways safety

The erection of the fence and soft landscaping as proposed do not entail any impact upon the safety standards of the occupiers neither road users. LCC highway Authority has raised no concern in this respect.

Conclusion

Taking into account the considerations above, the proposals are considered to comply with Policies 1, 2, 3 of the South East Lincolnshire Local Plan (SELLP), 2019 as well as Section 12 of the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning 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.