

DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No:	H21-0478-20	Applicant:	Mr A Barker
Proposal:	Proposed 2 metre high boundary fence		
Location:	5 Kiln Drive Tydd St Mary Spalding		
Terminal Date:	13th October 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

<u>CASE OFFICER ASSESSMENT</u>

Proposal

This is a planning application that seeks permission for proposed 2 metre high boundary fence at 5 Kiln Drive, Tydd St Mary, Spalding.

A revised block plan was submitted in order to clarify the details of the proposals and dissipate LCC Highways Authority concerns.

Site Description

The area is a modern housing development. A range of housing types and designs has been observed along the street scene. From bungalows, two-storey detached houses to terraced houses.

The site is a corner plot adjoining the highway junction of Kiln Drive (west) with Marley Close (north). The property is a fairly large two-storey detached dwelling house facing Kiln Drive. The front garden is narrow and is heavily bounded by well-maintained mature conifers of different height. A double detached garage is to the south of the house. A paved drive area is to the front of the outbuilding. Overgrown high shrubs and plants obscure the site from the south. A footpath borders the site. A large public open space with playgrounds extends to the east and south.

History

H21-0067-00 - Full - Residential development (55 dwellings) - Approved

H21-0940-04 - Full - Erect 66 dwellings - Approved

Consultation Responses

North Level IDB

No comment.

LCC Highways/SUdS

Does not wish to restrict the grant of permission

Planning Considerations

Principle of development

The site lies within the settlement boundaries for Tydd St Mary as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of erecting fencing that is incidental to the enjoyment of a dwelling 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 aim of the development is to gain further space for the domestic garden within the curtilage. The existing garage is being used for storage and it does no longer serve for car parking purposes.

The proposed fence will be erected from the side wall of the property onto the driveway to the

southern site boundary. The position of the fencing will be irregular. The first metres will split the driveway into two different parts. The remaining part to the highway will have depths ranging approximately between 7 and 5.50 metres. After running to the front of the garage doors, the fence will be in closer proximity to the highway keeping a distance of roughly 1.5 metres from the edge of the footpath. Then, the mean of enclosure will run backwards in parallel with the southern boundary of the site.

2 metre high brown featheredge panels and concrete post will be used for the proposed fencing. The external appearance will not detract from the current materials of the property and surroundings neither the residential character of the area.

In summary, the appearance and height of the proposed fence will be acceptable given the site layout and residential nature of the property and its surroundings. The irregular position will entail that part of the fence will be clearly visible from the road but a separation distance of 1.5 metre from the edge of the footpath will prevent any unacceptable harm upon the street scene which will lead to refuse this application. Overall, the development meets the functional needs of the house occupiers. For these reasons, on balance the proposed fence will comply the criteria of the aforementioned policies concerned on design and layout.

Highway safety and car parking provision

A revised block plan was submitted following discussion with LCC Highways Authority and the applicant. To prevent any reduced visibility for the drivers of cars egressing the vehicles from the driveway, the nearest part of the fencing was set back 1.5 metres from the highway. LCC Highways Authority has raised no objection to the amended proposal.

The intended development might entail a reduction of the availability of the car parking within the curtilage. Appendix 6 of SELLP 2019 set out the minimum requirement for car parking provision in each use class. 3 car spaces for dwellings with 4 or more bedrooms should be provided within the curtilage. The application property has a total of 4 bedrooms, thereby 3 car parking spaces should be provided. The resulting curtilage after the proposal will be only able to accommodate two cars and the garage will remain for storage.

One further space should be available. Notwithstanding this, the forth bedroom internally measures only 3.04m x 2.42m (Dwg. AH2303/014 of Building Control application ref. B21-0208-05), thereby insufficient floorspace is available for an adult. According to Nationally Described Space Standard, in order to provide one beds pace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide. The bedroom exceeds the minimum required width but the internal floorspace will be lower than 7.5 square metres.

In summary, it is unlikely that 4 adults live in the property and therefore 2 car parking spaces will be acceptable for the daily needs of the house occupiers.

Conclusion

Taking into account the considerations above, on balance the proposal is considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and also Sections 12 of the National Planning Policy Framework (NPPF), 2019. There are no concerns on the impact of the proposal upon highway safety and car parking provision.

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.