DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0544-22**	**Applicant:**	**Mr R Harper**
Proposal:	Erection of 4ft high featherboard fencing and 5 bar gate to the front of the property		
Location:	587 Broadgate Weston Hills Spalding		
Terminal Date:	25th July 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	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application seeking permission for a 4ft high featherboard fence and a 5 bar gate to the front of the property.

SITE DESCRIPTION

The property is a located on Broadgate in Weston Hills. It comprises a new built bungalow on the eastern side of Broadgate. It is part of a group of 7no newly constructed bungalows built outside the

settlement boundary. The bungalows have open frontages with recently planted hedging along part of the front boundary.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

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.

This part of the street, specifically the row of newly constructed bungalows have open frontages which are appropriate for the semi-rural location of the site. However, a front boundary fence has previously been approved and erected at no.577 therefore a precedent has already been set for the area.

As such the proposed fence and gate can on balance be accepted. Given the fence would be sited behind the newly planted hedge, it would be somewhat concealed and not overly prominent in the street.

As such on balance the proposed fence and gate would be acceptable in terms of its impact on the character of the local area and therefore in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Paragraph 130 of the National Planning Policy Framework (NPPF), 2021.

Highway safety

The Local Highway Authority has not raised any objections to the proposed scheme. It does not consider the proposal to have an impact on the Public Highway due to the width of the footway and verge maintaining good visibility when leaving the drive. As such the scheme is considered acceptable from a highway safety perspective.

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 can on balance be accepted given a similar fence has been approved at no.577 Broadgate therefore it would not be out of character in its setting in the street scene. The proposal is not considered to materially harm the character and appearance of the locality.

On balance, any adverse impacts of granting permission to the proposals would not 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 on balance complies with

Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Paragraph 130 of the National Planning Policy Framework (NPFF), 2021. 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 approved under delegated powers.