

# Development Management Delegated Decision Report

B/21/0250



## SUMMARY OF APPLICATION

<b>Application Reference</b>	B/21/0250		
<b>Application Type</b>	Full Planning Permission		
<b>Proposal</b>	Erection of 2m fencing around the boundary of property		
<b>Location</b>	44, Welland Road, Boston, PE21 7PS		
<b>Applicant</b>	Mr Tempest		
<b>Agent</b>			
<b>Received Date:</b>	26-May-2021	<b>Consultation Expiry Date:</b>	29-Jun-2021
<b>Valid Date:</b>	04-Jun-2021	<b>Statutory Expiry Date:</b>	30-Jul-2021
<b>Date of Site Visit:</b>	01-Jul-2021	<b>Extension of Time Date:</b>	N/R
<b>Objections received?</b>	No		
<b>5 day notification record:</b>			
<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Recommendation</b>	GRANT		
<b>Report by:</b>	Emma Dennis		
<b>Date:</b>	15/07/2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site consists of a detached two-storey dwelling on the corner of Welland Road and Chester Way. The application site is within a residential estate that has a relatively open streetscene with a combination of boundary fences and hedges.

The majority of the garden at No.44 is open with no boundary hedge or fence in place.

### DETAILS OF PROPOSAL:

It is proposed to erect a 1.83m high fence around the western side of the property. It will be constructed of a heavy duty featheredge fencing panel with a robust 50x30mm framing with two additional horizontal battens across the back and a 50mm shaped capping strip.

### RELEVANT HISTORY:

There is no relevant history on the site.

### RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:



### **South East Lincolnshire Local Plan (2011-2036)**

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 2: Development Management; and
- Policy 3: Design of New Development.

### **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

#### **National Planning Policy Framework (2019)**

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4: Decision-making; and
- Section 12: Achieving well-designed places.

#### **National Planning Practice Guidance (PPG)**

### **CONSULTATION RESPONSES:**

#### **Highway Authority – received June 2021**

- The proposal is for the erection of 2m fencing around the boundary of the property and it does not have an impact on the Public Highway or Surface Water Flood Risk.
- Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

As a result of neighbour representation letters sent out, a letter has been received from the occupant of No.64 Chester Way. The comments are summarised below.

- Will cause a vision issue when reversing due to the close proximity of the corner.
- The buyers of No.64 are expecting an open-plan frontage, this proposal may compromise the sale.
- Worries that this will give rise to play equipment, and the noise levels included.

### **EVALUATION:**

The key planning issues in the determination of this application are:

- Design of the proposal and character of the area;
- Impact on residential amenity; and,
- Highway safety.

#### **Design of the proposal and character of the area**

Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

This proposal for a 2m high fence to be erected around the most westerly side of the boundary which will enclose this section of the garden which is currently open. This is reflective feature across the residential estate. The fence will be erected against the edge of the public footway. It is noted that No.24 Welland Road has erected a similar fence around the boundary line, also up against the public footway. This example is clearly visible from the public highway. However, taking into account there is no planning history and evidence available it is difficult to ascertain the erection of the fence and if sufficient weight can be applied for this application in its determination.

Notwithstanding the fence erected at 24 Welland Road, it is noted that the street scene is relatively open plan, other than boundary hedges which characterise the street scene. Taking into account the proposed siting and height of the fence it would indeed intervene into the current openness of the street. However, although resulting in a change in character, it is considered this would not be significantly harmful. The use of fence panels to a certain degree softens the appearance.

To conclude it is considered that this proposal is in accordance with SELLP policies 2 and 3.

### **Impact on residential amenity**

SELLP Policy 2, 3 and 30 advocate that a proposed development should consider if there is an impact on the amenity of the site and neighbouring sites as well as the impact upon neighbouring land uses in terms of noise, odour, disturbance or visual intrusion.

Paragraph 127 of the NPPF (2019) seeks, amongst other things, to create places that are safe, inclusive and accessible and which promote health and well-being. Furthermore, the NPPF advocates a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Taking into account the position of the corner plot and relationship with neighbouring properties the impact of significance would relate to 64 Chester Way.

In terms of the siting and height the proposed fence would draw close to a front facing window. It is acknowledged there would be a loss of light and reduction in outlook, however, given the intervening distance it would not be severe to recommend a refusal of the application.

It is inevitable the proposed fence would encourage the area to be used as a garden. However, this is no different to how the land can be currently used given the area is still within the curtilage and ownership of the host property. As such there is no change of use of the land.

The enforcement of any covenants on a property's deeds is a private civil matter and similar with the sale of a property is not a consideration for this application.

### **Highway safety**

SELLP Policy 2 states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation levels.

It is noted the proposed fence will run along part of the side (southern) boundary of No.64 Chester Way and the neighbouring driveway is sited on the northerly side of the plot (adjacent with 62 Chester Way).

The proposed fence would have an effect to visibility, however, this is considered to not be significant given views can still be gained from the neighbouring driveway to undertake manoeuvres on and off the highway. Views to the north would not be affected.

In respect of the impact on highway safety, in the absence of an objection from the Highway authority, the proposal is considered to accord with SELLP Policies 2 and 3.

### **RECOMMENDATION:**

GRANT Full Planning Permission subject to the following condition(s) and reason:-

<b>CONDITIONS / REASONS</b>	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1.	<p>The development hereby permitted shall be begun before the expiration of four years from the date of this permission.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The development hereby permitted shall be carried out in strict accordance with the application received 7 June 2021 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> <li>▪ Plan 1 Site Location Plan</li> <li>▪ Plan 3 Block Plan with measurements</li> <li>▪ Fence specification sheet – dip treated featheredge fence panel</li> </ul> <p><b>Reason:</b> To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>

<b>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</b>
<p><b><u>STATEMENT OF PROACTIVE WORKING:</u></b></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>