



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

8 February 2024



## S23/2017

Proposal: Change of use of informal open space to residential garden including partial fence realignment (retrospective)  
 Location: 12 Linden Rise, Bourne, PE10 9TD  
 Applicant: Mrs H Davey  
 Agent: Mr John Gillett  
 Application Type: Full Planning Application  
 Reason for Referral to Committee: Councillor neighbour to the application site

Key Issues:

- Impact on the character and appearance of the area
- Impact on neighbours residential amenities
- Loss of open space
- Impact on highway safety

### Report Author

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**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Bourne East**

**Reviewed by:**

Adam Murray – Principal Planning Officer

29 January 2024

### Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.



Key



Application  
Boundary



## **1 Description of Site**

- 1.1 The application site hosts a two-storey detached dwelling within the residential cul de sac of Linden Rise in Bourne. The site is located on a corner, with a prominent siting. There is retrospective fencing along the eastern side of the site with informal open space on the eastern boundary.

## **2 Description of Proposal**

- 2.1 The development relates to the realignment of a section of the existing fence line along within the eastern side of the site including a change of use of land within the altered fence line from informal open space to residential garden, part of which is retrospective. The fencing is 1.7 metres in height, matching the existing fencing.
- 2.2 There was fencing previously to the east of the site, but it was staggered as opposed to a continuous line as it is now.
- 2.3 During the course of the application the fence line has been amended to exclude highways land and maintain a 1.8 metre service margin from the kerb line.

## **3 Relevant History**

- 3.1 There is no relevant planning history.

## **4 Policy Considerations**

### **4.1 SKDC Local Plan 2011 – 2036**

Policy SD1 - The Principles of Sustainable Development in South Kesteven  
Policy OS1 – Open Space  
Policy DE1 - Promoting Good Quality Design

### **4.2 National Planning Policy Framework (NPPF)**

Section 9 – Promoting Sustainable Transport  
Section 12 - Achieving well-designed places

## **5 Representations Received**

### **5.1 Ward Councillor**

- 5.2 The fence is not intrusive and does not block off the open aspect of the site unlike the one in nearby Briar Close. I have no objections, nor am I aware of any other objections from neighbours.

### **5.3 Parish Council**

- 5.4 At a meeting of Bourne Town Council on 12/12/2023, it was raised that the members are not happy with the principal of this, as in acquiring amenity land which does not belong to the home owner.

### **5.5 LCC Highways & SuDS**

- 5.6 No objections - The proposal is for change of use of informal open space to residential garden including partial fence realignment (retrospective) - amended plans and it does not have an impact on the Public Highway or Surface Water Flood Risk.

## **6 Representations as a result of publicity**

- 6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and no letters of representation have been received.

## **7 Evaluation**

### **7.1 Principle of Development**

- 7.1.1 Policy OS1 (Open Space) of the SKDC Local Plan states development proposals for existing open spaces will only be permitted where it is demonstrated that:

- a. the proposal will provide increased or improved open space and/or recreational facilities; or
- b. the site is not required to meet the local standard set out above; or
- c. equivalent (or better) replacement provision is to be made within the locality; and
- d. the site does not support important or protected habitats or species.

- 7.1.2 Whilst noting the Parish Council's objection to the principle of the proposal, having considered the existing fence line and level of informal open space in comparison to the resulting fence line and remaining open space, the loss is considered to be minimal at approximately 19 square metres. The level of open space lost is not considered to be required to meet the local standard set out above.

- 7.1.3 This proposal is acceptable in principle and in accordance with Policy OS1 (Open Space) and SD1 (Principles of Sustainable Development in South Kesteven) of the adopted Local Plan subject to assessment against site specific criteria. These include the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

### **7.2 Impact on the character and appearance of the area**

- 7.2.1 The visual impact of the alteration of the fence line is considered to be minimal, with no increase in height and a sufficient amount of informal space left to help provide a separation and buffer between the fencing and the adjacent highway.
- 7.2.2 By virtue of the design, scale and materials to be used, the proposal would be in keeping with the host dwelling, streetscene and surrounding context in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.

### **7.3 Impact on the neighbours' residential amenities**

- 7.3.1 Given the location of the fencing, it would not be adjacent any neighbouring properties, with there being no unacceptable adverse impact on residential amenities of the occupiers of adjacent properties in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.

### **7.4 Highways Issues**

- 7.4.1 The Highways Authority originally raised objections to the scheme based on the retrospective fence line including a level of highways land and extended into the 1.8metre service margin required from the kerb line. Subsequent amended plans were received altering the fence line which now maintains the required service margin. The Highways Authority have no objections to the amended plans.

7.4.2 The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.

## **8 Crime and Disorder**

8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

## **9 Human Rights Implications**

9.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

## **10 Conclusion**

10.1 Taking the above into account, it is considered that the proposal is appropriate for its context and would not result in unacceptable levels of harm to the level of open space within the district. The proposal is in accordance with the NPPF (Sections 9 and 12) and Policies DE1 and OS1 of the South Kesteven Local Plan. There are no material considerations that indicate otherwise although conditions have been attached.

## **11 RECOMMENDATION:**

11.1 To authorise the Assistant Director – Planning to GRANT planning permission subject to conditions.

### **Conditions**

#### **Approved Plans**

1) The development hereby permitted shall be carried out in accordance with the following list of approved plans:

i. Location Plan re. 532-P-01A received 10 January 2024

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

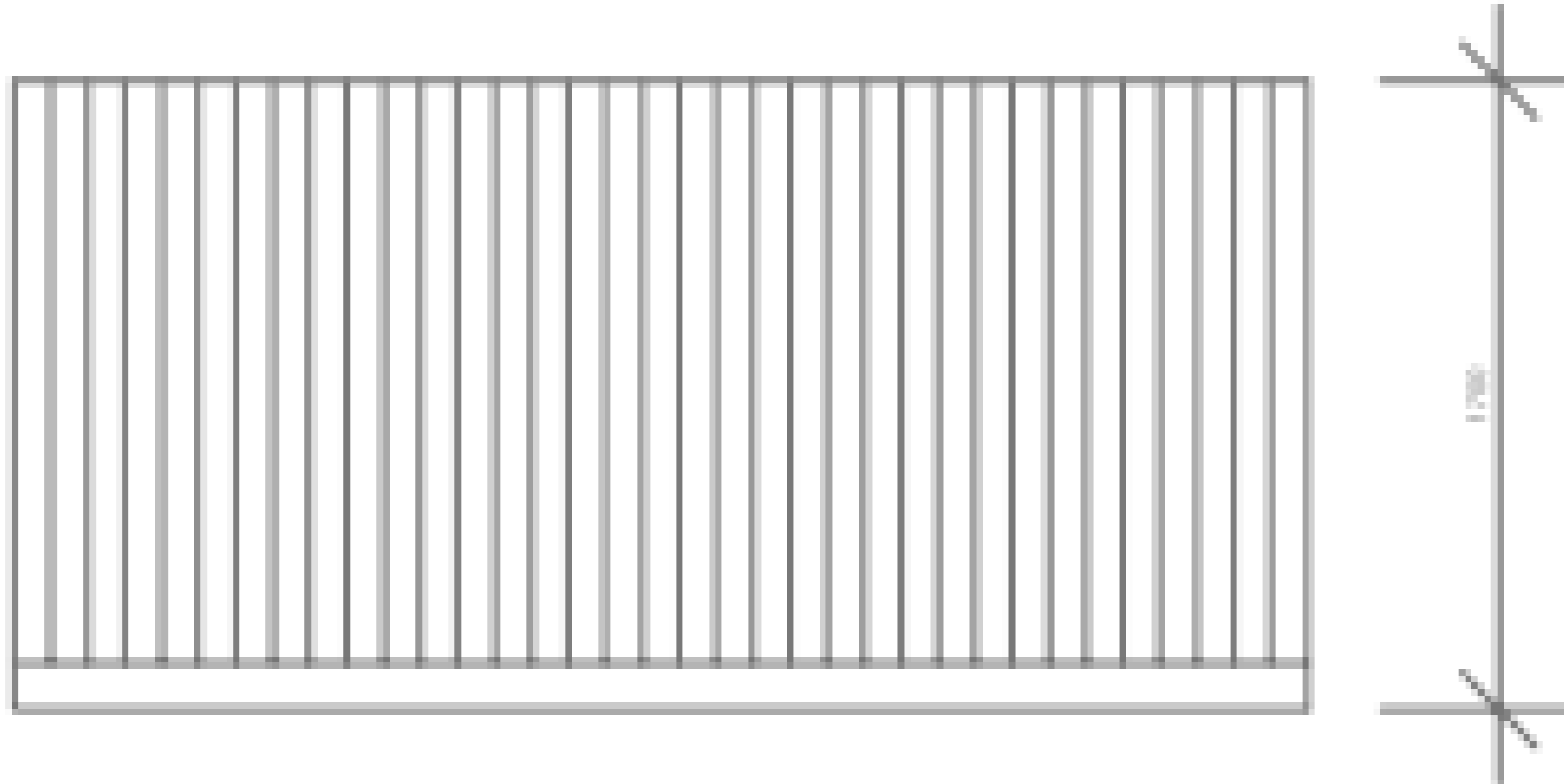
## Location Plan



Location Plan 1:1250  
12 Linden Rise, Bourne PE10 9TD

## Typical Fence Elevation

Fence:  
Treated vertical shiplap  
with timber gravel board  
total nom 1700 high  
to match existing



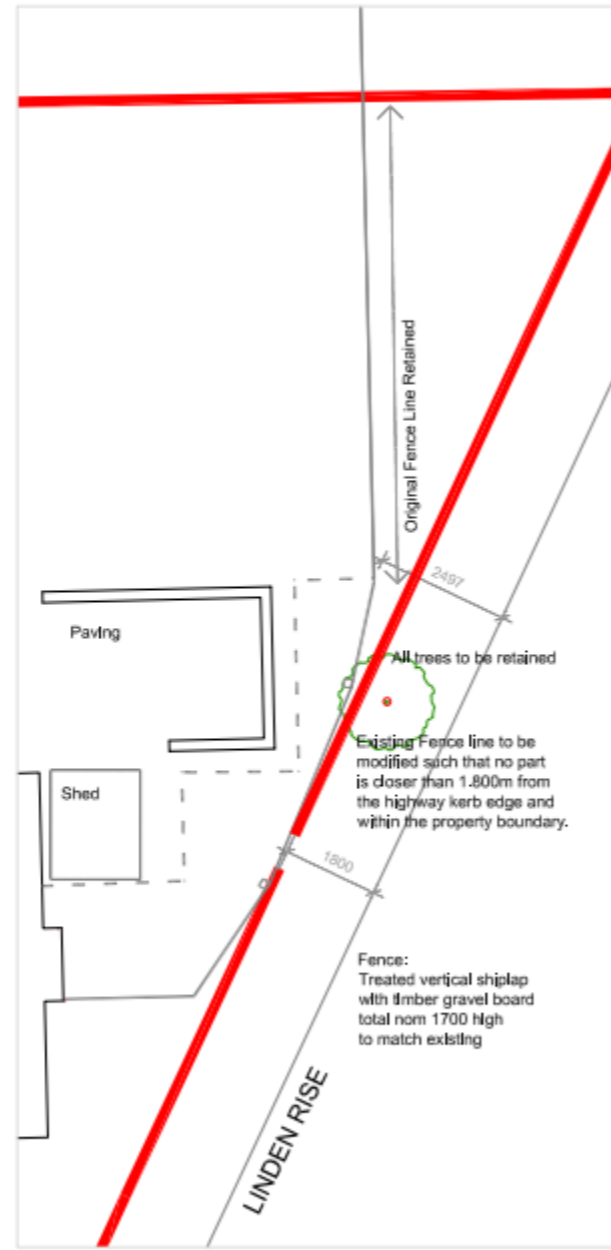
Typical Fence Elevation



Fence Line - Outline Planning



Fence Line - Approx As Built



Fence Line - Retrospective Planning Consent