DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0803-23**	**Applicant:**	**Mr Brock**
Proposal:	Replacement of 4 windows		
Location:	14 Abbey Walk Crowland Spalding		
Terminal Date:	3rd November 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed places
Section 16 - Conserving and Enhancing the Historic Environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission for the replacement of 4 windows at 14 Abbey Walk.

Site Description

The site lies within the defined settlement boundary and Conservation Area of Crowland as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The property is the third in a row of four terraced houses which are all made of similar materials featuring a different colour render on the walls. These properties are just off the main road of South Street which goes through Crowland.

History

No relevant planning history.

Consultation Responses

Crowland Parish Council

Parish Council have no objections to PVC windows being used but would have liked them to have been more like the design of the original/existing ones in place.

SHDC Conservation Officer

No objections -

Typically the use of UPVC fenestration would not be acceptable in a conservation area setting. However, it is accepted by the LPA that in this specific circumstance, UPVC has become the prevalent form on this terrace of properties. As such, it would be improper and unreasonable for the LPA to require a material mismatch on the site in order to satisfy Policy
29 of the SELLP.

Historic Places Team Lincolnshire County Council

No archaeological input required.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Layout, Design and Consideration of the Character and Appearance of the Area

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

A total four windows throughout the dwelling will be replaced. All of the windows will be made of white uPVC to match the existing other dwellings nearby. The application has been accompanied

with a 'Windows Profiles by Window Types' plan which directly outline the different windows that will be used as part of the development. At the rear three windows will be replaced, 'Ground Floor 1' will be Type C Fanlight, both the first floor windows at the rear will be Type E Top Hung and finally the first floor window on the front elevation will also be Type E Top Hung. By using similar window designs on the elevations it means they will blend in and not stand out when compared to other properties in the area.

The measurements of the windows are as follows, Type C window on the rear ground floor will be 1885mm by 1605mm and the other windows shall be 1270mm by 1245mm. These measurements are proportionate and are similar to the existing windows that are on the elevations of the house currently, therefore they are considered to be acceptable. The windows on the ground floor front elevations are remaining the same and will be the only unaltered windows.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Due to this application purely relating to the replacement of windows, no amenity impacts would occur. No new windows would be created; therefore, no overlooking could occur. No new development would occur, meaning no overshadowing could occur. The changes are like for like and therefore would not appear overbearing.

The proposal is therefore in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Heritage

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal is considered to be acceptable in terms of heritage despite conflicting with Policy 29 of the SELLP. The Conservation Officer states in his comments that he has no objections on the basis that 'Typically the use of uPVC fenestration would not be acceptable in a Conservation Area setting. However, it is accepted by the LPA that in this specific circumstance, uPVC has become the prevalent form on this terrace of properties. As such, it would be improper and unreasonable for the LPA to require a material mismatch on the site in order to satisfy Policy 29 of the SELLP' it is therefore considered that despite it not being commonly favourable within this setting as there are many other properties that feature uPVC windows and the development is acceptable.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development inside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality as other properties nearby feature uPVC windows similar to what is proposed in this instance. Despite conflicting with Policy 29 as it is within a Conservation Area, it is considered acceptable as there are other properties that feature use the same material on the windows as previously mentioned. There is no harm on the amenity of nearby residents, whilst conforming with the most of

the policies of the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2 & 3 of the SELLP, along with the identified sections contained within the NPPF. However, the proposal clearly conflicts with Policy 29 of the SELLP as developments where they will be replacing windows with uPVC within a Conservation Area are not favourable and in most cases isn't something the LPA would look at approving. In this instance though it is considered that as the neighbours all have uPVC windows it outweighs the policy conflict as a material consideration that in this regard we would be unable to enforce and restrict this from being approved. Therefore, despite this being a factor that indicates against the proposal the material considerations indicate that planning permission should be granted.

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

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.