DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0799-23**	**Applicant:**	**Mrs M Draper**
Proposal:	Replace conservatory roof with solid roof and change flat roof of garage to hip roof		
Location:	39 Church Street Donington Spalding		
Terminal Date:	23rd January 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2023

Sections 12 and 16 of the National Planning Policy Framework (December 2023) (NPPF)

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
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the replacement of a conservatory roof with a solid roof and the of change flat roof of garage to hip roof. This application is required, and the proposal not considered Permitted Development, because the host property is subject to an article 4 direction, limiting the property's Permitted Development rights.

Site Description

39 Church Street is a Victorian, 3-Bay property, formerly a semi-detached property, the southern house has long since been demolished, leaving a largely blank southern, side elevation. The property is in a prominent position within the Donington Conservation Area, being situated across the road from the Grade I Listed Church of St Mary and the Holy Rood.

The property is not listed, however, it is considered by the local authority to be a 'building of local heritage' and as such, an Article 4 direction has been placed upon the property. Other 'Buildings of Local Heritage' are also situated within close visual proximity.

The area generally is characterised mostly by residential development of the C19th, however, a large mid-late C20th residential development is situated behind the site.

History

H04-1001-08

Proposed two-storey extension, garage extension and conservatory link. Refused on 12-11-08

H04-0104-09

Two-storey extension, conservatory and alterations to existing garage. Approved on 14-04-09

H04-0490-09

Details of external materials and windows (Conditions 3, 5 and 7 of H04/0104/09). Approved on 27-07-09

H04-0668-22

Installation of patio doors & 2 replacement upvc windows. Approved on 15-08-22

Consultation Responses

Lincolnshire County Council as Lead Local Flood and Highways Authority

No objection.

Lincolnshire County Council Historic Places Team

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 (December 2023) (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing

development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The application site in this instance is within Donington, a Main Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Design and Heritage Impact

Paragraph 135 of the NPPF requires that all planning decisions should ensure that developments are visually attractive, and are sympathetic to local character and history. With this taken into account, the Local Planning Authority does not wish to object to the design of the proposed alteration to the property. The replacement of the existing garage flat roof and conservatory plastic and glass roof are both considered to be positive alterations, particularly as the proposal seeks to utilise solid, slate tiled roofs in their place, which are to be considered a superior material and design alternative within the historic setting.

Slate is a traditional and vernacular material for roofing and features extensively throughout the Donington Conservation area and already is the standard roofing form on the host property. In particularly with reference to the garage roof, it is considered that this proposal will actually enhance the historic environment by way of removal of non traditional roofing materials and structures to be replaced with a vernacular alternative. This falls in line with the requirements set forth both under Paragraph 204 of the NPPF and Policy 29 of the South East Lincolnshire
Local Plan (2019).

Residential Amenity

Paragraph 135 of the National Planning Policy Framework (December 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.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

It is not considered that the proposal would overshadow, overlook or be overbearing to the neighbouring properties. The proposed alterations do not seek to dimensionally alter the roof of the conservatory and seek only a shallow, low level pitch over the existing flat roof of the garage. This roof apex will match in height the extension, and the garage itself is not situated in a position near enough to the neighbouring 35 Church Street to be considered to have a negative impact upon utilised domestic living space. No roof lanterns or lights are sought and as such, there is no window creation included in any aspect of the proposal upon which the LPA could make an assessment of undue risk of overlooking.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

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 proposed extension will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Conclusion

For the reasons listed above, this planning application is deemed to be in accordance with Policies 1, 2, 3 and 29 of the SELLP as well as Sections 12 and 16 of the NPPF. Therefore, the recommendation is to approve.

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.