DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0974-22**	**Applicant:**	**Mr M Cole**
Proposal:	Proposed partial demolition of outbuilding and creation of garage and annexe		
Location:	6 High Street Donington Spalding		
Terminal Date:	16th December 2022		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	2
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the partial demolition of an outbuilding and creation of a garage and domestic annexe.

It is proposed that the annexe shall be used as an ancillary gym/garden room featuring additional 2 car garage and shower with storage area.

Site Description

6 High street is a early-mid C19th house, currently forming one of a block of 2 matching properties within a terrace of properties which spans round the bend into the market place. The property is considered to be a 'building of local heritage' and is listed on the Lincolnshire Heritage gateway, where the information provided reads:

"*This is a building identified as of historical interest by the South Holland District Council Local List. It is a good example of this style of building of this period but has, in the past, been altered and has lost many of its original features and its historic character.*

Two storey house brick with tiled gabled mansard roof with two dormers and sash windows to the rest of the building, the windows have been replaced with UPVC."

As stated above, the property features a mansard roof (now tiled using cement tiles), dormer windows, timber horned sash windows to the front elevation and timber, black painted panelled mullion and rail door with classical surround featuring plain, Doric style mock columns, frieze and entablature. Whilst, as alluded to above, the property has been altered substantially throughout time, several of the remaining features are good exemplars of the Regency style and as such, the street frontage building on this site remains important to the overall character of the Donnington Conservation Area (DCA) within which it sits. The rear of the property, however, has been subject to more alteration and removal of original features, with all windows having been replaced with UPVC and a number of subsequent extensions having taken place.

The structure which is the subject of this application is a late C19th industrial / commercial building, which has at various points throughout history has been used for heavy commercial or engineering purposes. The building has some limited aesthetic qualities as a rustic example of reclaimed commercial architecture. However, apart from a notable external radial window which has fallen into major disrepair, the structure is largely unremarkable and is not at all visible from High Street, though the rear elevations of this structure which has been subject to a large number of unsympathetic adjustments and repairs can be seen directly from Barnsdales Mews.

The property is surrounded by buildings of historic or aesthetic interest. All buildings immediately adjacent to the west are similarly locally listed and the Red Cow Hotel to the east as well as 1 High Street across the road to the south are both Grade II listed, making this particularly portion of the DCA extremely important to the overall character of the wider DCA setting.

it is relevant to this application to take note of the substantial new build residential development to the backland plot at the rear of the Red Cow Hotel immediately adjacent to the East.

History

None relevant.

Consultation Responses

Resident Objections

1 objection was received from a local resident, which requested that efforts be made to restrict any impact upon the privacy of neighbouring properties and that no access should be derived from Barnsdales Mews, including during the construction process.

Cllr King - Local Ward Member

Does not wish to object as the site cannot be seen from High Street.

Lincolnshire County Council Historic Environment Officer

No archaeological input required.

SHDC Environmental Protection Officer

The Environmental Protection team requested that the applicant provide a Screening Assessment Form. The applicant provided this document, and in response, the Environmental Protection Team requested that should the application be approved, the standard land contamination condition be applied to the consent. The Officer also indicated that the specific requirements for satisfaction of the above condition may well be less stringent in this particular instance and therefore advises the applicant to contact the SHDC Environmental Protection Team prior to seeking to satisfy the condition, so that they may discuss in detail what information would be needed.

Planning Considerations

Heritage Impact

The Local Planning Authority does not consider there to be any risk presented to the value or significance of any designated or undesignated heritage asset. The partial demolition of the outbuilding to the rear of 6 High Street is not considered to be harmful to any heritage asset due to the limited qualities and value which the structure itself holds.

The setting is used to very similar forms of development, with the new build houses to the rear of the Red Cow Hotel, directly adjacent, and the Barnsdales Mews themselves being partially backland in nature. It, therefore, cannot be argued that such a development would be alien or out of keeping with the general theme of the immediate area. Furthermore, it is pleasing to see that the proposed development seeks to retain original elements of the building and make use of reclaimed materials wherever possible, including in the walls and roof tiling. Moreover, it is proposed that all windows and doors will be either timber or aluminium (both materials appropriate to the Conservation Area) and the details of such shall be confirmed via means of pre-installation conditions should the application be approved.

The only regrettable loss is that of the unusual radial window on the eastern gable elevation. However, as this site is not listed, and the radial window does not form a feature which is visible from any public realm views within the conservation area, the protections under planning policy that it is afforded are extremely limited and do not warrant justification enough upon which to base a recommendation to refuse consent.

Policy 29, Section B of the SELLP states that::

"*Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:*

1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment; ..."

Compared against the above relevant points of Policy 29 Section B; the following is true of the proposed development:

1. The proposal retains existing building groupings owing to the fact that the proposal seeks to partially re-use and replace an existing building, utilising a similar footprint. Groupings, street patterns, building lines and ground surfaces shall not be impacted by this proposal.
2. The application does propose the loss of the interesting radial window. However, this window is

not visible from any public realm views and therefore cannot be said to assist in contributing to the character of the wider conservation area.
3. Due to the removal of the inappropriate alterations and repair works to the rear of the outbuilding, inappropriate features are being removed from the conservation area setting.
4. Massing, scale, form, materials and plot widths are unaffected and totally respected by this proposal. The only adjustment comes in the form of the height of the structure, which is actually being reduced rather than increased, which indicate that the adjustment in height will not be detrimental to the wider character of the area or impact upon other aspects such as residential amenity.

Due to the above, from a conservation perspective, this application can be said to assist in preserving the Historic Environment on the balance of considerations due to the overall neutral impact the Local Planning Authority considers this proposal will have. This is in accordance with both the preamble to Policy 29, Section B of the SELLP and Section 16 of the National Planning Policy Framework.

Residential Amenity

The Local Planning Authority does not consider this application to risk any harm to the residential amenity of any nearby residential property or that of the host property. The proposal seeks, in all aspects to reduce the dimensions of the existing structure, including in height, meaning that this proposal cannot be said to risk the generation of any additional overshadowing risk to any property and instead is likely to reduce the effect of shadow-casting in the immediate setting.

Furthermore, because the proposal seeks to reduce a 2 storey structure to a single storey, with no above ground floor windows, or windows that face any direction other than south, toward the rear elevation of the host property, this application cannot be said to contribute any risk of overlooking to any neighbouring or nearby property.

Parking Provision

The proposal includes the creation of a 2-car garage, and does not reduce the size of the existing driveway and parking provision, therefore, this proposal actually seeks to enhance the available parking provision for the site,
which already features a large, sufficient amount of vehicle storage.

Planning Balance

Whilst the loss of the interesting radial window is regrettable and could potentially be considered to run contrary to Policy 29, Section B, Subsection 2 of the SELLP, it must be noted that the window is not and never has been visible from public realm views within the Conservation Area and therefore, as the proposal building itself is not protected in any way outside of its DCA setting, this feature cannot easily be said to contribute to the wider character of the conservation area. Furthermore, whilst its loss is regrettable, this reason alone (balanced against the other positives considered in the report above, including; removal of inappropriate features at the rear of the site, as well as the proposal's respect for scale, massing, height, form, materials, building lines and groups, street patterns, etc) does not outweigh other considerations sufficiently enough to base upon it a reason to recommend refusal.

Conclusion

For the reasons listed above, the Local Planning Authority considers this application to be in accordance with Policies 1, 2, 3, 29, 36 and Appendix 6 of the SELLP as well as Sections 12 and 16 of the NPPF. Therefore, this application is recommended for approval

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.