

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0955-22 **Applicant:** Mrs E Phillips

Proposal: Works and conversion of barn into annexe and replace roof on adjoining packing shed. Amendments to previously approved H05-0232-19 (re-position gable end window)

Location: 123 Fleet Road Fleet Spalding

Terminal Date: 29th November 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

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	1
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent application is for the repositioning of the North-West elevation 1st floor window to the recently constructed barn/annexe to a lower position, closer to the eaves. This is requested as a result of Building Control requirements for a fire exit to the 1st floor bedroom. As listed Building Consent applications cannot be amended, this application is for the issue of consent for the newly proposed alternative arrangement.

Site Description

123 Fleet Road is a Grade II listed, house from the early C19th with Later C19th alterations. Historic England describes the property like so:

"House. Early C19, mid C19. Red brick. Slate roof with wooden eaves and 2 gable stacks. 2 storeys, 3 bay front with central semi-circular headed doorway with stone lintel with dropped keystone and imposts, fanlight and panelled door. Doorway flanked by single plain sashes with segmental heads. 3 plain sashes above, that over the door with a segmental head, those flanking with cambered heads."

The site also features a number of outbuildings, both historic and more modern. The property is set outside of the Fleet Hargate Conservation area, and the wider character of the area is of residential, ribbon development approaching the main body of Fleet Hargate village.

History

H05-0601-15

Erection of block of three stables and change of land use to equestrian. Approved on 07-09-15

H05-0231-19

Works and conversion of barn into annexe and replace roof on adjoining packing shed. Approved on 29-04-19.

H05-0232-19

Erection of block of three stables and change of land use to equestrian. Approved on 07-09-15

H05-0745-21

Details of means of surface water disposal, bricks, mortar mix, one metre square brick panel, roof tiles and window frames (Conditions 3, 4, 5, 6, 7 & 8 of H05-0231-19). Approved on 31-03-22.

H05-0746-21

Details of bricks, mortar mix, one metre freestanding brickwork panel, roof tiles and window frames (Conditions 3, 4, 5, 6 & 7 of H05-0232-19). Approved on 31-03-22

H05-0269-22

Works & conversion of barn into annexe & replace roof on adjoining packing shed - approved under H05-0231-19. Reposition of gable window to a lower level. Approved on 27-10-22.

Consultation Responses

None received.

Planning Considerations

Heritage Impact

The Local Planning Authority does not consider this application to represent a risk to the value or significance of the heritage asset. The repositioning of the window in the approved barn annexe does not include the alteration of the window in either design or materials, only precise location. Shifting the window down and towards the east slightly will not represent a material alteration of the character of the site or the overall design of the development as was approved. Therefore, due to the lack of an impact, this proposal is considered to help to conserve the historic environment in accordance with S16 of the NPPF (2021).

Residential Amenity

The Local Planning Authority does not consider there to be any risk to residential amenity presented

by this application. The proposal does not include any dimensional alterations of the property and the window that is the subject of this application does not face toward any nearby neighbours, instead, only looking toward the end of the host property's garden.

Conclusion

For the reasons listed above, this 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 (2021). 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.