

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0103-23 **Applicant:** Mr A Salih & Mr J Jalil
Proposal: External Metal Staircase - retrospective
Location: First Floor Flat 57a High Street Holbeach
Terminal Date: 6th July 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2021

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	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Proposal is for a metal staircase and white UPVC door to the rear of 57 High Street Holbeach. Several minor internal alterations have also been made, but as the building is not listed, these are not the concern of the planning department. This application is made retrospectively.

Site Description

The site is within the settlement boundaries of Holbeach, outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP). The wider area is commercial in nature, with the shop frontage being listed as Primary Shop Frontage within the SELLP. The site is within the Town Centre and Conservation Area boundaries outlined in the SELLP.

The site of development is to the rear of 57 High Street. The unit is accessed via a passage to the side of the property. The building itself is typical of the area, being constructed of red brick, with white painted timber windows. All works are to the rear of the property and are not visible from the street.

Relevant History

H09-1428-07 - Full. Proposed change of use from first floor storage area to a two-bed apartment. Approved 06/11/07.

Consultation Responses

SHDC Conservation and Heritage Officer

"I wish to raise no objection to this proposal on Conservation grounds. Whilst a utilitarian metal staircase would normally be considered to be totally inappropriate to a Conservation Area setting, in this specific instance, the proposal area is shielded from public view and therefore will not have any material negative impact upon the wider Conservation Area setting. Therefore, the case officer should continue to consider the application in accordance with Policy 29 of the SELLP and Section 16 of the NPPF in addition to all other relevant planning policy and guidance considerations"

Planning Considerations

Design and Heritage Impact

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 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. Policy 29 of the SELLP relates to the Conservation Area and ensures that any development preserves or enhances the locale.

The works have been conducted entirely to the rear of the property, as such the impact upon the street scene is limited. Furthermore, there is a boundary wall in place to further obscure the impacts of the staircase.

The construction of a metal staircase and UPVC door would ordinarily be unacceptable within the Conservation Area. However, as both are to the rear of the property, and largely obscured from view by the adjacent wall, the harm to the character of the area is negligible. This view was reiterated by the Conservation Officer. The use of a muted black paint further ensure that the development is accommodated within the built environment.

The proposal therefore conforms to Policy 2 and 29 of the SELLP in terms of design and heritage impact.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The amenity impact arising from the development are limited. There has been no additional overshadowing as a result of the development. It is likely the stairs would lead to an increase in foot traffic on the site, with residents accessing the site solely through these stairs and potentially spending some limited time here. However, it is considered that the noise impacts and the potential

for overlooking arising from this are negligible.

As such the proposal conforms to Policies 2, 3, and 30 of the SELLP in amenity terms.

Planning Balance

The SHDC Conservation Officer has raised no objection to the proposal, stating that due to the location of the proposal, the proposal has not materially harmed that setting. The staircase and door are further screened by the adjacent wall, further limiting their aesthetic impacts.

The impact upon neighbouring amenity is limited and considered negligible.

The planning balance is in favour of the proposal.

Conclusion

The recommendation is for delegated 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.