DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0244-24**	**Applicant:**	**Mr & Mrs S Tiller**
Proposal:	Replacement of roof covering with slate, repointing of external walls and repairs to existing timber windows		
Location:	1 Chancery Lane Holbeach Spalding		
Terminal Date:	28th May 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)

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 replacement of the existing concrete roof tiles with natural slate equivalents, the repointing of the brickwork throughout with hydraulic lime, replacing the sand and cement mixture that has been patched in historically, and also the in situ repair of the existing windows.

Site Description

1 Chancery Lane is a semi detached cottage, forming a half of a grade II listed block, also including number 3 Chancery Lane.

Historic England describes the property like so:

"2 cottages. 1854, C20. Red brick. Hipped concrete tiled roof with 2 lateral stacks. 2 storeys, 4 bay front with corner pilaster strips. Central 2 bays project slightly and are topped with pediment containing moulded oval plaque inscribed: 'JST 1854'. Central pair of semi-circular headed doorways with moulded imposts and keystones; No.1 to the left with a C20 glazed door' No.3 to the right with door with recessed panels; and both with fanlights with radiating spokes. Beyond to the left is a single plain sash. Beyond to the right is a single glazing bar sash. Above to the left are 2 plain sashes. Above to the right are 2 glazing bar sashes."

History

H09-0819-98

Replace existing front door. Approved on 24-09-98

H09-0844-01

Proposed new vehicular access and driveway. NON-DETERMINATION issued 20-07-01

H09-0508-02

Demolition of brickwork wall and handgate to create new vehicular access and rebuild wall to be symmetrical with adjacent property. Repaint front door and remaining handgate. Approved on 05-07-02

Consultation Responses

Holbeach Parish Council

No comment

Evaluation

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, NPPF are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Local Planning Authorities are also required to be mindful of their duty in determining matters in respect of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to:

- have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 16).

The objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Beyond this, where harm would be caused, there is a necessity to establish the extent of that harm, and consider this within the policy context.

Planning Considerations

The key planning considerations in this case are, but are not limited to:

- Heritage Impact
- Impact upon residential amenity

Heritage Impact

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.

Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (December 2023) (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2023) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Finally, Policy 29 of the South East Lincolnshire Local Plan (2019) (SELLP) confirms that in order to respect South Holland's historical legacy all proposals shall conserve and enhance the character and appearance of designated heritage assets. Additionally, Section A of that policy confirms that proposals that affect the setting of a Listed Building will only be supported where they preserve or better reveal the significance of the Listed Building, and that proposals that seek to alter a listed building shall be granted where the LPA is satisfied that the proposal is in the interest of the building's preservation and does not involve alterations that are prejudicial to the special architectural or historic interest of the Listed Building or its setting.

In this instance, the proposals to replace the roof covering, repoint using hydraulic lime and to repair the windows are all considered to not present any harm to the significance of the heritage asset at all, instead representing substantial enhancements. Of particular value is the proposal to replace the roof covering which is currently comprised of C20th concrete tiles which are not only visually inappropriate and not matching when compared to the natural slate roof of the adjoining 3 Chancery Lane, but also structurally inappropriate, as they will be substantially heavier than natural slate equivalents and therefore far heavier a load than the historic property would have originally been engineered to bear. The slate replacements would visually match the historic slates already in use on single storey elements of the the adjacent property. Both properties utilise the same concrete slates on their main, shared roof, and a resident objector has raised concern over the fact that there will be a visual discrepancy created in permitting the development. However, concrete tiles are considered inappropriate, and the properties are in separate ownership, meaning that the partial replacement with more appropriate materials is better than the extant situation, and may encourage the owner of the neighbouring property to follow suit.

The proposed repointing replaces cementitious material with period and structurally appropriate hydraulic lime, and the proposed window replacements are appreciated, with the condition of the existing windows being visually poor and obviously in need of attention - the like-for-like repairs which seek to retain and repair the historic frames is far more appropriate than wholesale replacement.

As a result, the Local Planning Authority considers the proposal to actually enhance the historic environment by restoring the historic roof covering and mortars from their modern alternatives. Additionally, the proposal seeks to improve the condition and therefore appearance of the existing windows. As such, the proposal passes all of the tests laid forth by Section 16 of the NPPF and Policy 29(a) of the SELLP.

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.

In this instance, the application seeks no additional window or door openings and does not seek any dimensional alterations to the building. Therefore, the application does not present any enhanced material risk of overlooking or overshadowing.

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 (December 2023), and Policies 2 and 3 of the Local Plan.

Planning Balance

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

The proposal can be considered to be in the interests of the preservation of the asset in a manner which is not prejudicial to the special architectural and historic interest of the Listed Building and the wider setting. Therefore, the proposal satisfies Policy 29 of the SELLP, in addition to Section 16 of the NPPF.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, and 29 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (December 2023).

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.