

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 09 October 2019

(Author: Greg Watkinson - Planning Conservation Officer)

Purpose: To consider Planning Application H09-0403-19

Application Number: H09-0403-19

Date Received: 12 April 2019

Application Type: FULL

Description: Proposed alterations to two flats

Location: 15B High Street and 15C High Street Holbeach Spalding

Applicant: Mr M Francis

Agent: Status Design

Ward: Holbeach Town

Ward Councillors: Cllr F Biggadike
Cllr T Carter
Cllr G T D Rudkin

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H09-0403-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 The application is presented to Planning Committee as there are design issues that warrant Committee consideration.

2.0 PROPOSAL

- 2.1 Planning permission is sought for the retention of alterations. Work has commenced (and been completed) on site. The work includes the insertion of UPVC doors and windows, and the construction of a metal external staircase to first floor flats at a property on High Street, Holbeach, the property is 15B High Street and 15C High Street. There are no proposed internal alterations and the application proposes no subdivision.
- 2.2 The proposals are now amended to include a privacy screen.

3.0 SITE DESCRIPTION

- 3.1 The site is located in the centre of Holbeach and is within the Conservation Area. A mixture of commercial and residential are located to all sides. The site is presently accessed via High Street and also a private roadway (Thomas de Moulton Way) at the rear off Park Road.
- 3.2 The property itself is a small 19th Century terraced backland property, split into two residential flats. It has undergone significant changes to the original brickwork with roughly the upper 1/4 of the property having had its brickwork completely replaced with relatively modern materials. As mentioned, the property is only accessible via a pathway from High Street, and a private roadway, Thomas de Moulton Way, as such, the site is incredibly secluded and sits, completely

encircled by other properties, in a courtyard-like area to the rear of 35 High Street.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

4.2 South East Lincolnshire Local Plan, March 2019

Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 29 - The Historic Environment
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards.

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), 2019

Sections 2, 3, 4, 5, 6, 7, 8, 9, 12, 14 and 16

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 None Relevant.

6.0 REPRESENTATIONS

6.1 Local Resident

6.2 No objections, but suggests that a render be used in the future to mask the appearance of the mismatched brickwork, and requests that the applicant consider a timber privacy screen rather than a galvanised one.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Character/Appearance/Heritage

7.3 The main external alterations include UPVC windows and doors at the rear first floor and an exposed metal external staircase.

7.4 These materials would not normally be appropriate in a Conservation Area but this site is entirely enclosed by existing buildings and cannot be seen from the public domain.

7.5 There is no material impact in real, publicly appreciable terms, on the Holbeach Conservation Area, therefore, it causes no harm to the heritage asset, instead bringing an existing property up to 'spec', of which the visual impact is negligible or non-existent.

Amenity

- 7.6 Upon visiting the site the Case Officer had concerns regarding the potential overlooking of the private yard area of the neighbouring property from the stairs and the balcony area outside the flat doors which could become a 'viewing platform' as people stood outside to smoke or socialise.
- 7.7 The external staircase affords sweeping views across the private yard at the rear of the neighbouring property.
- 7.8 There are windows to neighbouring properties which also give overlooking of this yard but the staircase is immediately adjacent and in very close proximity and allows overlooking of the whole yard and rear elevation of the neighbouring property as shown in the officer site photos.
- 7.9 The Agent was asked to prepare protection through a privacy screen and it was suggested that a 'louvered' design would work well and give privacy while being more aesthetically pleasing but the Agent does not consider this would work and has submitted an amended plan showing that a 1.7m high screen would be installed.
- 7.10 Vehicle Parking
- 7.11 The proposals do not include any change to the parking provisions of the properties in question.
- 7.12 **Conclusion**
- 7.13 The proposal would not materially harm the character/appearance or setting of setting of Holbeach Conservation Area and is not easily seen from the public realm as the site is entirely enclosed.
- 7.14 There is significant overlooking of the private yard of the neighbouring property, this can be addressed through the installation of a privacy screen which can be secured by condition.
- 7.15 With the appropriate condition to protect the amenity of neighbours the proposals are acceptable.
- 7.16 **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.

8.0 RECOMMENDATIONS

8.1 Grant planning permission subject to conditions as set out in Section 9.0 of this report.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

SD18-067/1C - Amendment 1
Site Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Within three months of the date of this permission the external staircase and walkway/balcony area shall be enclosed with a privacy screen in accordance with a scheme which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no unacceptable overlooking to nearby residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

3. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report: Appendix A - Plan A

MapThat Scale Print Title

