

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0701-23 **Applicant:** Mr T Penny

Proposal: Proposed conversion of barn into residential dwelling - approved under H09-1004-22. Modification of Condition 2 to allow amendments to previously approved plans and Condition 6 to amend aluminium flush casements in lieu of timber

Location: Rear Of 58 Spalding Road Holbeach Spalding

Terminal Date: 12th October 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	1	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning application was granted in March 2023 for a change of use of an existing barn into a 3-bed dwelling (ref. H09-1004-22). This application is to amend the scheme, including the following:

- Enlargement/alterations of rear single store lean-to to include an additional study and garden room, including roof lights and black timber cladding finish.
- Revised fenestration, including additional windows at the front and rear and use of aluminium flush casements (Anthracite Grey) in lieu of timber.
- Inclusion of flue on eastern elevation to serve a stove/log burner.
- Inclusion of en-suite within bedroom 1.

It should be noted that although the plans include a "block paved drop off area in front of the garage" no garage is included within the current proposal.

Site Description

The building (early 20th Century) is a former granary/stable block located at the rear of no. 58 Spalding Road, Holbeach. It is constructed in red brickwork with a slate roof.

Houses are situated to the southeast (no. 56) and south-west (no. 60) fronting Spalding Road. A converted barn is located to the west (no. 60a). Bungalows are situated to the north (nos. 4, 6 and 8 Fairfields).

History

H09-1004-22 - Full - Proposed conversion of barn into residential dwelling - Approved 14 March 2023.

Consultation Responses

Holbeach Parish Council

No objections.

Cllr N J Chapman

Supported. Having taken a look at the current windows, and researched aluminium windows, I believe they are able to replicate the originals quite well so would be in keeping with the house.

Lincolnshire County Council Lead Local Highways and Flood Authority

No objections.

South Holland Internal Drainage Board

No comments.

Environmental Protection

No comments.

Public

Objections/comments received (summarised)

- Window frame finish needs to be in keeping with the existing building and surrounding area.

Planning Considerations

The principle of a change of use of the existing barn into a dwelling has already been established by virtue of planning permission ref. H09-1004-22. This application is solely to amend the scheme as indicated earlier in the report. The main issue therefore is the impact upon the character/appearance of the building/locality and also the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise/disturbance, etc.

Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

The relevant development plan in this case is the South East Lincolnshire Local Plan (SELLP), 2019.

Evaluation

Character/Appearance and Heritage Impact

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2023. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

Policy 2 of the SELLP also states that sustainable development considerations should be met in relation to such matters as impact on the character and appearance of an area and historical buildings and heritage assets. Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets.

The proposal is a means of retaining an existing early 20th Century building on site and bringing it back into active use. It is a non-designated heritage asset of historic interest, with few periodic alterations. It would be sympathetically converted. The additional window on the front elevation gives a sense of balance and the rear lean-to is acceptable in terms of scale, design and external materials. Whilst timber windows would be more historically accurate aluminium flush casement windows with an anthracite grey finish would be acceptable, more so than uPVC windows such as within the barn conversion to the west and other period properties within the general vicinity. The proposal would not materially harm the historic character or appearance of the building or general locality.

Taking the above into account, it is concluded that the proposal satisfactorily accords with Policies

2, 3 and 29 of the Local Plan.

Amenity

Policies 2 and 3 of SELLP set out that residential amenity and the relationship to existing development and land uses are main considerations when making planning decisions. Paragraph 130 of the National Planning Policy Framework (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.

Houses are situated to the south-east (no. 56) and south-west (no. 60) fronting Spalding Road. A converted barn is located to the west (no. 60a). Bungalows are situated to the north (nos. 4, 6 and 8 Fairfields). Fencing is located along the rear and eastern boundaries and a combination of hedging and fencing along the western.

The only first floor windows on the rear elevation facing 4, 6 and 8 Fairfields are associated with a bathroom and landing and would be obscure glazed (at least level 3) with top opening lights only. The proposed roof lights serving the rear extension are high level. Side gables facing east and west are both blank at first floor level. First floor windows face south but are a satisfactory distance (approximately 7 metres) from the rear garden of no. 58. Overlooking of nos 56, 60 and 60a would be oblique and/or at a satisfactory distance. Neighbours would be adequately protected from ground floor windows due to existing boundary fencing/hedging.

It is accepted that use of the building as an independent dwelling would cause some noise and disturbance to neighbouring residents, including the coming and going of vehicles along the driveway. However, the extent is not such as to justify refusal and outweigh factors in favour of the scheme, including bringing a non-designated heritage asset back into active use.

In terms of amenity space, an area to the rear is available for use as garden and also for the storage of refuse, etc. No. 58 itself would be left with satisfactory rear garden (depth some 7 metres). It is noted that the scheme now includes a flue serving a stove/log burner. Its height appears to be at least 4.5m above the stove outlet in accordance with the relevant regulations. That said, details of the flue are controlled under the Building Regulations.

Maintenance issues concerning boundary fencing fall outside the remit of planning and are a civil matter.

Concluding, the scheme has been assessed and it is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Planning Balance

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

The principle of a barn conversion has already been established by virtue of the previous permission. The amended proposal does not materially harm the character or appearance of the building or locality, or amenity of nearby residents. It conforms with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, 2023 when viewed as a whole.

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.

Conclusion

The proposal is considered to comply with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2023. There are no significant factors in this case that indicate against the proposal and outweigh considerations in favour of the proposal and the policies referred to above.

Recommendation

That the application be approved under delegated power, subject to conditions.