

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0546-22 **Applicant:** Mr K Bunn
Proposal: Change of roof materials - retrospective
Location: 32 West Street Long Sutton Spalding
Terminal Date: 26th August 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	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the retrospective changing of roof materials from slate to fibre cement mock slate.

Whilst such a proposal would normally qualify as permitted development, the host property is the subject of an Article 4 direction which requires, amongst other things, consent to be sought and granted for works to any roof surface which fronts onto any highway, waterway or public open space.

Site Description

32 West Street is a mid-terrace, Victorian property. The terrace itself could be considered an exemplar of its type, it is itself considered a 'building of local heritage' (locally listed) and is generally in a reasonably authentic and well-preserved condition barring instances of lapsed maintenance. The whole terrace is subject to an Article 4 direction which was imposed on 16 April 1999.

The site is within the conservation area for Long Sutton (LSCA). The immediate surrounding area is characterised largely by C19th residential and commercial development as well as the grade II listed Conservative Club to the west and National Westminster Bank and Brenchley House to the east in addition to the Grade I listed Church of St Mary which is distant, but visible from site looking eastward. The site is also surrounded by a multitude of other Locally Listed 'buildings of local heritage' including the prominent Baptist church as well as 27 and 29 West Street, both opposite the road to the application site.

It is therefore reasonable to say that this is a portion of the conservation area which is both sensitive and dense with sites of aesthetic and historic value.

History

None

Consultation Responses

Lincolnshire County Council Historic Environment Officer

No Archaeological Input required.

Planning Considerations

Heritage and Visual Impact

32 West St is subject to an article 4 direction and is situated within the conservation area for Long Sutton. The Article 4 direction specifically restricts development to particular buildings within the conservation area, in the interest of preservation of the Conservation Area. Therefore, great weight of consideration must be given to material and aesthetic considerations relating to proposed developments specifically exempted from permitted development by the Article 4 direction. In this instance, the applicant has changed the roofing materials. The article 4 direction specifically restricts alterations to roofs of specified properties in conservation areas upon elevations which front to a highway, waterway or public open space. The front roof slope faces the highway, and the rear faces an area of parkland.

As mentioned, this property is specifically protected via an article 4, therefore any development must be strictly adherent to what is acceptable under policy. Policy 29, Section B, Paragraph 4 states that developments which affect the Conservation Area should *"Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment"*. The fibre-cement mock-slate tiles which the applicant has installed fail to preserve local distinctiveness in terms of material, as fibre-cement is not a material which is considered to be a part of the local vernacular. Therefore, the completed works have a harmful impact upon both the Non-designated heritage asset (the terrace subject to the article 4 direction) and the Conservation Area. Whilst it is accepted that the tiles are new and therefore will naturally have a distinct appearance at this stage compared to the weathered natural slate equivalents adjacent, the fibre-cement tiles will weather in a completely different manner and at a different pace, exacerbating a roof surface which looks at odds with adjacent properties and the surrounding area.

For the above reasons, this application cannot be said to comply with Policy 29 of the South East Lincolnshire Local Plan (2019) and it cannot be considered to assist in either conserving or enhancing the historic environment in accordance with Section 16 of the National Planning Policy Framework (2021).

Conclusion

For the reasons outlined above, this application fails to accord with Policy 29 of the South East Lincolnshire Local Plan (2019) or Section 16 of the National Planning Policy Framework (2021). Therefore, it is recommended that this application be refused.

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.