DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0639-20**	**Applicant:**	**Mr V Mollinger**
Proposal:	Partial demolition of wall with replacement fence		
Location:	Manor House 1 Bell Lane Moulton		
Terminal Date:	21st October 2020		

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 2019

Sections 12 and 16 of the National Planning Policy Framework (2019)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This listed building consent application is for the partial demolition of a garden wall at 1 Bell Lane, Moulton to be replaced with a timber fence. The timber fence would be of a standard timber boarding style, however, it will be posted by the two extant brick pillars of the original wall, which can be saved and are to be retained. The wall which is to be replaced has partially collapsed and the remainder is in a poor, unstable condition due to the root area of the adjacent protected tree.

Site Description

1 Bell Lane is a Grade II listed Manor House dated early C19th. The Historic England Listing describes the building as follows;

"House. Early C19. Red brick. Slate roof with wooden eaves and gable stacks. 2 storeys, 3 bay front with central doorway with semi-circular head, ornate fanlight and partially glazed panelled door. Doorway flanked by single 3 light plain sashes. 2 similar windows above flank a narrower 3 light plain sash. All the windows with flush wedge lintels"

The property is in a prominent position within the Moulton Conservation Area (MCA) being just off the historic centre of the village and flanked by the highly important and characterful grade I listed Church of All Saints, the boundary of which will be effected by this proposal as the alterations would be visible from the public graveyard of the church.

The proposal site is also within visual proximity to several other listed buildings within the Moulton Village Centre Area.

History

H13-0003-20

Works to Moulton Tree Preservation Order No 7 1986. Approved on 02-03-20

H13-0419-20

Re-build boundary wall to front of dwelling. Withdrawn.

Consultation Responses

None received.

Planning Considerations

Heritage Impact

Whilst the Local Planning Authority does regret the loss of historic and listed material, it is deemed that in these particular circumstances, this proposal does not represent a harmful effect upon the nature of the wider listed structure or that of any adjacent listed structure or the MCA at large. The wall which this proposed fence seeks to replace is original to the property and is part of the listing, and does hold some limited value as a fairly handsome, but standard example of an early C19th garden wall. However, ultimately the structure has now come into conflict with the protected Norway Maple tree. Following consultation with the Building Control Team, they have concluded that it would not likely be possible to reconstruct the wall in a way which would prevent it from becoming unstable within just a few years of construction due to the root area and ground moisture.

Therefore, the primary objective from a conservation standpoint becomes the preservation of a boundary treatment at the location in a way which can feasibly remain in place long-term and will preserve as much of the character of the site as possible. In this instance the applicant has committed to preserving the two original brick pillars which will serve as posts for the replacement fence. The boundary between the church and the proposal site already features a similar, although significantly older and in poorer condition, timber fence and so such a proposal could not be argued to be alien or out of place to the listing site.

Due to the above reasons, and the fact that what remains of the existing wall is in an incredibly poor and irrecoverable condition, it is felt that replacing with a timber fence, making use of antique, extant pillars will be helpful towards conserving the historic environment.

Conclusion

For the reasons listed above, this application is found 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 (2019). Therefore, this application is recommended for 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.