

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0930-19 **Applicant:** Mr J Barnett

Proposal: New Dwelling - approved under H13-1021-17. Modification of Condition 2 to allow amendments to previously approved plans

Location: Site At Rear Of 10 High Street Moulton Spalding

Terminal Date: 22nd November 2019

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

Section 12 - Achieving well designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The proposal is for modification of condition 2 (Determined Plans Condition) that was applied to the approval of application H13-1021-17.

The proposed alterations to the original plans are as follows; Firstly, it is proposed that the contemporary, glass-sided front door proposed in the original plans be changed to a more traditional in appearance stable-style door.

The mock-'Hayloft' style shutter window proposed in the original plans on the rear elevation to be removed.

The 2 large floor to ceiling windows on the side elevation of the proposed utility room to be replaced with a bi-fold door, whilst retaining the overhead oak beam.

Site Description

The site sits within the historic and characterful centre of Moulton, is within close proximity to the distinctive village green and was formerly part of the curtilage of the Grade ii listed 10 High Street. Additionally, the site is flanked immediately to the North, South and East by Grade II listed properties and is in close proximity to the Grade i listed All Saints Church, with the site being almost directly across the road from the churchyard

The immediate area surrounding the site is generally characterised by residential properties with the exception of the Church. The residential properties in the area are from a wide range of historic architectural styles, ranging from Georgian to late C20th.

History

H13-1021-19

New Dwelling. APPROVED on 22/01/18

H13-1022-19

New Dwelling. APPROVED on 22/01/18

Consultation Responses

None received

Planning Considerations

Heritage Impact

It is not considered that the proposed amendment to condition 2 of H13-1021-19 will present any risk to the character of the conservation area or the significance of any nearby listed buildings. The newly proposed front door is arguable more appropriate to the character of the area and the same applies to the newly proposed bi-fold doors on the utility room, as the bi-fold doors will hold a more 'traditional' appearance than the approved large glazing panels. The loss of the mock 'hayloft' window on the 1st floor of the rear elevation is regrettable as it did appear to 'break up' what is admittedly a rather blank elevation, however, I do not believe its loss will be of any great harm to the overall design of the building or the visual qualities of the conservation area, especially as the rear elevation will not at all be visible from the public realm.

For the reasons listed above, it is found that the proposals both CONSERVE and ENHANCE the nearby historic environment, as is required by Section 16 of the National Planning Policy Framework (2019)

Design and Layout

The local planning authority seeks no amendment to the Design or Layout of the proposals. This is because the modification of this condition in the proposed manner will improve the building's sympathy with its historic environment. No changes are proposed to the layout of the approved plans.

Residential Amenity

The proposed modification of condition 2 will not cause any negative amendment to the residential amenity of any nearby properties. In fact, the removal of the rear, 1st floor window will now completely remove any risk of overlooking the gardens of the residential property immediately to the West.

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) and 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.