DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0098-23**	**Applicant:**	**Mr & Mrs A Lord**
Proposal:	Replacement Windows - re-submission of H16-1048-22		
Location:	Holland Villas 10 & 11 High Street Spalding		
Terminal Date:	30th March 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
01	Spatial Strategy
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving Well Designed Places
Section 16 - Conserving and Enhancing the Historic Environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SHDC INTERNAL	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal is for the replacement of windows at Holland Villas. The UPVC windows on the second floor of number 11 will be retained. All other windows and doors will be replaced with white UPVC frames and will be double glazed.

On the principal elevation, these will be purpose made double hung UPVC frames designed to replicate the existing timber windows. The semi-circular window on the north-east elevation will also be replaced with UPVC designed to mimic timber. All other windows will be replaced with white

UPVC casement windows.

This application is a resubmission of H16-1048-22. This previous scheme saw the principal elevation's windows replaced with timber frames. The proposed alterations to the rear windows are consistent.

Site Description

The property, constructed in 1893, is located along Spalding High Street, roughly 100m north-east of High Bridge. It is adjacent to two Grade II listed buildings but is not itself listed. The dwelling lies on the eastern edge of the Spalding Conservation Area.

The rear windows are not visible from any highway, only being seen from the neighbouring nursery. The principal elevation fronts Spalding High Street and is a prominent feature of the area.

History

H16-1048-22 - Full. Replacement windows. Approved 16-12-22.

Consultation Responses

SHDC Conservation Officer

"I object to this proposal to replace all existing timber windows with UPVC upon conservation grounds. A previous proposal at this site which sought the replacement only of rear windows with UPVC was supported. However, this was only due to the fact that the minimal risk of impact upon publicly accessible views indicated no harm would be inflicted upon the character of the Spalding Conservation Area (SCA) in which the proposal site is set. This proposal, instead, proposes the replacement of all windows, including the prominent windows upon the frontage elevation which would be readily visible from the public realm.

Whilst it is accepted that UPVC windows are already present on-site, including on the front elevation at the top floor level, Policy 29, Section B of the SELLP sets out that "proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting". Furthermore, Section B, Subsection 4 states that proposals in conservation areas should "Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment". Because of this, the existence of UPVC on the site, cannot be used to justify the further loss of locally distinctive and traditional materials in a manner which would substantially alter the appreciation of this portion of the SCA from the public realm.

With the above in mind, the removal of traditional, horned timber windows for replacement with modern UPVC on a publicly visible elevation of a historic building within a prominent section of the SCA would be a clear failure to ensure that the proposal preserves, enhances, or reinforces the character of the SCA, and would lead to the loss of a feature which contributes to the local distinctiveness of the SCA. All of the above would, therefore, suggest that the proposal does not comply with Policy 29 of the SELLP."

Planning Considerations

Heritage

Section 16 of the National Planning Policy Framework involves "conserving and enhancing the historic environment". As the dwelling is within a conservation area, the proposal must adhere to the guidance set out in this section. The proposal must also adhere to Policy 29 of the South-East Lincolnshire Local Plan, 2019 (SELLP).

The site occupies a prominent position within the street scene and the conservation area. Therefore, the impacts of any works will be greatly felt by the surrounding area. The loss of traditional timber will weaken the integrity of the conservation area, and therefore, the proposal directly conflicts with Policy 29 of the SELLP. This policy states that works within the conservation area will preserve or enhance the locale; the submitted scheme does neither, actively damaging the appearance of the area. The same policy goes on to state that where possible traditional materials must be retained and reinforced. Naturally, removing the timber here directly conflicts this section of

policy.

As the UPVC to the rear of the property is not visible, the impact arising from their installation is minimal. Therefore, the UPVC to the rear is acceptable.

The proposal fails to achieve the aims of Policy 29 of the SELLP by removing traditional materials from the conservation area, which in turn, damages the integrity of the area.

Residential amenity

The works would not involve the creation of any new windows or the alteration to the dimensions of any window. Therefore, the proposed works would create no additional overlooking or overshadowing.

Planning balance

The South Holland District Conservation Officer has stated their objections to the proposal. They have argued that the proposal directly conflicts with Policy 29 of the SELLP and Sections 12 and 16 of the National Planning Policy Framework. They stated that the loss of traditional materials in such a prominent area is simply unacceptable.

Therefore, the planning balance is against the proposal as it directly contradicts the duty to enhance or preserve the conservation area.

Conclusion

For the reasons listed above, this application is found to conflict with Policies 1, 2, 3, and 29 of the SELLP as well as Sections 12 and 16 of the National Planning Policy Framework (2021). Therefore, this application is recommended for refusal.

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.