DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0318-21**	**Applicant:**	**BSBA Properties**
Proposal:	Refurbishment of property to include rebuilding of south east gable, provision of rooflights and dormer to north east elevation and extension to porch		
Location:	35a London Road Spalding		
Terminal Date:	3rd August 2021		

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 (2021).

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SPALDING & DISTRICT CIVIC SOCIETY	1	0	0	0
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This full planning application is for the refurbishment of 35A which includes the demolition and rebuilding of the South-eastern elevation as well as the addition of a dormer window on the North-eastern elevation of the roof pitch.

Site Description

The proposal site is one of a block of 2 small residential dwellings converted from a structure which appears to have at some point been an outbuilding to 35 London Road. The proposal site is configured as a fairly standard semi-detached chalet bungalow with the only windows on the 1st floor being at the existing south-eastern gable.

The principle elevation of the property is perpendicular to the road and features two UPVC bay windows at ground floor level, between which is a feature pedimented doorway/porch. The South-eastern gable wall of the property is unusual in that it features some art-deco imitation/inspired timber cladding within the gable - possibly pre-war in nature. However, this timberwork is significantly deteriorated and looks, to an extent at odds with the overall style of the site.

Access to the property is gained via either of two ways - a small pedestrian gate leading directly into the front yard from London Road, or the shared vehicular access derived from London Road to the North, which is enjoyed between 35, 35a and 35b, with a gate leading from this shared drive/parking area into the fenced-off front yard to 35a. The front yard is the only amenity space which this property enjoys.

The plot sits in a prominent location within the highly characterful riverfront portion of the Spalding Conservation Area. The immediate area surrounding the property can be characterised by residential properties, mostly ranging from Georgian, Victorian, Edwardian and early C20th designs, unlike most areas of the Conservation Area, this portion is almost uniquely unaffected by obvious modern development.

History

None relevant

Consultation Responses

Public

One member of the public, who is not a local resident left a comment on this application. This resident requested that the planning authority require the applicant to install swift bricks as part of conditions to any approval. The commenter cites section 40 of the NERC Act of 2006, as well as the NPPF, which both state that planning authorities should incorporate opportunities to improve/conserve biodiversity where possible . Furthermore, the commenter includes a quote from DEFRA which claims that planning authorities should encourage the use of swift bricks where possible within developments and also cites policy 28 of the SELLP (2019) which mentions the need to preserve the provision for nesting bird - particularly swifts'- habitats.

Spalding and District Civic Society

Building appears to be locally listed or listed, objects to the loss of the decorative woodwork on the front gable.

Planning Considerations

Local Resident's comments

The requirement to take opportunities to enhance biodiversity, particularly through the proliferation of tools such as swift bricks is noted, however, as this proposal is a repair/alteration to an existing property, it would be inappropriate to require the applicant to go to this additional cost and to alter the brick pattern of a pre-existing property. Paragraph 5.2.14 of the South East Lincolnshire Local Plan (2019) supports the need for swift bricks, but primarily in new developments, rather than proposals relating to alterations to the pre-existing built form.

Concerns of the Civic Society

There has been a longstanding misconception that this site is in some form or another listed, this has been amplified by an error on the Council's mapping system which showed the property as listed to a grade II level - this error has now been corrected.

The Local Planning Authority has contacted the regional offices of Historic England and confirmed that this site is not listed. It is likely that this confusion is derived from the adjacent, listed 36 London Road, which was demolished during the 1980s following the granting of planning and Listed Building Consent to do so and was replaced by a modern residential property.

Heritage Impact

The Local Planning Authority has no concerns with the proposed development in terms of risk to the character or value of the Historic Environment. The property, contrary to some belief is not listed nor locally listed, however, it does sit in a prominent position within the conservation area. The local planning authority is satisfied that all of the proposed works will not present any detrimental impact to the value of the conservation area. Whilst it is perhaps somewhat regrettable that the extant timber sunburst style 'artwork' in the gable would be lost in the process, this 'artwork' is not original and upon close inspection is rather crudely assembled and in a poor condition itself. It is likely that this 'artwork' was installed to hide damage to the timber beneath. Establishing this gable as a solid, maintained wall will rid the site of the now-unsightly timber gable which is extensively and visually damaged,
creating an eyesore. Whilst the proposed new windows are of a UPVC construction, it would be inappropriate to require this be altered as UPVC is already the dominant form on this site, including on the principle elevation.

The proposed dormer window would match in style to 35B, and the proposed rooflights are of a flush style that should not impact upon the visual qualities of the site in any major way that would have a knock-on effect upon the Conservation Area.

By 'tidying up' an unsightly element of the Conservation Area, but simultaneously removing what could potentially be considered to be a minor character feature, on balance, it is determined that this application would have a neutral impact upon the Conservation Area and thus would help to conserve the historic environment in accordance with Section 16 of the National Planning Policy Framework (2021).

Residential Amenity

The Local Planning Authority does not consider there to be any risk presented to residential amenity in the form of overshadowing or overlooking. There is no proposed increases to any maximum roof heights, negating any potential for additional overshadowing, and the only proposed new above-ground-floor windows would face exclusively to the North East, over the communal, shared driveway, which is already overlooked by a significant number of windows in surrounding properties. Additionally, this space is not to be considered a private amenity space, owing to its shared nature.

Planning Balance

Whilst the loss of the timber 'artwork' on the gable wall could be considered regrettable, this 'artwork' is in an extremely poor condition and is does not hold enough value or significance as a crudely assembled feature to warrant requiring the applicant to go to the additional cost and effort of recreating it in situ. Additionally, by removing it alongside the remainder of the crude and rotten timberwork, the proposal would help to significantly 'tidy' and freshen the site and surrounding area.

Conclusion

For the above reasons, this application is deemed 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 (2021). 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.