

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0469-23 **Applicant:** Mr Paurine
Proposal: Proposed conservatory to rear of existing dwelling
Location: 7 Chambers Court Spalding
Terminal Date: 20th July 2023

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) (NPPF)
Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the erection of a conservatory to the rear of 7 Chambers Court, Spalding.

Site Description

7 Chambers Court is a modern, C21st property, featuring a mock C19th design, 3 bay frontage, completed in red brick with clay pantile roof. The property forms a part of a wider development of 6 properties, sharing similar styling.

Whilst the site is partially within the conservation area, only the frontage of 7 Chambers Court is

covered by this area. Furthermore, the entirety of the Chambers Court development is situated behind the White House Chambers and therefore is visually obscured from view to day-to-day comings and goings along the riverfront.

The area is characterised by C20th and early C21st residential development.

History

None relevant

Consultation Responses

None received

Planning Considerations

Heritage Impact

Section 72 of the PLBCAA states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

With the above noted, the Local Planning Authority does not consider there to be any harm or risk of harm or impact upon the conservation area. This is because the proposal is set to the rear of the property, which is actually situated outside of the bounds of the designated area and the proposed design is strongly in-keeping with the general theme of development in the immediate setting.

Whilst UPVC is not generally considered to be the acceptable form of material for accoutrements, this is the standard accepted for housing within this small housing development. Therefore, it would be unreasonable to require the applicant to utilise materials that are alien to the proposal site and immediate setting for the sake of strict adherence to the requirements of Policy 29 of the South East Lincolnshire Local Plan (2019)

For the above reasons, this application is determined to assist in conserving the historic environment in accordance with the requirements of Section 72 of the PLBCAA.

Residential Amenity

The Local Planning Authority does not consider there to be any material risk to residential amenity. This is because the proposed structure is single storey in nature and any proposed new windows are either at ground level or situated high enough beyond the interior floor level. Therefore, there is not considered to be any material risk of either overlooking or overshadowing presented by this proposal.

Planning Balance

Whilst the proposal does seek to utilise materials which would not normally be acceptable for use within the conservation area, on the balance of probabilities, it should be noted and understood that such materials are already present in the immediate vicinity of the proposal and also, the specific proposal site is not easily visible from public realm views and therefore, no harm is presented to the character of the Conservation Area, and as such, the proposal is considered to be acceptable under Section 72 of the PLBCAA.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (2019), Sections 12 and 16 of the NPPF as well as Section 72 of the PLBCAA. Therefore, the recommendation is to approve.

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.