DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0482-23**	**Applicant:**	**Ms C Scott**
Proposal:	Removal of single-glazed windows and external doors and replace with new double-glazed windows in painted timber frames		
Location:	15 London Road Spalding Lincolnshire		
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

Section 12 and 16 of the National Planning Policy Framework (2019) (NPPF)
Sections 16(2) & 66 of the 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 Listed building Consent application is for the removal of single-glazed windows and external doors, to be replaced with new, double-glazed painted timber windows, upon the rear C20th extension to 15 London Road, Spalding.

Site Description

15 London road is a Grade II listed property as part of a grouping between 15 and 16. Dating from around the turn of the 19th century, the property has been substantially altered and amended throughout time. The property has a triple height, floor to roof front set of painted timber bay

windows with decorative cornicing, which is likely a late C19th alteration.

To the rear of the property is a early-mid C20th 2 storey extension. This portion is flat-roofed and rendered in a cementitious material, featuring crittall windows that are in an advanced state of disrepair. This portion of the building can easily be considered to be a draw on the quality of the wider historic asset and therefore, is of substantially less significance than the original frontage portion of the site.

Historic England's listing description reads like so:

"Late C18 or early C19. 3 storeys in brick with Welsh slate roof and brick parapet. 3 windows to each number originally, but No 15 now has only 1 and a full-height rectangular late C19 projection, rendered and with a late C19 porch with plain pilasters, iron guard. No 16 has modern doorway and bay to ground floor and basement. Included as part of a terrace."

History

H16-0618-18

Change of use from bed and breakfast (C1) to House of Multiple Occupation (C4) - retrospective. No further action declared on 09-07-18

Consultation Responses

None received

Planning Considerations

Heritage Impact

The Local Planning Authority considers that, upon the balance of probabilities, the proposal does not represent a substantial harm to the historic environment.

The proposal seeks to replace original critall windows with painted timber, double glazed units throughout the rearward extension. Whilst the loss of critall windows could be seen as regrettable, it is the case that these windows are in a poor condition and that the section of the building which would be impacted is of a much lesser significance than that of the main, original frontage portion of the site. Because the rearward section of the site is totally shielded from public realm views, it can be reasonably argued that alterations to this portion of the site would have a diminished / reduced impact upon the wider historic environment, particularly because the structure upon which the alterations are proposed is of such little value to the setting.

The applicant has proposed windows and doors which are acceptable under policy 29 of the South East Lincolnshire Local Plan from a material perspective, on the basis that they seek to utilise timber windows. However, it should be noted that the windows are of a substantially different appearance than the original units they replace and therefore, their visual impact must be appraised.

During a pre-application advice enquiry in 2014, the Conservation Officer confirmed that replacement of the existing windows with standard framed, timber windows could be acceptable. Whilst this pre-application advice was given under a previous policy regime and therefore bears very little weight, the Local Planning Authority considers that because of the specific circumstances of this proposal (i.e. a rearward site, upon a structure of diminished contribution and value to the wider historic environment) and therefore, because in these specific circumstances, this proposal is considered to not harm the value of the historic asset, it passes the test put forth under Policy 29, Section A, Criterion 3.

As such the proposals are not considered to risk the special interest of the listed building as no element of the proposal seeks to alter any feature of the listed building which, under Section 16(B) and Section 66 of the PLBCAA, is considered to be of special architectural or historic interest.

Residential Amenity

The Local Planning Authority does not consider there to be any material risk to residential amenity

caused by this proposal. This is because the proposal does not seek to make any dimensional alterations to the structure and does not seek the creation of any new/additional 1st floor window openings, meaning that there is very little material risk of either enhanced overlooking or overshadowing caused by this proposal.

Planning Balance

This is a finely balanced case. It is true to say that a proposal such as this would likely not normally be considered to be acceptable if such changes were being proposed to the original element of the listed building or upon any street fronting site or site visible from the public realm. This is because the proposed new timber windows are of a relatively unremarkable design. However, consideration must be given on a case by case basis to the value of the asset affected by such a proposal. As outlined above, it can be argued that this C20th, flat-roofed, rendered, rearward extension is not only of no, or very little significance, but actually a draw upon the appreciation of the remainder of the Historic Asset. As such it is considered that whilst the proposal is not of a standard normally acceptable for a listed building, in this specific set of circumstances, where a proposal is made solely to a substandard and out-of-sight section of a listed building, no harm is rendered to any element of the listed building which is considered to be of special architectural or historic merit, by this proposal and therefore, because of its lack of an impact upon the wider conservation area, a recommendation of approval is warranted in this case.

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 and Sections 16(B) and 66 of the PLBCAA. 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.