DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0502-23**	**Applicant:**	**Mrs C Khas**
Proposal:	Proposed Replacement Windows & Doors		
Location:	13 Welland Road Spalding		
Terminal Date:	9th August 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
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	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Proposal is for the replacement of windows and doors at 13 Welland Road. The proposed changes are extremely similar in nature, with all frames and doors being timber. Condition 2 of H16-0941-99 required planning permission be sought in order to replace the windows on the property.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP). The site is along Welland Road, located to the south of Ayscoughfee School. The site is within Spalding Conservation Area, towards its southern boundary.

Relevant History

H16-0941-99 - Full. Proposed conversion of existing building to form 5 dwelling units. Approved 12/11/99.

Consultation Responses

Conservation Officer

I wish to raise no objections with this proposal, which seeks to install replacement timber windows. The site is within the conservation area for Spalding and therefore is subject to consideration under Policy 29, Section B of the South East Lincolnshire Local Plan (2019). I wish to raise no objection on this basis to the design of the proposed windows - which appears to be in keeping with the design of the host property and the wider setting. Furthermore, the proposed material - timber - is deemed to be a part of the material vernacular of the area and therefore is acceptable. The officer should, therefore, continue to consider the application in accordance with Policy 29 of the SELLP as well as all other relevant planning policies and guidance

Planning Considerations

Layout, Design, and Heritage Impact

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Policy 29 of the SELLP and Section 16 of the NPPF requires all development within the conservation area preserve or enhance their setting.

The property currently has a white timber door and white, timber covered window frames. These frames all appear somewhat delipidated and therefore, their replacement will improve the visual quality of the building.

The addition of timber windows adheres to the requirements of Policy 29 and Section 16, which require the use of traditional materials within the conservation area. The materials and colours proposed will complement the structure and enhance the aesthetics of the property.

The proposal therefore conforms to Policies 2 and 29 of the SELLP alongside Sections 12 and 16 of the NPPF.

Residential Amenity

Paragraph 130 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to this application purely relating to the replacement of windows, no amenity impacts would occur. No new windows would be created; therefore, no overlooking could occur. No new development would occur, meaning no overshadowing could occur. The changes are like for like and therefore would not appear overbearing.

The proposal conforms to Policies 2 and 3 of the SELLP in terms of amenity impacts.

Planning Balance

The proposed changes represent a visual improvement within the area. The alteration will enhance the immediate setting of the conservation area, thereby conforming to Policy 29 of the SELLP. The

use of traditional materials, as would be expected within the conservation area, further conforms to the relevant policies.

Due to the nature of the proposal, no amenity impacts would occur.

The SHDC Conservation Officer has raised no objections to the proposal, stating that use of timber would be within the material vernacular of the area.

The proposal conforms to Policies 2, 3 and 29 of the SELLP as well as Sections 12 and 16 of the NPPF. The planning balance is therefore in favour of the proposal.

Conclusion

The recommendation is for delegated 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.