

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0537-22 **Applicant:** Rev'd M J Thompson
Proposal: Demolition of garage and cladding to utility room - retrospective
Location: Cromwell House 65 Double Street Spalding
Terminal Date: 29th July 2022

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent is for the retrospective demolition of a garage and subsequent timber board cladding of the exposed external utility room wall.

The demolition of the garage was given planning permission under applications H16-0491-11 and H16-0492-11 however, conditions stated that a contract had to be agreed for the redevelopment of the site prior to any demolition. Due to the ambiguous wording of the conditions imposed at the time, it is concluded that there was never any explicit or implied requirement for the applicant to actually provide any proof of such an undertaking and that the agreement of a contract for

development did not necessarily guarantee that such works would actually be commenced or completed. As such, it is agreed that the limiting conditions were and are unenforceable and therefore, permission was effectively granted for the demolition of the garage in isolation. This application, however, is intended, in part, to formalise and 'settle' this matter in order to assuage any further confusion surrounding consent to works in any future dealings relating to this property.

The external walls which were exposed by the demolition of the non-original attached garage were subsequently clad with treated timber boards in order to hide the scarred brickwork.

Site Description

Cromwell House is a Grade II listed property. Historic England describes it like so;

"Early C18 origin. 2 storeys in brick with pantile roof with 1 gabled dormer. 3 windows, no glazing bars. 2 windows on ground floor, segmental arches. Door of 6 panels beneath rectangular fanlight in moulded surround with cornice.

The site is set within the highly prominent riverfront portion of the Spalding Conservation Area. The setting is characterised by a mix of C18th and 19th domestic properties, which includes the adjacent Grade II 63 Double Street and 13A Double Street as well as the nearby Grade II The Sycamores and The Limes.*

History

H16-0680-06

Erect semi-detached house to replace existing garage. Approved on 14-11-06

H16-0681-06

Erect semi-detached house to replace existing garage. Approved on 14-11-06

H16-0491-11

Demolish existing garage and erect semi-detached house. Approved on 19-10-11

H16-0492-11

Demolish existing garage and erect semi-detached house. Approved on 19-10-11

H16-0409-14

Erect semi-detached house to replace existing garage and replace window with door in existing house and new boundary walls to rear. Notice of No Further Action issued on 07-10-16

Consultation Responses

None received

Planning Considerations

Heritage Impact

This proposal is not deemed to present any risk to the value or significance of the heritage asset. The removal of the garage was already achieved technically with consent, however, to re-evaluate, it is true that the garage, based on archive imagery was not original to the main property, was of no particular value itself and was in a poor state of repair prior to its demolition. As the structure was in a poor condition and specifically left out of the listing description, being of little character, it cannot be said that it was a part of the special interest of the site, and therefore, its loss is of no detriment to the listed building nor to the Conservation Area.

The cladding of the exterior walls left behind by the demolition is an unconventional proposal in the setting of a listed building. However, the lower portion of the building to the Northern wing, is, along with the garage, not original, not a part of the special interest value of the building and of no

particular value in itself. Therefore, the cladding simply gives the appearance of a timber lean-to, which could be considered appropriate for the ancillary use of this section of the building.

For the reasons set out above, this proposal is deemed to have had no detrimental impact upon the character or special value of the listed building or conservation area, and therefore, via a lack of material impact, must be considered to assist in conserving the historic environment in accordance with S16 of the NPPF(2021).

Parking Provision

The demolition of the garage does represent an alteration of the parking provision at the site. The garage was a single bay, 1 car unit. The plot has not been redeveloped at all since the demolition and instead has been converted into an off-street driveway with much more room for parked vehicles than the single garage allowed. Therefore, the parking provision for this site is improved by these works.

Conclusion

For the reasons set out above, this planning application is deemed to be in accordance with Policies 1, 2, 3, 29, 36 and Appendix 6 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.