

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0728-24 **Applicant:** K Flower

Proposal: External alterations to building & replacement garden wall to create gravelled parking area

Location: 24 London Road Spalding

Terminal Date: 8th November 2024

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 2023

National Planning Policy Framework (December 2023)

- Section 12 - Achieving well-designed and beautiful places
- Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent application is for external alterations and replacement of garden wall at 24 London Rd, Spalding.

The proposed alterations relate to a rear extension of a later construction to the primary historic wing. These include the bricking up of a south facing side door, the replacement of the west facing floor to ceiling feature window with a set of aluminium framed doors, and exterior steps to match.

Site Description

24 London Road is a grade II* listed, terraced georgian townhouse, forming a single element of the wider welland terrace listing.

The welland terrace listing is described like so:

A particularly fine terrace range of C18 houses in red brick. Most are of 3 windows. Nos 23 to 27 are in the centre, with a parapet having a panel in the centre with the name. A triglyph frieze below this. All have doorcases in Roman Ionic in wood, with open modillion pediments and ornamental fanlights, except No 28, which has a porch, and No 29. Most have modern bays. Nos 20 to 22 and 28 and 29 have no parapet. No 28 has 6 windows and No 29 has 3. Windows are hung sashes with glazing bars, rendered lintels. Windows are symmetrical 9-15-9. Nos 20 to 22 and 28 and 29 have box eaves cornice with Adam type ornament. Doorcase to No 29 has open modillion pediment on brackets. Doorways have radiating fanlights and panelled reveals Possibly 1813, by John Cunningham (Pevsner).

The setting in general is a prominent riverfront setting within the Spalding Conservation Area, forming perhaps one of the principle heritage sites within the settlement of Spalding. There is a high density of Listed Buildings in this setting, including the adjacent grade II listed Upper Welland Terrace.

History

H16-0820-00

Installation of new window and erection of garden sheds. Approved 07-11-01

Consultation Responses

Cllr Ashby - ward member

Full support

Historic England

Does not wish to raise comments. Requests that the LPA's conservation specialist be consulted.

LCC Historic Places Team

No further archaeological input is necessary for this application.

LCC Lead Local Highways and Flood Authority

No objections

Planning Considerations

Heritage Impact

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.

Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (December 2023) (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2023) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

As such, the NPPF sets out that where proposals could lead to 'less than substantial harm' to a designated heritage asset, the consideration of such an application must be weighted against the public benefit.

Finally, Policy 29 of the South East Lincolnshire Local Plan (2019) (SELLP) confirms that in order to respect South Holland's historical legacy all proposals shall conserve and enhance the character and appearance of designated heritage assets. Additionally, Section A of that policy confirms that proposals that affect the setting of a Listed Building will only be supported where they preserve or better reveal the significance of the Listed Building, and that proposals that seek to alter a listed building shall be granted where the LPA is satisfied that the proposal is in the interest of the building's preservation and does not involve alterations that are prejudicial to the special architectural or historic interest of the Listed Building or its setting.

The desirability of preserving the asset in this instance, should of course be given extremely great weight; it is in this spirit that the works proposed are considered not to bear any risk of negative impact to the value or significance of the historic asset. It should be noted that the setting back of the garden wall can be considered less than substantial harm due to the fact that it would lead to the loss of an historic element of the rear garden wall of the site. However, it is worth noting that the same or similar procedures have been carried out by a number of the properties within Welland Terrace, and the overall impact upon the wider appreciation of the asset would be very minimal, especially given that Capella Close to which the new vehicular access would connect, is a private roadway, and therefore, the impact from publicly accessible views would be exceptionally minor, with the same principles applying to the proposed alterations to the rear of the host property.

Furthermore, whilst it is proposed to use aluminium windows/doors on the rearward extension, it should be noted that the extant windows are of a particularly poor, modern construction, and various properties along welland terrace have a history of the utilisation of metal windows. Moreover, the rearward extension to which this proposal relates is clearly non-original, appearing to be of mid-late C20th construction. As such, the full scheme can be considered 'less than substantial' harm, however, when weighing the proposal up in the balance, and against any public benefit, it can be seen that as the site is a personal dwelling, no public benefits weigh in its favour. However, so minor is the risk of harm to the asset, that the local planning authority considers that with the application of appropriately worded conditions, the entire risk of harm can be mitigated against, and therefore, finds the balance in favour of the proposal.

Therefore, this proposal is deemed to be in accordance with the requirements of Policy 29 of the SELLP in addition to Sections 12 and 16 of the NPPF.

Other Matters

The Local Planning Authority must consider the impact/harm the proposal has on the significance of the heritage asset as outlined above. It is not the requirement of the Local Planning Authority to assess other matters, such as residential amenity impacts or highway safety within a Listed Building Consent submission or matters that do not relate to the host listed buildings.

The assessment of these other matters and additional elements of a proposal would take place within the Full Planning Permission, should this be required.

Notwithstanding the above, legal acts independent from planning, serve to protect matters outside planning control. Any legal requirements or independent acts that governs these matters must still be followed and are not superseded by the Local Planning Authority grant of listed building consent

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 29, 36 and Appendix 6 of the SELLP, as well as Sections 12 and 16 of the NPPF. The recommendation, therefore 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.