DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1048-22**	**Applicant:**	**Mr & Mrs A Lord**
Proposal:	Replacement windows		
Location:	Holland Villas 10 & 11 High Street Spalding		
Terminal Date:	21st December 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

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

The proposal is for the replacement of windows at Holland Villas. The proposed alterations on the principal elevation are like-for-like in appearance, being sash windows with timber frames. The UPVC windows on the second floor of number 11 will be retained. A semi-circular window on the north-east elevation will also be replaced like-for-like. The windows of the remaining elevations will have white UPVC frames.

Site Description

The property, constructed in 1893, is located along Spalding High Street, roughly 100m north-east of High Bridge. It is adjacent to two Grade II listed buildings but is not itself listed. The dwelling lies on the eastern edge of the Spalding Conservation Area.

The rear windows are not visible from any highway, only being noticeable from the neighbouring nursery. The principal elevation fronts Spalding High Street and is a prominent feature of the area.

History

No relevant planning history.

Consultation Responses

SHDC Conservation Officer

"I wish to raise no objection to this application upon conservation grounds. Under normal circumstances, the replacement of timber windows with UPVC in the conservation area would be unacceptable. However, UPVC is already in extensive use throughout this property and as the proposed UPVC replacements are to the rear of the property out of publicly accessible views, they would likely have no detrimental impact on the character of the area, and the retention of the timber windows to the front and side of the property retains what remains of the publicly visible traditional window materials on site.

Therefore, the case officer should continue to consider this application in accordance with Policy 29 of the SELLP as well as Section 16 of the NPPF, as well as all other planning policies and guidance."

Planning Considerations

Heritage

The SHDC Conservation Officer raised no objections to the proposal, indicating that the like for like changes will retain the character of the property. They also stated that the changes to the rear are not visible and therefore, will have no impact upon the character of the area.

As the dwelling is within a conservation area, the proposal must adhere to the guidance set out in Section 16 of the National Planning Policy Framework. The like-for-like change of windows to the front of the property would certainly be in keeping with this section of policy. As the replacement windows to the rear are not visible from any highway, the impact on the character of the property and wider area would be minimal.

Policy 29, section B, subsection 2 of the South-East Lincolnshire Local Plan states:

"Proposals should retain architectural details that contribute to the character and appearance of the area"

The like-for-like change in windows on the front elevation would be in line with this policy. As the proposed UPVC replacements are to the rear of the property, they would likely have no detrimental impact on the character of the area.

Subsection 4 of the same policy states that proposals should:

"Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment"

The like-for-like replacements to the front and side of the property adhere to this policy. The loss of timber frames proposed does contradict this rule, therefore, under normal circumstances the proposal would be considered unacceptable. However, UPVC is already in extensive use throughout this property. Moreover, since the proposed UPVC replacements are to the rear of the property, out of publicly accessible views, there would likely be no detrimental impact on the character of the area. The retention of the timber windows to the front and side of the property retains what remains of the publicly visible, traditional window materials on site.

The Heritage Impact Assessment concludes that the works will improve the appearance of the house whilst maintaining the original character of the property. As the front elevation replacements are essentially like-for-like, there will be no detrimental impact to the character of the property. The windows to the front of the property are in disrepair, therefore, any enhancement of the windows would boost the overall appearance of the property.

To this end, the proposed works would be in keeping with policy 29B of the South-East Lincolnshire Local Plan as well as section 16 of the National Planning Policy Framework.

Residential amenity

The works would not involve the creation of any new windows or the alteration to the dimensions of any window. Therefore, the proposed works would create no additional overlooking or overshadowing.

Planning balance

Ordinarily, the removal of timber frames within a conservation would be refused. Policy 29B of the South-East Lincolnshire Local Plan indicates that proposal within the conservation area should preserve or enhance the character of the conservation area. Since there is the loss of timber here, it could be argued that the proposal does fall short of this policy. However, as there is already a precedent for UPVC on the property and the removed frames are not visible from the public highways, the potential negative impacts and the damage to the character of the conservation are caused by the proposed works are insignificant.

Therefore, the planning balance is in favour of the proposal.

Conclusion

For the reasons listed above, this application is found to be in accordance with Policies 1, 2, 3, and 29 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.