DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1188-22**	**Applicant:**	**Mr P Conneely**
Proposal:	Demolition of outbuilding and erection of fence - retrospective		
Location:	43 London Road Spalding		
Terminal Date:	17th April 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This Planning Application is for the demolition of a former outbuilding, installation of new windows and door and a rear garden 6ft fence at 43 London Rd, Spalding. The application is retrospective in nature.

The windows proposed by this application are timber-framed white painted sliding sash units. The proposed door is similarly white painted timber. The installation of the door also includes the reinstatement of a historic fanlight.

The fence is of a fairly standard timber board and concrete post style.

Site Description

43 London Rd is is a mid-terrace, grade II listed Georgian property. The listing covers the whole

block of properties 42-44

43 itself can easily be described as the most plain of the 3 separate properties and is largely featureless. The windows and front door all feature segmented brick arches, and the door would have historically featured a fan light which was bricked-up prior to the completion of the works outlined in this retrospective application - the fanlight is now reinstated. Additionally, the lunette spaces in the window which were previously bricked in, creating fully squared off window apertures - these have now been restored to the original timber infill as part of the frames on both the ground and first floor. Otherwise, 43 appears as a relatively plain, 3 storey, parapet roofed early-mid C18th townhouse. Both neighbouring properties within the listed block have a greater

Both Number 42 and 42 feature the same segmented arch windows, though the windows at 42 have been subsequently replaced with unsightly, late C20th pivoting casements. Both of these properties have, however, retained ground floor bowed-window shop frontages which reveal a commercial past for this site. 44 has been rendered and features a number of characterful inverted round corner blank panels likely to have been used formerly as part of the signage for the associated commercial premises.

Number 43 did formerly also feature a rear outbuilding which was demolished as part of the works for which retrospective consent is now sought. The outbuilding was of no value to the site whatsoever, being of mid-c20th construction, with relatively modern brick and a corrugated asbestos roof.

The immediate setting is characterised as being in the highly prominent riverfront setting within the Spalding Conservation Area (SCA). The Grade II listed 41 London Rd is also visible from the site, to the north, across Welland Rd.

Historic England describes the listed block like so:

"Mid C18. Small houses of 5 storeys in red brick, roughcast to No 44. Parapets of differing heights, replaced to No 44. Nos 42 and 43 have 1 window, segmental arches, hung sashes with glazing bars, No 44 has 2 windows, 1 without glazing bars. No 42 has an attractive bowed ground floor shop front, without glazing bars, with an ornamental frieze and cornice and rusticated stone base. No 44 formerly had similar shop front, now has modern shop. No 43 has door of 6 panels and blocked fanlight. Painted blank panels to upper part of No 44. Included as part of a group."

History

None relevant to 43 London Rd

Consultation Responses

Lincolnshire County Council Historic Environment Officer

No Archaeological input required.

Planning Considerations

Heritage Impact

The Local Planning Authority does not consider there to be any risk to the value or significance of the heritage asset presented by this application. The outbuilding that was demolished was of no value to the significance of the site whatsoever, being of mid-C20th construction and very utilitarian and plain in design and materials. The windows and door that have been installed are constructed using the correct materials and can be considered to be a genuine improvement over the C20th casements they replaced, making good use of an appropriate style and materials which also closely match those of the adjoining and associated 44 London Rd. Furthermore, the resultant reinstatement of window lunettes and the fanlight above the front door can also be considered of great contribution to the character of the listed building. Whilst it certainly could be argued that the proposed fence would be ideally be of a higher quality design, it is fully reversible in nature, does not materially interfere with the historic property and is similar to boundary treatments already used on-site.

Due to the fact that the rearward outbuilding and former windows/door were unsightly and

unsympathetic C20th additions, the removal of the outbuilding and replacement of those windows and door with much more stylistically appropriate windows is considered to actually enhance the character of the building through restoration of the site to a condition and appearance more akin to how the site may have been originally intended to appear. Therefore, by enhancing the Historic Environment, this application proves its compliance with Policy 29 of the SELLP as well as Sections 12 and 16 of the National Planning Policy Framework (2021).

Residential Amenity

Seeing as the proposal only sought to remove a single storey, small scale outbuilding and replace existing windows with new, it is not considered that there is any increased risk of overlooking or overshadowing presented by this application. Therefore the Local Planning Authority does not consider there to be a risk proposed to the residential amenity of neighbouring properties by this application.

Conclusion

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