DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0458-22**	**Applicant:**	**Miss K Booth**
Proposal:	Replacement windows & doors and install solar panels		
Location:	97 High Road Weston Spalding		
Terminal Date:	13th October 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking permission to replace external windows & doors and install solar panels on the roof. The doors and windows would be black upvc. Solar panels would be installed on the front roof slope and the rear projecting element.

It should be noted that the solar panels were initially missed off the proposal description therefore an amendment form was submitted to add these to the proposal.

SITE DESCRIPTION

The site is located on High Road in Weston. The site comprises a public house building with black

painted timber windows. Houses are located to the north-east (no 95) and to the south-west (no. 99). St Mary's Church (grade I listed) is located to the east of no. 95 High Road, along with an associated Lychgate and other historical features/structures such as crosses, gravestones and tombs, which are grade II listed.

RELEVANT PLANNING HISTORY

H22-0251-21 - Erection of wooden garden gazebo - retrospective - Approved

H22-1226-07 - Proposed access steps to former hay loft and proposed timber shed to house walk in freezer and garden tools - Approved

H22-1295-06 - Proposed alterations to form two single-storey extensions to premises and remove existing stable building and form new external drinking areas - Refusal

H22-1722-06 - Proposed alterations to form two single storey extensions to premises - Approved

REPRESENTATIONS

No representations received.

PLANNING CONSIDERATIONS

Layout, Design, Size and Scale

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; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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, among other considerations. 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.

The proposal relates solely to the visual appearance of the building and therefore the key consideration in this instance is the impact the proposed render would have on the character and appearance of the building and the area.

Policy 31 of the SELLP states that the installation of renewable energy structures such as PV cells will be permitted provided, individually, or cumulatively, there would be no significant harm to:

1. visual amenity, landscape character or quality, or skyscape considerations;
2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic;
3. highway safety (including public rights of way);
4. agricultural land take;
5. aviation and radar safety;
6. heritage assets including their setting; and
7. the natural environment.

Given the location, form and height of the building to which the PV panels are to be mounted the proposals are not considered to have a detrimental impact on the points 1 to 7 above. Such panels are becoming a common feature within residential and commercial buildings therefore it is not considered that the application building or the surrounding area would not be impacted visually by the installation.

The replacement doors/windows would be black upvc and would be similar in appearance to the existing therefore there would not be any significant discernible difference.

As such the proposed development would comply with the aforementioned policies on design and impact upon the character of the local area and would preserves the character and appearance of the area.

Planning Balance

The proposal will not materially harm the character or appearance of the locality. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 2, 3 and 31 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

The application can be approved under delegated powers.