

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager
To: Planning Committee
Author: Mark Simmonds
Subject: Planning Appeals
Purpose: To provide an update on recent Appeal Decisions

Recommendation
a) That the contents of this report be noted

1.0 OVERVIEW

1.1 Since the last report 2 appeal decision(s) have been received, the results are as follows:

Appeals Dismissed:	1
Appeals Allowed:	0
Appeals Part Allowed:	1

1.2 Since the 1st April 2017 203 planning appeal decisions have been received of which 149 have been dismissed, which equates to a success rate of 73.40%

2.0 PLANNING APPEALS DISMISSED

Holland Villas, 10 & 11 High Street, Spalding	H16-0098-23 - Mr & Mrs A Lord
	APP/A2525/W/23/3328531
Oscar Patman	Decision Date: 27 Feb 24
<p>The refusal, and subsequent Appeal relate to - Replacement Windows - re-submission of H16-1048-22. The Inspector set out that - The main issue is the whether the development would preserve or enhance the character and appearance of the Spalding Conservation Area (SCA).</p> <p>The appeal site comprises a pair of three-storey semi-detached dwellings, located on the south-east bank of the River Welland.</p> <p>The Inspector found that;</p> <p>-overall, I find that the proposal would fail to preserve or enhance the character and appearance of the SCA, resulting in less than substantial harm to the significance of this designated heritage asset. Paragraph 208 of the Framework indicates that such harm should be weighed against the public benefits of the proposal.</p> <p>10. I understand that the existing windows are in a poor state of repair and that the replacement would be more energy efficient, but there is no evidence before me to suggest that they could not be replaced in a more sympathetic manner. Moreover, the benefit of reduced running costs would largely accrue to private interests rather than being wider public benefits. The appellant suggests that the use of uPVC windows would be a more environmentally friendly solution for replacement windows because of the loss of trees.</p>	

However, there is little before me to substantiate this claim. Indeed, many timber products are responsibly sourced, and the use of uPVC would likely have its own drawbacks from an environmental perspective. I therefore give this matter limited weight. I accept that the improved maintenance of the proposed windows would be of some benefit to the wider streetscene, however, given the scale of the proposal this benefit would be limited and would not outweigh the harm identified.

11. Having regard to the above, and in giving great weight to the conservation of the designated heritage asset, I consider that the less than substantial harm I have identified would not be outweighed by any public benefits. In failing to preserve or enhance the character or appearance of the SCA the proposal would conflict with Policy 29 of the South East Lincolnshire Local Plan (2019) which seeks to retain local distinctiveness with regards to traditional materials. The proposal would also fail to accord with the Framework which, amongst other things, seeks to preserve character and appearance and ensure that heritage assets are conserved in a manner appropriate to their significance.

Therefore, the Appeal was DISMISSED.

75 Bourne Road, Spalding	H16-0727-23 - Mr D Roberts APP/A2525/D/23/3334715
Oscar Patman	Decision Date: 12 Mar 24
<p>The application refused and subsequent Appeal related to "Removal of existing conservatory and replace with one and half storey extension & erection of carport (retrospective)" – Of note, and very interestingly, the Inspector gave a split decision, part allowed and part dismissed.</p> <p>The Inspector found the main issues were;</p> <p>Taking the above into account, the main issues are the effect of the carport upon:</p> <ul style="list-style-type: none"> • The existing building and the character and appearance of the greater locality; and • The living conditions of No.73C/D Bourne Road, with particular consideration to access to light. <p>The Inspector was content with the extension but found the car port unacceptable; The carport as constructed is very large and takes up much of the front garden area and would be unlike anything in the surrounding area. The carport would be unusual in its size, location, and dominance within the street scene which accentuates the poor appearance and clutter already experienced as a result of the hard standing and vehicular parking area. Whilst I agree that the use of timber is an appropriate material for such a carport, this does not overcome the dominant form and appearance of the car port which does not reinforce the positive character, appearance and local distinctiveness of the area.</p> <p>11. Taking the above into account, and in conclusion of this matter, the carport would be harmful to the local distinctiveness, character and appearance of the area, and be contrary to LP policies 2 and 3 and additionally the Framework Paragraph 135.</p> <p>Living Conditions</p> <p>12. No.73 C/D is an apartment that is set forward within the plot compared to the appeal site. Unusually, the main and only window to the Kitchen/diner of the neighbouring property is within the front garden area of the appeal site and requires this third party land for its access to natural light. The carport, although having open sides, the roof does cause a significant amount of overshadowing and loss of light to this window of the neighbouring property, which is its only window.</p> <p>Therefore a SPLIT decision was made.</p>	

3.0 PLANNING APPEALS ALLOWED

None

4.0 ENFORCEMENT APPEALS DISMISSED

None

5.0 ENFORCEMENT APPEALS UPHELD

None

Background Papers - Planning Application and Enforcement Working Files

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