

Development Management Delegated Decision Report

B/24/0015



SUMMARY OF APPLICATION				
Application Reference	B/24/0015			
Application Type	Full Planning Permission			
Proposal	Removal of rear external chimney on north-eastern roof slope			
Location	50, Spilsby Road, Boston, PE21 9NS			
Applicant	Mrs Eloise Chilvers			
Agent				
Received Date:	12-Jan-2024	Consultation / Publicity Expiry Date:	18-Mar-2024	
Valid Date:	25-Jan-2024	Statutory Expiry Date:	21-Mar-2024	
Date of Site Visit:	26-Feb-2024	Extension of Time Date:	12-Apr-2024	
Objections received?	None.			
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Approve with Conditions			
Report by:	Megan Epton			
Date:	10-Apr-2024			

OFFICER REPORT

SITE AND SURROUNDINGS:

The site is located on the north side of Spilsby Road, Boston within the designated Conservation Area. It comprises of 1no. two storey detached dwelling with a small frontage and large private rear amenity space.

DETAILS OF PROPOSAL:

It is proposed to remove a rear external chimney on the north-eastern roof slope of the dwelling due to leakage and damp problems it is causing within the dwelling.



RELEVANT HISTORY:

No recent relevant history.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2019)

The South East Lincolnshire Local Plan (2019) shows the site as falling within the Boston Settlement boundary within the Spilsby Road Conservation Area. The relevant Policies of the Local Plan are:

- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk; and
- Policy 29: The Historic Environment.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2023)

At the heart of the 2023 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4: Decision making;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate; and
- Section 16: Conserving and enhancing the historic environment.

National Planning Practice Guidance (PPG)

The Planning (Listed Buildings and Conservation Areas) Act 1990

CONSULTATION RESPONSES:

Heritage Lincolnshire were consulted on the application and their final response (dated 08.04.2024) confirmed they had no objections to the proposal.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

The key material planning issues considered in the determination of this application are:

- Design and impact on the character and appearance of the area;
- Impact on residential amenity; and
- Flood risk.

Design and Impact on the Character and Appearance

Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The proposal seeks the removal of the external chimney on the rear roof slope. The dwelling, at present, benefits from 2no. symmetrical chimneys visible on the front elevation, with 2no. other chimneys towards the rear, but considerably less visible from public vantage points. The proposed chimney to be removed has been previously capped off and does not currently stand at full height and is considered to alter the character in its existing form due to it not holding the same architectural significance as the other 3no. chimneys that stand at full height.

The proposed removal of this rear chimney is not considered to be harmful to the character of the dwelling or the surrounding area- the principal elevation remains the same in appearance and the proposed removal will not be a widely noticeable change to the dwelling. It is therefore considered that the proposal is in accordance with SELLP Policies 2 and 3.

Residential Amenity

Policies 2, 3 and 30 of the SELLP seek to ensure that new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

No.50 is directly adjacent to 2no. residential dwellings on Spilsby Road, however, due to the small scale, superficial nature of the works, it is not considered that the proposals would have any detrimental impacts upon neighbouring amenity.

Based on the above and that no objections have been received, it is considered that in respect of the impact on the occupiers of nearby dwellings, the proposal is in accordance with SELLP Policies 2 and 3.

Flood Risk

Policy 4 of the SELLP seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere.

The site is located within the Environment Agency's designated Flood Zone 3 and a completed 'Householder and other minor extensions in Flood Zones 2 and 3' form has been submitted alongside the proposals. The document confirms that due to the nature of the works, there will be no alteration to the floor levels of the dwelling or any need for flood resilient construction measures.

It is considered, based on the above and the overall nature of the proposal, that the proposal would not have any effect upon the Flood Risk levels of the site or surrounding area and thus meets the requirements of SELLP Policy 4.

Impact on the Historic Environment

The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings and conservation areas, their setting and any features of special architectural or historic interest. In the context of Section 66 and 72 of the Act, the objective of preservation is to cause no harm. Planning decisions require balanced judgement but, in that exercise, significant weight must be given to the objective of heritage asset conservation.

Policy 29 of the SELLP relates to the historic environment. Proposals that affect the setting of a Listed Building should preserve or better reveal the significance of the Listed Building. Where a proposal affects the significance of a heritage asset including any contribution made to its setting, it should be informed by proportionate historic environment assessments and evaluations.

The application site is located within the Spilsby Road Conservation Area, subject to Article 4 Directions and is within the setting of a number of Listed Buildings. The application has been submitted with a 'Historic Environment Assessment and Evaluation' that details the context of the site and proposals. The document confirms that the proposed chimney to be removed is located at the rear of the property on a rear facing roof slope and is not widely visible from public vantage points along Spilsby Road. The assessment and other submitted information explains that the chimney is currently not at full height due to previous owners capping it off and that it is currently causing damage to internal rooms by way of leakage and damp- despite recent efforts to repair the chimney, the problem still exists and therefore the best route of action has been considered to be its removal. The applicant confirms that although the removal of the chimney will alter the appearance of the dwelling, it is not thought to cause harm to the property and the surrounding heritage due to the existing alterations of the property and others surrounding it and the limited visibility of the proposed works.

Heritage Lincolnshire were consulted on the application and confirmed that: *"The chimney has already been reduced in height, which has affected the symmetry of the building and means that it does not hold the architectural significance of the other three chimneys. It is not one of the principle chimneys on the building that positively contribute to the character of the CA. Being the rear chimney, it also means it is not visible from public roads. The proposal to remove the chimney is supported as it is deemed a neutral impact on the character of the Conservation Area."* The Council shares this view, subject to a condition securing the replacement roof material.

It can be concluded that overall, the proposed development would not significantly detract from the character and appearance of the adjacent heritage asset and would preserve the setting of the Listed Building, therefore meeting the requirements of SELLP Policy 29.

CONCLUSION:

To conclude, this proposal is considered to be an acceptable form of development that accords with Policies 2, 3, 4 and 29 of the South East Lincolnshire Local Plan (2019) and Sections 4, 12, 14 and 16 of the NPPF 2023.

RECOMMENDATION:

Approve with Conditions

CONDITIONS / REASONS	
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall not be carried out except in complete accordance with the following details shown on the submitted plan(s):</p> <ul style="list-style-type: none"> ▪ Location Plan – received 12-Jan-2024; and ▪ Side Elevation of Property – received 25-Jan-2024. <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019.</p>
3	<p>The roof tile to be used in the construction of the development hereby permitted shall match as closely as possible those of the principal existing building on the site in both dimension and material.</p> <p>Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE
<p><u>STATEMENT OF PROACTIVE WORKING:</u> In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>