
Appeal Decision

Site visit made on 14 March 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 March 2017

Appeal Ref: APP/Y2003/D/17/3169617

19 Ivy Cottage, High Street, Crowle, North Lincolnshire DN17 4LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Nainby against the decision of North Lincolnshire Council.
 - The application Ref: PA/2016/1096, dated 5 July 2016, was refused by notice dated 10 November 2016.
 - The development proposed is described as being to replace old rotten wooden single glazed windows for style for style UPVC double glazed windows.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council explains that the appeal property is covered by a Direction made under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995, wherein the Council removes permitted development rights for replacement windows and doors within Crowle Conservation Area.
3. The above description has been taken from the application form. However, the Council's refusal notice describes the proposal as 'to retain replacement windows and door on the front elevation from wooden to UPVC'. The appeal form repeats this description. As such, I shall also consider the front door.
4. The property has two windows, as well as the door, fronting the highway. It is evident that the replacement of these windows and the door has already taken place. Thus, whilst the windows (and door) do not seem to reflect 'style for style' replacement, I have dealt with the appeal on the basis that it is for the retention of the windows and door which I saw.

Main Issue

5. The main issue in this case is the effect of the replacement windows and door on the character and appearance of the Crowle Conservation Area which is a designated heritage asset.
-

Reasons

6. The character of Crowle Conservation Area is set out in the Council's Crowle Conservation Area Supplementary Planning Guidance (SPG). It explains that although the layout of Crowle dates back to the medieval period, much of the built development is from the C18th and C19th. It explains that modest two-storey terraced houses, many with ground floor shops, are the predominant building type, although feature buildings are also identified. Listed buildings are also noted including 1-11, 47, 49 and 84 High Street. Because of concern regarding deterioration of the character of the Conservation Area, the SPG seeks that alterations to neutral buildings should incorporate traditional materials and designs. It advises that for new developments in the Conservation Area the use of material other than timber is unacceptable for windows and doors.
7. The appeal property is a detached cottage, although it previously formed part of a larger development. It is sited on a main thoroughfare, immediately abutting the pavement and so is a relatively prominent building.
8. I have limited evidence of the details of the windows and door prior to their replacement. However, from the photograph supplied it seems that they did not relate particularly well to the building, in that they were not of traditional design.
9. The new windows to which this appeal relates are constructed with top hung opening lights and side opening lights to one side (that nearest the door). Those lights, due to the heavy sections of the frame and basic angular profile, appear crude. The remainder of the frame has a very uniform appearance, lacks the detail and patina of traditional timber windows. Furthermore, the white finish appears stark and out of character with the dwelling.
10. Thus, despite the timber windows they replace not being of traditional design, I find that the new windows are considerably more harmful to the character and appearance of the building.
11. The new door includes a window feature. The whole door has rather awkward detailing and the glass window is inappropriate in design terms. As with the windows the uPVC material does not have the same patina or character as timber and the white finish appears uncharacteristically uniform.
12. In support of the application, the appellant draws attention to other nearby properties within the Conservation Area where non-traditional windows and/or doors have been installed.
13. One case relates to a change of use of a more modern building and in that case uPVC replaced uPVC. Another shows a new shopfront replacing an inappropriate window, but also allowed the loss of a shop front and replacement with modern timber windows. The new supermarket identified is a modern building and the metal windows have been designed to reflect its architecture. Another case involving replacement uPVC windows appears to have no permission and so may be a matter which the Council could pursue.
14. Moreover, I took some time to look at other buildings within the Conservation Area. Some of the properties are themselves modern in character so that the awkward interrelationship of materials does not arise. Further, I saw that

many properties, including newer development, have timber windows, which seems to reflect a concerted approach to improving the appearance of the Conservation Area through the SPG. The few cases where I saw that inappropriate windows have been installed served to confirm that such alterations erode the architectural qualities of the buildings in which they have been fitted.

15. I find that the uPVC windows and door that have been installed at the appeal site are unsympathetic and discordant features, which are out of character with the building and serve to further erode the character and appearance of the Crowle Conservation Area. Thus, they do not preserve or enhance the character or appearance of the Crowle Conservation Area, rather they harm it.
16. The appellant explains that the previous windows were failing and that he has sought to improve the property. In particular he chose the double glazed uPVC units because he wished to reduce sound within the building from vehicular movement and, in particular, that associated with deliveries to the adjacent supermarket. However, such benefits could be provided for in other ways with a more sympathetic, traditional, window form.
17. The appellant also considers that the weather and footpath drainage are also at issue. However, good maintenance should overcome many weather related problems. The issue in respect of footpath drainage is a matter could be dealt with separately. Concerns about anti-social behaviour are a matter for others. Whilst the replacement windows may have secured by design recognition, this does not make them acceptable in this case. Timber windows with appropriate locking mechanism can be secured.
18. I am mindful that the National Planning Policy Framework (the Framework) requires that where less than substantial harm would arise to a heritage asset, which is the case here, the harm should be weighed against the public benefits of the proposal. Whilst some modest public benefit could be argued to arise from the improvement to the housing stock by virtue of water-tight windows with some sound attenuation qualities, this is not sufficient to outweigh the harm identified, particularly given there are likely to be alternative solutions. I therefore conclude that the development is contrary to the provisions of policy HE2 of the North Lincolnshire Local Plan and the Framework as well as being at odds with the SPG.

Other Matters

19. The appellant raises matters about cost of replacement. However, this should have been considered before development went ahead and is not a matter to which I can attach material weight in this case. The appellant says this may lead to the windows being boarded-up. However, should this happen it would be a matter for the Council to consider in respect of its other powers and as such I do not attach weight to this suggestion in respect of determining this appeal.
20. The fact that the appellant says he was unaware of the Conservation Area does not justify the proposal.
21. The appellant is also concerned about works undertaken at the adjoining supermarket about which he was not consulted. These may be matters which

the Council can pursue or may be civil law matters. However, they do not alter matters in respect of this appeal scheme.

Conclusions

22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Zoë H R Hill

Inspector