
Appeal Decision

Site visit made on 10 May 2017

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 31th May 2017

Appeal Ref: APP/D2510/W/17/3168519
48 West Street, Horncastle LH9 5JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Steven Corby against the decision of East Lindsey District Council.
 - The application Ref S/086/01324/16, dated 7 June 2016, was approved on 9 August 2016 and planning permission was granted subject to conditions.
 - The development permitted is change of use and conversion of a four bedroom detached dwelling into two, two bedroom flats.
 - The condition in dispute is No 4 which states that: *Notwithstanding the details shown in the approved plans all new or replacement windows on the front and side elevations of the property shall be of timber framed construction.*
 - The reason given for the condition is: *In the interests of the character of the Horncastle Conservation Area and the setting of a Listed Building in which the development is set, and to accord with Policy C1 of the East Lindsey Local Plan Alteration 1999.*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The planning permission for the conversion of the dwelling into two flats included a condition requiring windows to the front and side of the building to be timber framed. The Council consider this was necessary in the interests of the character of the Horncastle Conservation Area (HCA) and the setting of listed buildings. The appellant contends that the condition is unnecessary because the building is not of architectural or historical significance, uPVC windows would be in keeping with the surrounding area and that there are other examples of dwellings that have used similar materials in the area.
3. Taking this background into account, the main issue is whether the condition is reasonable or necessary to preserve the character or appearance of the HCA or the setting of nearby listed buildings.

Reasons

4. The appeal site is a large detached red brick and tile roofed dwelling that was ostensibly built in the 1950s. The site lies within the HCA and a number of listed buildings are in the vicinity, including No 50 which is Grade II and is directly adjacent to the appeal site.
 5. West Street is a main road running toward the town centre. It consists of tightly-knit rows of mainly two and three storey residential and commercial
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buildings on each side of the road which, owing to their largely linear nature and siting, create a strong sense of enclosure. Although there is variety in the styles and materials used in some buildings, there remains a largely harmonious street scene that contributes positively to the traditional market town character and significance of the HCA.

6. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.
7. The submitted plans refer to the use of uPVC windows and the appellant has indicated they would wish to pursue this if I were to remove the condition. There are other examples of buildings with uPVC scattered sporadically along West Street. However, painted timber remains the predominant material in the area and the use of this material is clearly an important part of the special interest and character of the street. Notwithstanding the relative age of the building compared to some of those in the immediate area, No 48 still takes up a prominent position on a busy street frontage. Neither the age of the building or its design and nature detract from the character or appearance of the HCA at present, nor do these factors justify the use of materials that could have a harmful effect on the wider area.
8. The appellant has drawn my attention to brochures of companies that purport to manufacture uPVC windows that are sympathetic to traditional materials and buildings. Whilst reference is made to the broad style of windows proposed there is no indication of which, if any, of the examples would be used here. The appellant has suggested that they would be open to discussion over the company to use and could provide samples. However, the lack of certainty about the final nature of the windows does not convince me that a satisfactory solution could be found if I were minded to remove or vary the condition.
9. As such, I must rely on the approved plans which refer only to white uPVC. Whilst sash windows in the front elevation and casement windows to the side would not be out of keeping in terms of their broad style, I am concerned that the proposed materials used would result in an unacceptable contrast with other nearby buildings owing to their overtly modern appearance and the construction of the frames.
10. There are five windows in the front elevation, with gaps on either side of the building which allow for open views of the windows on both flanks when travelling along West Street. While the ground floor windows on one side may be screened by an access gate, this would not stop the majority being in view. This would lead to a considerable amount of uPVC being visible on this building. The introduction of such levels of uPVC would be obvious to passers-by and at odds with the materials used in the majority of buildings along this part of West

Street. The use of non-traditional materials in such a prominent location as this would serve to diminish the overall quality and character of the street scene to the detriment of the HCA.

11. Having considered the evidence provided, I find that the effect on the setting of No 50 in particular would be significant and harmful. The two buildings are seen very much in context with each other along the street and the use of overtly modern materials in No 48 would strike a particularly jarring contrast with the character of No 50 and the use of materials in that building. As such, I consider the setting of this important building would be diminished by the removal of the condition and the installation of non-timber frames.
12. Some examples of uPVC windows in the area have an unsympathetic and discordant relationship with the traditional nature of their host buildings. These already serve to detract from the special character of the street. I also observed an example further along West Street on a more modern building than the appeal site but which is in a less prominent and sensitive location. The two cases are therefore not entirely comparable. None of the examples observed would lead me to conclude that uPVC is an acceptable alternative to timber in this specific location. I find therefore that it would be inappropriate to introduce further incongruous and unsympathetic features into the street scene which have the potential to diminish its overriding character.
13. For the reasons stated above, I conclude that the use of uPVC windows would fail to preserve the character and appearance of the HCA and would harm the setting of No 50. Whilst I consider the harm would be less than substantial, there is nothing to suggest the use of timber frames would lead to the development being unviable or would put the benefits of an additional dwelling at risk. Moreover, the benefits suggested by the appellant of improved energy efficiency and sound insulation would not outweigh the harm which I have identified.
14. Consequently, I consider that it is reasonable for the Council to require timber window frames and the evidence before me does not persuade me that the disputed condition is not necessary to preserve the character or appearance of the HCA or the setting of a listed building. Removing it would therefore conflict with Policy C1 of the East Lindsey Local Plan Alteration (1999) which seeks to ensure that development preserves or enhances the special character of conservation areas. There would also be conflict with paragraphs 131, 132 and 134 of the Framework in terms of the desirability of sustaining and enhancing heritage assets.

Other Matters

15. The appellant has raised concerns with how the application was dealt with by the Council. This is not a matter before me and has had no bearing on my decision. Moreover, the age of the plans or information used by the Council to define the HCA does not lead me to question the merits of seeking to preserve the character or appearance of the area or that uPVC windows have the potential to be harmful.
16. The appellant has suggested that timber frames are not of the same quality as uPVC. I have no substantive evidence that this is the case and this argument does not alter my overall conclusion.

17. The appellant has drawn my attention to examples of the use of uPVC in other parts of Lincolnshire. However, I do not have the full details of these cases and cannot conclude as to whether they represent direct parallels to the case before me. In any event, I have considered this appeal on its own merits.

Conclusion

18. I find that the disputed condition is necessary and reasonable to preserve the character and appearance of the HCA and the setting of an adjacent listed building. For this reason I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR