
Appeal Decision

Site visit made on 14 August 2017

by Sarah Housden BA (Hons) BPI MRTPI

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

Decision date: 29 August 2017

Appeal Ref: APP/D2510/D/17/3179411

Fairview, Back Lane, Old Bolingbroke, Spilsby, Lincolnshire PE23 4HB

- 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 Mrs Samantha Jacklin against the decision of East Lindsey District Council.
 - The application Ref S/018/00461/17, dated 21 February 2017, was refused by notice dated 25 May 2017.
 - The development proposed is 'to replace existing Georgian timber windows in cream for 'A' rated UPVc windows. New windows to be Georgian to match existing windows in cream'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether or not the proposed development would preserve or enhance the character or appearance of the Old Bolingbroke Conservation Area, having particular regard to the effect on the character and appearance of the host dwelling.

Reasons

3. In the exercise of planning functions, the statutory test set out in s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 132 of the National Planning Policy Framework (the Framework) advises 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.
4. The significance of the Old Bolingbroke Conservation Area derives from the historic pattern of development with groups of traditional properties informally grouped around road junctions and interspersed with open spaces. The mature trees and setting of the village within the Wolds landscape contribute to its verdant and rural character.
5. The appeal property is a detached red brick and pantile cottage. Although it has a later two storey extension to the rear, the property retains its traditional form and character and makes a positive contribution to the character and appearance of the Conservation Area. When approaching along Back Lane from the west, the only windows visible are the first floor windows in the rear

extension with the ground floor window screened by planting on the driveway boundary. From the east, the property is screened by vegetation along the common boundary with the adjoining field although this will inevitably be sparser during the winter months. Due to its position close to the road frontage, the front elevation of the cottage is only visible from close distances.

6. The existing windows in the rear elevation of the cottage and the extension are modern timber cream coloured replacements with 'Georgian' style multiple panes separated by narrow glazing bars and fitted flush with the wall opening. They have one small top hung and side opening casements which are fitted flush with the window frame. Some are in poor condition with areas of rot and decay evident.
7. I acknowledge the Council's point that the use of timber windows would be more sympathetic to the historic integrity of the Conservation Area and that an Article 4 Direction is in force to enable such changes in window material to be controlled. However, there are a number of examples where uPVC units have been installed on properties within the Conservation Area, some within front elevations occupying a more prominent position than the appeal property. Whilst the presence of modern materials elsewhere does not justify development that would be harmful to the character or appearance of the dwelling or the Conservation Area, the proposal must be assessed in relation to the particular circumstances of the site.
8. The proposed replacement windows would be installed within the rear and side elevations of the dwelling which do not occupy a prominent position within the Conservation Area. Whilst constructed of timber, the existing windows are later replacements which already have relatively thick frames creating a non-traditional appearance. The colour of the existing windows would be matched and the use of uPVC as a replacement material would not be readily noticeable from the more distant vantage points at which the windows are viewed. For these reasons, the use of uPVC would not be harmful to the character or appearance of the dwelling or to the significance of the Old Bolingbroke Conservation Area. I have come to this conclusion based on the particular circumstances of the appeal property and the proposal before me.
9. Whilst this conclusion differs from my colleague Inspector's decision at Knights Farm¹, in that case the windows had been installed in the front elevation of the property in a more prominent location within the Conservation Area open to wider public view. As such, the circumstances of that site are not comparable with the case before me.
10. However, there are a number of discrepancies in the submitted plans. The property has a small 'L' shaped lean-to and porch wrapping round the rear and side elevations which is not shown on the elevation drawings. There is a side window in this structure which is shown on the planning application form drawing and 'Reflections' sales agreement dated 28 February 2017 as being replaced. The number and position of the windows to be replaced is not accurately recorded to enable the proposal to be fully assessed.
11. Whilst the appellant indicates that the window casements would have a flush fitting, the section drawing demonstrates that the casement openings would overlap the window frame rather than fitting flush with it, creating a more

¹ Appeal Ref 3130425

- bulky and prominent appearance. There is, however, no substantive detail as to the proposed design of the window frames. The appellant indicates that they would be a 'like for like' replacement but there are no detailed drawings to demonstrate that this would be so and it is not possible to establish the profile or thickness of the frames or glazing bars compared with the existing windows.
12. There are also discrepancies between the plans in the details of the opening arrangements of the proposed windows. The position of the opening casements shown on the planning application drawings and the 'Reflections' sales agreement differ, again hindering an accurate assessment of the impact of the proposed windows on the character and appearance of the dwelling and Conservation Area. The opening arrangements of the proposed windows are also different from the existing windows which have a small and discreet top opening light. On the basis of the information submitted with the appeal, it is not possible to conclude that the design of the proposed units would be acceptable in respect of profile and frame thickness, fitting details and opening arrangements.
13. I have considered whether a condition could be imposed to require further elevation plans and details of the proposed windows to be submitted to the local planning authority. However, the design of the proposed units is fundamental to an assessment of whether the character or appearance of the Old Bolingbroke Conservation Area would be preserved or enhanced and whether or not the statutory test in relation to Conservation Areas would be met. In these circumstances, the use of a condition would not be reasonable and would not meet the tests for conditions set out in the Framework and the Planning Practice Guidance.
14. The Framework requires me to accord great weight to the conservation of designated heritage assets. Based on the evidence before me, I conclude that the proposed replacement windows would be harmful to the character and appearance of the host dwelling and would fail to preserve or enhance the character or appearance of the Old Bolingbroke Conservation Area. The proposal would be contrary to Policy C1 of the East Lindsey Local Plan Alteration (1999) which indicates that development in Conservation Areas will only be permitted where it preserves or enhances its special character.
15. The impact of the proposal would be relatively localised and in my view the harm to the Conservation Area would be less than substantial. Paragraph 134 of the Framework indicates that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. The replacement windows would offer improved thermal efficiency and reduced maintenance for the occupiers. However, these benefits are largely private rather than public and there are no other public benefits which would outweigh the harm that would result.
16. For the reasons outlined above and having had regard to all of the matters raised in this case, I conclude that the appeal should be dismissed.

Sarah Housden

INSPECTOR