



Appeal Decision

Site visit made on 16 September 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2019

Appeal Ref: APP/M2515/W/19/3229498

103/104 High Street, Lincoln, LN5 7QB

- 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 Michael Ould against the decision of the City of Lincoln Council.
 - The application Ref 2019/0048/FUL, dated 21 January 2019, was refused by notice dated 1 March 2019.
 - The development proposed is 'replacement windows'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the property and whether or not the extension would preserve or enhance the character or appearance of Conservation Area No. 2 St Peter at Gowts.

Reasons for the Recommendation

4. The appeal site is a 3-storey, mid-terrace property with a retail unit on the ground floor and residential flats above and is located within the St Peter at Gowts Conservation Area. The proposal seeks to replace the existing timber first-floor oriel windows and second-floor sliding sash windows in the front elevation with uPVC windows. Whilst the building is not locally or statutorily listed, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The National Planning Policy Framework (the Framework) sets out at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that asset's conservation.
 5. There is a range of building types, periods and architectural styles across the conservation area, and many buildings have oriel or timber sash windows.
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Timber oriel and sliding sash windows of traditional appearance are not uncommon and contribute to the Conservation Area's significance through, in part, their intricate detailing and historic origins. The appeal property, along with the others nearby, contributes positively towards the character and appearance of the Conservation Area and reflects the historic character of central Lincoln.

6. A variety of different window designs and replacement plastic installations are in evidence along High Street, which influence the Conservation Area's character. Nevertheless, in the vicinity of the site there is still a well-established presence of street-facing timber sliding sash windows. Whilst the windows under consideration here are, in places, showing some outward signs of deterioration, the windows make a positive contribution to the Conservation Area as they are inherently traditional in their design and makeup. The loss of historic fabric and the introduction of plastic frames, which regardless of colour would not reflect the appearance, sections or detailing of traditional timber joinery, in such a visible location would have a noticeable and harmful effect.
7. No details of any planning permissions for the existing uPVC windows in the immediate vicinity have been submitted with this appeal. Therefore it is possible that local and national planning policies may have changed since the uPVC windows were allowed and installed and subsequently I cannot be certain that the policy context surrounding the existing uPVC windows in the vicinity of the appeal site are comparable to the proposal before me. Even if planning permission was not granted for any of the existing uPVC windows in the vicinity, the presence of unauthorised development does not set a precedent for inappropriate or harmful development. Furthermore, given the historic context of the buildings, the installation of uPVC windows is not, in any event, a good example of development to follow.
8. The harm that would arise would be localised and therefore, in the context of the approach in the Framework, the harm to the Conservation Area as a whole would be less than substantial. Paragraph 196 of the Framework states that where a development would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal. The appellant has suggested that, by virtue of their ability to be recycled, uPVC windows may be more environmentally friendly than the loss of trees for the timber. However, I have not been presented with any substantive evidence to demonstrate that uPVC windows are more environmentally friendly in this regard and as such the public benefits of the appeal scheme do not outweigh the harm identified.
9. I acknowledge the concerns of the tenant of the property that, for various reasons including safety and living conditions, the windows are in need of replacement. However, I am unconvinced that replacement timber windows would not provide the same benefit as uPVC in those respects.
10. For the reasons set out above, the proposed development would neither preserve nor enhance the character or appearance of the St Peter at Gowts Conservation Area. As such the proposal conflicts with Policy LP25 of the Central Lincolnshire Local Plan (2017) which requires that all new development should protect, conserve or seek opportunities to enhance the historic environment, and fails to meet the weighty statutory requirements of the Act.

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR