
Appeal Decision

Site visit made on 11 January 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2022

Appeal Ref: APP/Y2003/D/21/3285083

16 Queen Street, Winterton, North Lincs DN15 9TT

- 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 Alan Westwood against the decision of North Lincolnshire Council.
 - The application Ref: PA/2020/1472, dated 30 August 2020, was refused by notice dated 14 October 2021.
 - The development proposed is described as to 'replace two windows at front of house. 1) Remove existing softwood casement windows (c 1980) on ground and first floors. 2) Install new white UPVC sash windows. No change to existing surrounding structure.'
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Decision

1. The appeal is allowed and planning permission is granted to replace two soft wood casement windows with white upvc sash windows at the front of the house at 16 Queen Street, Winterton, North Lincs DN15 9TT in accordance with the terms of the application, Ref: PA/2020/1472, dated 30 August 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The external surfaces of the development hereby permitted shall be constructed in the design and materials as shown in the document titled REHAU Heritage specification ref: EN 01.2020 and the window frames and glazing bars shall have a white colour finish.
 - 3) The development hereby permitted shall be constructed in accordance with details in the email dated 21 April 2021 confirming the dimensions of the window openings of 1610mm (height) and 1180mm (width), that the stone structure will not be modified and that the new windows will be custom made to fit the existing openings.

Procedural Matter

2. The description of development in the banner heading above is taken from the planning application form. Different descriptions are presented both on the Council's decision notice and the appeal form, albeit it is clear that they all concern the same development. I have utilised the description on the appeal form in my decision paragraph as this most accurately and best describes what is proposed.

Main Issues

3. The main issues are whether the proposal would (i) preserve or enhance the character or appearance of the Winterton Conservation Area; and (ii) preserve the setting of a listed building, All Saints' Church.

Reasons

Conservation Area

4. The appeal property comprises a semi-detached stone cottage which fronts onto Queen Street. On its front elevation there are 2 windows, one at ground floor and one at first floor level. Both windows are of the same design and are of a casement style. Internal glazing bars are utilised. The window frames are made of wood and painted white. They show some signs of disrepair.
5. Windows in the conservation area would have been traditionally of a sliding sash form and constructed of wood. However, such a form of window is no longer a prevailing characteristic as numerous other forms are now present. There are not insignificant numbers of UPVC and composite windows. The same applies in relation to the use of casement windows.
6. In overall terms, the appeal property makes a positive contribution to the character and it is located centrally in the conservation area. It also demonstrates the variety of windows that are found, given that whilst the windows on the front of the property are made of wood, they are not of a sash design. The proposed replacement windows would be of a more traditional sash design. They would also be modern by way of the use of UPVC but they would not appear as striking and intrusive because of their design. Hence, they would not poorly relate to the age and style of the property.
7. When considering their design and the existing windows that would be replaced, the proposed windows would not detract from the property's contribution to the significance of the conservation area. My attention was also drawn to windows of a similar design at 22 to 30 Queen Street and which in my view do not detract from the significance. The resultant effect from the proposed windows would not be dissimilar.
8. The Planning Officer Report explains that the Council has introduced an Article 4 Direction because of concerns that were expressed in the Conservation Area Appraisal over the cumulative effect of uncontrolled alterations. This does not prevent the use of UPVC in an appropriate way because an Article 4 Direction simply places a greater control over features that would not otherwise require permission. The proposed windows would not represent a threat to such controls or the character, when the sash design is also considered.
9. The same applies to the adopted Supplementary Planning Guidance that is also referred to. There is no dispute that timber is the traditional use of joinery for windows in the conservation area, but the proposed windows would not cause discordance or further diminish from the character.
10. I conclude that the proposal would preserve or enhance the character or appearance of the conservation area. Thus, it would accord with the statutory duty that is set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). It would also comply with both saved Policy HE2 of the Council's North Lincolnshire Local Plan (2003) and Policy CS6

of the Core Strategy (2011) where they state that all development proposals in Conservation Areas should preserve or enhance the character and appearance of the area and that the Council will seek to protect, conserve and enhance North Lincolnshire's historic environment, including conservation areas, amongst other considerations.

Listed Building

11. All Saints' Church is a grade I listed building that lies a short distance away. The site is most visible from the eastern end of the churchyard, together with that part of the church itself. It is effectively screened from the tower, which is the most notable feature of the church, by intervening development along Church Side and Queen Street.
12. The church has a commanding presence in Winterton, in particular by way of the tower, and this is where much of its significance is derived. The pattern of development around the church is close knit and so the more open form of the churchyard area allows the building to be more fully appreciated in its immediate environs.
13. The proposed windows would have little discernible impact on the dominating form of the church itself or how it is appreciated. With regard to visibility from parts of the church site, the proposed windows would be modest features in the context of this setting. Nor is it apparent why such windows would have much of a bearing on the special interest of the church, especially compared to the existing windows on the appeal property and with the variety of windows found in its vicinity. The significance of the setting of the church would not be negatively impacted because the proposed windows would not detract from it.
14. I conclude that the proposal would preserve the setting of a listed building, All Saints' Church. Therefore, it would accord with the statutory duty that is set out in Section 66 of the Act. It would also comply with both saved Policy HE5 of the Local Plan and Policy CS6 where they resist proposals that would damage the setting of a listed building and with the protection they afford listed buildings as part of the historic environment.

Other Matters

15. As I have not found harm in relation to either the effect on the character or appearance of the conservation area or the setting of the listed building, I do not have cause to carry out a balancing exercise with public benefits for the purposes of the National Planning Policy Framework.

Conditions

16. In addition to the timescale for implementation, I have imposed a condition concerning the details of the proposed windows and confirming a white colour finish. This is for reasons of preserving or enhancing the character or appearance of the conservation area. For the same reason, I have also imposed a condition which concerns further relevant self-explanatory details about the proposal which the appellant confirmed during the course of the planning application.

Conclusion

17. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR