



Appeal Decision

Site visit made on 3 May 2022

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/D2510/W/21/3287085

Hair Design, 14 Market Place , Burgh Le Marsh, Skegness PE24 5EY

- 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 Anthony Boulton against the decision of East Lindsey District Council.
 - The application Ref S/023/01717/21, dated 22 July 2021, was refused by notice dated 26 October 2021.
 - The development proposed is alteration to existing building to provide replacement UPVC windows and a door on the front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development from the appellant's appeal form and the Council's decision notice as this more accurately describes the development than that on the planning application form.

Main Issue

3. Although not specifically referenced in the Council's reason for refusal, its application report and Statement of Case refer to the effect of the development on the setting of listed buildings¹. As such I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The Council raises no objections to the replacement door which is of timber construction. Based on the evidence before me, and my observations on site, I see no reason to disagree.
5. In that context the main issues are whether or not the proposed windows would preserve or enhance the character or appearance of the Burgh Le Marsh Conservation Area and the effect of the proposal on the setting of nearby listed buildings.

Reasons

6. Burgh Le Marsh Conservation Area (CA) covers much of the centre of the historic town with a focal point of the Market Place. Buildings are typically located at the back edge of the footway giving a sense of enclosure to the street. There are a variety of styles of architecture with some good examples of

¹ Holmes Butchers, 1 and 2 Market Place and the Fleece Public House Grade II Listed Buildings

historic buildings that have retained the majority of their original features. This is particularly so in the Market Place, where the western side is formed mainly from listed buildings, which rely on the cohesive historic form of the Market Place for their setting contributing significantly to their significance. While there are some later structures, and the use of uPVC for fenestration in some buildings, these are in the minority with timber predominating. Consequently, the significance of the CA as far as it relates to this appeal is the contribution of the historic townscape with retention of historic features and original materials.

7. The appeal property is a two storey building with Georgian style timber windows facing into the Market Place. Although having pebble dash render, the retention of original window materials means it contributes positively to the character and appearance of the CA.
8. The proposal is to install uPVC replacement windows to match as far as possible those to be removed with external glazing bars. Although every effort would be made to replicate the existing windows, the use of uPVC would be unlikely to produce an exact replica of the historic form and proportions and consequently the material would not be appropriate for the host building, particularly given the use of external glazing bars. Furthermore, the proposal would see the replacement of the 8 over 8 style windows to 6 over 6. As No 14 forms part of a cohesive group with the adjacent building fronting the High Street, this change would be particularly apparent. The windows would significantly detract from the appearance of the historic building itself, the setting of the listed buildings and the character and appearance of the CA.
9. While there are some examples of properties that have uPVC windows, including those brought to my attention by the appellant, some of these are modern. Where they have been inserted into historic buildings, it is evident that they are clearly distinguishable from the traditional timber examples and serve to demonstrate the material harm that can be caused to the character and appearance of a conservation area by such development. Even if these examples did have planning permission, or were supported by the Council, they are not in such number to be an established part of the character and appearance of the CA. Therefore, the other examples can only attract limited weight in this appeal. The harm caused would be less than substantial in this case given this is just one part of the CA and a small part of the setting of the listed buildings.
10. The appellant states that some of the windows are in poor condition, fixed and there is no way of improving their thermal efficiency in accordance with Government policy, and ventilation without their replacement. Ventilation is a particular problem for the hairdresser use currently in the building, as well as restricting the flow of natural air to combat Covid. The new windows would also provide an alternative means of escape than the door. While I recognise these benefits for the owner and user of the building itself, they are limited in their scope as public benefits. Moreover, and while uPVC windows have improved significantly over the years, there are other sustainable strategies available to achieve such outcomes without removing traditional windows. I have seen no substantive evidence to demonstrate that either different window solutions would not meet the requirements, or that the current business would not be viable without these window replacements. Therefore, in this instance the public benefits do not outweigh the harm to the significance of the heritage assets.

11. For the reasons above, the proposal would fail to preserve the character and appearance of the Burgh Le Marsh Conservation Area and the setting of listed buildings. It would therefore be contrary to Strategic Policy 11 of the East Lindsey Local Plan Core Strategy 2018. This requires that proposals preserve or enhance heritage assets and their settings.

Conclusion

12. The proposal is contrary to the development plan as a whole and there are no material considerations that would outweigh that conflict. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR