



Appeal Decision

Site visit made on 3 May 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2022

Appeal Ref: APP/D2510/D/22/3295420

30 Trinity Lane, Louth, Lincolnshire LN11 8DL

- 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 Miss Vicki Farnham against the decision of East Lindsey District Council.
 - The application Ref N/105/02665/21, dated 5 January 2022, was refused by notice dated 25 February 2022.
 - The development proposed was originally described as existing front bay window to be replaced with upvc, existing front wall to be shortened in length, existing upvc side window to be replaced with smaller window, existing upvc side window to be replaced with patio doors, new window to be added to rear.
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Decision

1. The appeal is dismissed insofar as it relates to the existing front bay window to be replaced with UPVC.
2. The appeal is allowed insofar as it relates to the existing front wall to be shortened in length, existing UPVC side window to be replaced with smaller window, existing UPVC side window to be replaced with patio doors, new window to be added to rear and replacement of patio doors to the rear at 30 Trinity Lane, Louth, Lincolnshire LN11 8DL in accordance with the terms of the application, Ref N/105/02665/21, dated 5 January 2022, 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 development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the allowed matters: Dwg No: GC/VF/01, GC/VF/02; GC/VF/03 and Part Plan/Elevation drawing.

Preliminary Matter

3. The description in the banner heading above is taken from the application form. However, it does not refer to the replacement of patio doors to the rear shown on the proposed plans. I have therefore included this in my description in the decision for completeness.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Louth Conservation Area (CA).

Reasons

5. Trinity Lane (the Lane) is characterised by a mixture of properties including both modern and older dwellings, some positioned near the Lane, whilst others are set back. It is accessed from Eastgate which has a more uniform character and a greater sense of grandeur derived from the scale of dwellings, architectural detailing, and gardens. This contrasts with the more intimate character of houses along the Lane. Despite the variation many of the older properties retain their architectural interest with features, such as timber windows, making a positive contribution. In this regard, the fenestration throughout the CA is an important feature that contributes to the significance of the historic asset.
6. Despite the other existing UPVC windows, including on the front elevation, the appeal property has retained its timber sash bay window to the front. This detailing complements its overall architectural interest as a surviving example of C19 housing. Moreover, due to its forward position in the Lane and at the edge of the CA, the appeal property stands out from its more recent neighbouring dwellings. In this regard, it makes a positive contribution to the Lane's character.
7. The alterations to the front wall would widen the entrance, however, it would still maintain a front boundary wall along the Lane. The rear windows and patio doors are already UPVC windows, and their replacement and the new additions proposed would not be visible from the public realm in the CA. Moreover, the new rear window, smaller window and new patio doors would be positioned on a later addition to the original dwelling.
8. As such, and having particular regard to the nature of the existing windows and doors to the rear and side, these elements of the proposal would preserve the character and appearance of the CA. It is evident from the plans that are before me that these aspects of the appeal scheme are clearly severable, both physically and functionally from the proposed front ground floor bay windows.
9. The proposed UPVC bay windows would have an artificial texture and a more uniform finish than the existing painted timber window frames. Moreover, whilst I'm told that the windows would match the style and glazing pattern, the scale and level of the window detailing provided does not allow a detailed comparison between the thickness of glazing bars, frames, or the opening mechanism.
10. There is variety in the UPVC windows already installed in the Lane, including at the first-floor windows of the appeal property and in bay windows of C19 housing. However, the thickness of the frames, opening mechanism, artificial texture, uniform finish and in some instances glazing bars sat behind the glass, rather than the glass sitting within the frame created by the glazing bars, result, to varying degrees in features that undermine the architectural interest of the C19 housing. Thus, the proposed replacement bay windows would be an undesirable incremental change which would not preserve or enhance the character or appearance of the CA, but cause it harm.
11. The harm would be localised along this part of the Lane. As such, the effects would be less than substantial in the context of paragraph 202 of the National Planning Policy Framework (the Framework). In accordance with paragraph 202

I must balance that less than substantial harm against the public benefits of the development.

12. The existing windows have been sealed to prevent draughts. However, there is no substantive evidence before me of a fire safety risk or whether there are other options that could allow a means of escape, improve draught proofing or in general the thermal performance of the windows. This limits the weight I can afford these matters. Heritage assets are irreplaceable and whilst UPVC windows would be cheaper to install than replacement timber windows, these are not individually or cumulatively public benefits that outweigh the great weight given to the conservation of the CA.
13. I therefore conclude, insofar as it relates to the proposed replacement UPVC windows to the front bay window, the proposal would conflict with Policy SP11 of the Council's Core Strategy (2018) (CS) and the relevant provisions of the Framework. These are concerned with, amongst other things, the character and appearance of developments and, where relevant, developments within CA's.
14. However, I find no conflict with Policy SP11 of the CS or the provisions of the Framework, insofar as they relate to the proposed shortening in length of the existing front wall and other alterations to the windows/doors to the rear and side of the dwelling.

Conclusion and conditions

15. The proposed alterations to the windows and doors to the side and rear and alterations to the front boundary wall are clearly severable, both physically and functionally from the proposed replacement ground floor bay windows.
16. Accordingly, for the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the existing front wall to be shortened in length, existing UPVC side window to be replaced with smaller window, existing UPVC side window to be replaced with patio doors, new window to be added to rear and the replacement of patio doors to the rear.
17. However, the appeal is dismissed insofar as it relates to the existing front bay window to be replaced with UPVC.
18. In respect of the allowed elements, I have attached the standard time limit condition and a plans condition as this provides certainty. The Council has also requested a condition requiring the details of windows and doors. However, having regard to the existing windows and doors at the side and rear I do not consider that further details are reasonable or necessary in this instance.

Mr R Walker

INSPECTOR