
Appeal Decision

Site visit made on 20 June 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Appeal Ref: APP/D2510/W/22/3291471

Flat 2, 8 Cornhill, Spilsby PE23 5JP

- 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 Stephanie Ward against the decision of East Lindsey District Council.
 - The application Ref S/165/01990/21, dated 16 September 2021, was refused by notice dated 29 November 2021.
 - The development is described as 'retrospective planning application for change of windows to double glazed PVC units'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note from the appeal documentation and my site visit that the windows have been installed. I have dealt with the appeal on the basis of what I saw.

Main Issue

3. The main issue is the effect on the character and appearance of the surrounding area, with particular regard to the effect on the character and appearance of the Conservation Area and the setting of the adjacent Listed Building.

Reasons

4. The appeal site is within the Spilsby Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 (the Act) requires that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
5. The CA is quite extensive and covers the historic centre of Spilsby. The draft Spilsby Conservation Area Appraisal notes that its special interest derives from the combination of elements that form the well-established character and appearance. It breaks the CA into different Townscape areas which reflect areas of varying character and appearance.
6. The appeal site lies within the High Street/Cornhill/The Terrace/Market Street area which is the historic commercial centre of Spilsby. This remains the case, with a range of commercial uses typical of town centres. The buildings are varied in terms of their appearance and materials, but there are few modern buildings so the area has the appearance of a historic market town. This appearance is further enhanced by the general retention of, or sympathetic

alterations to, the historic buildings. The majority of buildings have retained traditional windows in terms of their materials, detailing and appearance and this positively contributes to the character and appearance of the Conservation Area.

7. The appeal site is immediately adjacent to the White Hart, a Grade II Listed Building. S66(1) of the Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. The White Hart dates from the 17th Century (albeit with later alterations). It is visually prominent due to its length in comparison to that typical in the surrounding area and ground floor extension that projects into the street. The large rear yard area contributes to the understanding of the historic use of the building as a coaching inn. The surroundings in which the building is experienced, in other words its setting, within a historic market town, benefits from the retention of traditional features and detailing in the surrounding buildings.
8. The front elevation of the appeal site is given particular prominence in the streetscene due to its position adjacent to the White Hart and the more open layout around the statue of Sir John Franklin and in front of the properties on Cornhill.
9. The appeal development has a glazing pattern that reflects that of the traditional windows of the ground floor by retaining the same opening and having two lights in each window. It is also set in the reveal as the ground floor windows are. The appeal development is of a clearly modern appearance and this is highlighted further when the windows are opened. The use of UPVC (PVC as used in the description above) has resulted in the frame and transom of the window being much wider than those found on timber windows. The increased width makes the windows appear heavier and more dominant when compared with the more elegant proportions of the traditional windows. This is detrimental to the character and appearance of the building, the Conservation Area, and to the setting of the Listed Building due to the introduction of uncharacteristic, modern elements.
10. The windows in the rear elevation are less prominent in the streetscene due to the substantial planting and relationship of the rear elevation to the Conservation Area due to the siting of the adjacent building which has a modern appearance and includes UPVC. I also noted the installation of UPVC windows on the opposite side of Ashby Road. Due to the lack of prominence in the streetscene, I consider that the replacement windows in the rear elevation have a neutral impact on the character and appearance of the Conservation Area. However, these windows are also immediately adjacent to a rear elevation of the Listed Building. This rear elevation has retained traditional windows, and given the historic use as a coaching inn, the rear of the building is important in understanding its historic significance.
11. In relation to the main issue, I find that the appeal development causes harm to the character and appearance of the CA and to the setting of the Grade II Listed White Hart. Having regard to the advice in the National Planning Policy Framework (NPPF), I consider this harm to be less than substantial. I give

great weight to the conservation of these designated heritage assets and that harm to the significance of designated heritage assets requires clear and convincing justification. Paragraph 202 advises that less than substantial harm should be weighed against the public benefits of the proposal. There are public benefits from the improvements that the windows can make to energy efficiency and from the benefits that ongoing maintenance to the property has on the significance of the designated heritage assets. However, these benefits would not in my view amount to a clear and convincing justification, nor would they outweigh the harm to the significance of the designated heritage assets that I have identified.

12. The proposal is therefore contrary to East Lindsey Local Plan Core Strategy, adopted July 2018, Strategic Policy 11 which seeks to preserve the special character of Conservation Areas including through the use of materials and requires development to be compatible with the significance of Listed Buildings including fabric. It also would not at least preserve the character or appearance of the CA and would not comply with the advice within Section 16 of the NPPF.

Other Matters

13. The appellant has provided evidence of other buildings within the CA which have modern replacement windows. I am given very little information about the circumstances that led to the installation of those windows. Those buildings in the High Street/Cornhill/The Terrace/Market Street area which have modern replacement windows appear incongruous given the number of buildings that have retained traditional windows and the character and appearance of the CA that I have described above. These examples also detract from the character and appearance of the Conservation Area and would not justify further harm to that character and appearance.

Conclusion

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

J Downs

INSPECTOR