



# Appeal Decision

Site visit made on 2 October 2023

**by B S Rogers BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 November 2023**

**Appeal Ref: APP/N2535/C/22/3311773**

**4 Beck Hill, Tealby, MARKET RASEN, LN8 3XS**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Samuel Routledge against an enforcement notice issued by West Lindsey District Council.
- The notice was issued on 8 November 2022.
- The breach of planning control as alleged in the notice is unauthorised replacement of all windows and the rear French doors of a property in the Tealby Article 4, conservation area and Area of Outstanding Natural Beauty.
- The requirements of the notice are: The front, rear and side windows to be replaced with timber framed to match the original as submitted with application 142547 'Existing' including the use of sectional details for the windows submitted. Drawing numbers 01, 02, 03 and 04.
- The period for compliance with the requirements is 12 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) & (f) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is allowed and the enforcement notice is quashed.**

## Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the replacement of all windows and the rear French doors at 4 Beck Hill, Tealby, Market Rasen, LN8 3XS as shown on the plan attached to the notice.

## The appeal on ground (a) and the deemed application

2. The main issue is the effect of the development on the character and appearance of the property and whether it would preserve or enhance the character or appearance of Tealby Conservation Area.
3. The appeal property is located in a prominent position within the heart of the Tealby Conservation Area (CA). The village owes much of its charm to its natural setting on the western slopes of the Wolds, the informal nature of its street pattern and the largely unspoiled character of the older parts of the settlement. The older buildings are predominantly constructed of stone with clay pantile roofs and timber window frames.
4. A 1991 direction under Article 4 of the Town and Country Planning General Development Order 1988 has removed permitted development rights for alterations to dwellings, including windows, in the CA. A planning application (ref: 142547) to replace the windows and rear French doors of the appeal property with UPVC units was refused by the Council in May 2021 and a

subsequent appeal (ref: APP/N2535/D/21/3274639) was dismissed in October 2021.

5. In that decision, the previous Inspector took account of the fact that the adjoining house, no.2 Beck Hill, had UPVC windows, that there were other examples of UPVC windows in the CA and that the Council had previously granted planning permission for such windows. The decision noted that the design of the proposed windows appeared similar in the drawings to the existing timber windows but it was considered 'unlikely' that the detailed design would be because of the different nature of UPVC to timber, and its flatter, uniform appearance. Moreover, the use of whole glass sheets within the frame, with the glazing bars attached as decorative features as opposed to being structural would not have the finesse of the existing windows and doors. As such, it would result in the loss of historic fabric to the host property.
6. I have taken account of the above conclusions. However, I have now had the opportunity seeing the installed doors and windows and, just as importantly, it does not appear that the previous Inspector was made aware of the development history of the appeal property, which has now been submitted in the form of a historical record, including a number of photographs.
7. From around the late 18<sup>th</sup> Century, a bakery stood on this site. However, this was re-built in the 1930s such that it became a two-storey, semi-detached house. Along with the adjacent house, no.2 Beck Hill, it was substantially altered to its present, modernised, appearance by about 1960. The house was substantially extended again in the early 1980s, at which time it is stated that the previous timber windows were installed. Although I accept that the appeal property sits comfortably with the character of the CA by dint of its scale and external facing materials, having regard to the present evidence, I agree with the appellant that undue weight was given in the 2021 appeal decision to the loss of historic fabric.
8. Whilst I share the view that the older UPVC windows at no.2 do not make a positive contribution to the significance of the CA, with their rather flat and uniform finish and fake glazing bars, those installed at the appeal property have more texture and, judging from the photographs, appear virtually identical in design and operating pattern to the timber windows that were installed in the 1980s. Significantly, save for the use of UPVC rather than timber, they appear to me to be virtually identical to those detailed in drawings 01 to 04, which the enforcement notice explicitly requires the appellant to install as replacements.
9. The appellant has drawn my attention to the August 2022 grant of planning permission for the installation of UPVC windows at 4 Rasen Road, a fairly modern dwelling within the CA. This post-dates the appeal decision referred to above and appears to indicate that such windows of suitable design and finish may still be acceptable in the CA, where the property in question is not, itself, of significant historic interest.
10. The appellant indicated he urgently needed to replace the dilapidated old windows for safety, security and insulation reasons. Whilst this might justify rapid action, it would not justify allowing replacing the old windows with new ones of inappropriate design and materials. However, to my mind, given the historical context of the appeal property, the newly installed windows and doors preserve the character of the appeal property and, in turn, of the CA. As

such, the development does not conflict with the aims of the Central Lincolnshire Local Plan (2017), in particular Policy LP25, or of the National Planning Policy Framework.

11. For the reasons given above, I conclude that the appeal should succeed on ground (a). I shall grant planning permission for the development as described in the notice.

**The appeal on ground (f)**

12. In the light of my conclusion on ground (a), there is no need for me to consider ground (f).

*B S Rogers*

INSPECTOR