



Appeal Decision

Site visit made on 7 June 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2024

Appeal Ref: APP/M2515/W/24/3339649

69A High Street, Lincoln, Lincolnshire LN5 8AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Lynch of Alistair Investments Limited against the decision of City of Lincoln Council.
 - The application Ref is 2023/0464/FUL.
 - The development proposed is three replacement windows to the front elevation.
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Decision

1. The appeal is allowed, and planning permission is granted for three replacement windows to the front elevation at 69A High Street, Lincoln, Lincolnshire LN5 8AD in accordance with the terms of the application, Ref 2023/0464/FUL, subject to the following conditions:
 - 1) The windows hereby permitted shall be installed within four months of the date of this decision letter.
 - 2) The development hereby permitted shall be carried out in accordance with drawings: Location Plan, F3125-A3-10 Front Elevation, Joinery Details.
 - 3) The windows hereby permitted shall be constructed in the materials and colour detailed within the planning application and shall be retained in such a form thereafter.
 - 4) The windows hereby permitted shall be set behind a reveal that matches the position of the existing windows and shall be retained in such a form thereafter.

Preliminary Matters

2. The description of development in the banner heading above is taken from the appellant's planning application form. However, I have removed the superfluous information that does not relate to an act of development.
3. Since the appeal was lodged, a revised National Planning Policy Framework ('the Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers, where necessary.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area, including the significance of Conservation

Area No. 5 Gowt's Bridge (CA) and the host building as a Non-Designated Heritage Asset (NDHA).

Reasons

5. The building is a three-storey, mid-terrace property with a commercial unit to the ground floor and a residential flat to the upper floors. The appeal proposal relates to the replacement of three windows within the front elevation of the building's first and second floors. These windows have been replaced with uPVC casement windows without planning permission. Rather than seeking permission to retain the existing casement windows, it is proposed to replace them with sliding sash 'heritage style' uPVC windows.
6. The appeal site is within the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Framework sets out at paragraph 205 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation.
7. The CA comprises the buildings directly fronting either side of a section of High Street. The buildings predominantly comprise commercial units to the ground floor with residential flats or offices above. The buildings are arranged in short blocks of terraced properties abutting the pavement and have a mix of heights, architectural styles and periods. Windows are also varied in their design and materials. The significance of the CA derives from its historic and aesthetic character.
8. The appeal building is included within the Council's List of Buildings of Special or Architectural Interest, adopted 1995 (last reviewed in 2012). It was constructed in 1883 as a lodge and entrance to a new private road to the Boultham Hall and Estate, built for Major R G Ellison. The ornate façade was designed by the renowned architect W Mortimer, who also designed other prestigious buildings within Lincoln. The ground floor of the original building has been altered and only remnants of the once decorative archway is evident above the modern shop front. However, the upper floors are still relatively intact. Accordingly, the appeal building is a NDHA and, in reference to paragraph 209 of the Framework, I must take into account the effect of a development proposal on its significance when determining an appeal.
9. The main parties dispute whether the windows that existed prior to their replacement ('the earlier windows') were the building's original windows. While I have been provided with photographs showing the earlier windows, I cannot be certain from the information before me whether they were original to the building or not. Notwithstanding this, the Council consider the earlier windows to be of a design that is appropriate to the age of the building.
10. The proposed sash windows would have nine glazed panes over one larger glazed pane that would reflect the design, form and proportion of the earlier windows shown in the submitted photographs. The proposed windows would have a sympathetic woodgrain finish that would mimic the timber material of the earlier windows and would not be perceptible from the street. The Council assert that glazing bars were often narrower than those proposed. However, the frames, rails and glazing bars would not be particularly wide or clumsy and

would be similar in size to those shown in the photographs of the earlier windows.

11. The Council has raised concern that the proposed windows would fail to accurately replicate the reveal of the earlier windows. However, the existing windows appear to have a similar reveal and there is nothing before me to suggest that the same reveal could not be achieved. Concern is also raised regarding the use of 'fake' putty bars. However, they are unlikely to be perceptible from public vantage points and would not harm the significance of the CA or NDHA.
12. I observed during my site visit that the windows within the buildings immediately surrounding the appeal site largely comprise uPVC casements, some of which have overly wide frames. In contrast to these windows, the proposed windows would be of a higher quality and include appropriate detailing that would be sympathetic to the character and appearance of the CA and the NDHA and preserve their significance.
13. I have been directed to a previous appeal¹ that was dismissed for uPVC windows within the front elevation of 103-104 High Street. However, I have not been provided with details of the design, form and proportion of those windows and therefore, I am unable to determine whether the previous appeal is directly comparable to the proposal before me. In any event, I must determine each case on its own merits.
14. Accordingly, I do not find that the proposed replacement windows would harm the character and appearance of the surrounding area, including the significance of the CA or the host building as a NDHA. They would comply with Policies S53 and S57 of the Central Lincolnshire Local Plan, adopted 2023 which, amongst other things, seek to ensure that all development, including alterations to existing buildings, must contribute positively to local character and townscape; and development should protect, conserve, and seek opportunities to enhance the historic environment of Central Lincolnshire.
15. The Council's reason for refusal refers to paragraph 209 of the Framework. However, the proposal would not affect the significance of the NDHA and therefore, I am not obliged to undertake a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. While the proposal would not enhance or better reveal the significance of the CA (paragraph 212 of the Framework), it would preserve the character and appearance of the CA in accordance with Section 72(1) of the Act.

Conditions

16. I have had regard to the condition suggested by the Council and the tests for conditions set out within the Framework. A condition requiring the permitted windows to be installed within four months of the date of this decision letter is reasonable and necessary to ensure the existing windows, that do not have the benefit of planning permission, are replaced within a timely manner.
17. With the agreement of the main parties, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. I have also included conditions requiring the windows to be constructed in accordance with

¹ Appeal Ref APP/M2515/W/19/3229498

the submitted details and for them to be set behind a reveal, to ensure the external appearance of the windows are acceptable.

Conclusion

18. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

A Berry

INSPECTOR