



Appeal Decision

Site visit made on 1 August 2024

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2024

Appeal Ref: APP/Y2003/D/24/3343650

28 Cross Street, Crowle, North Lincolnshire DN17 4LH

- 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 ALO Ball Properties Limited against the decision of North Lincolnshire Council.
 - The application Ref is PA/2023/581.
 - The development is the replacement of windows and doors from wood to pvc.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The submissions indicate that the works had already been carried out and showed by way of a photograph white UPVC windows and a green door. However, I observed on my site visit that the door was also now UPVC. As this appears to fit the description of what was applied for, I have considered it in my decision. Accordingly, I have dealt with the appeal on a retrospective basis.
3. The appeal site lies within the Crowle Conservation Area and is covered by an Article 4 Direction. This requires that development under Parts 1,2, and 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 is the subject of a planning application and permission. The appellant has queried whether this concerns the replacement of windows and doors as they are not explicitly referenced. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990 (the Act). It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Crowle Conservation Area.

Reasons

5. The appeal property is a 2 storey cottage which lies within a short terrace, named as 'Axholme Cottages'. It dates from the late 19th century and is constructed of red brick and slate. The front of the property, which is fairly simple in arrangement, consists of the front door and a window at both ground

and first floor levels. There are decorative features above the windows and doors. Prior to the installation of the current UPVC windows, the submitted evidence indicates that both windows were two over two vertically sliding sash in form. The door was 4 panel and green in finish. The property directly fronts onto Cross Street and also lies in a prominent position at the junction of Cross Street with Chapel Street.

6. Away from the central Market Place and the Church of St. Oswald, the conservation area is typified by a tight knit arrangement of buildings in a vernacular style with simple brick elevations that are located on narrow lanes. The majority of buildings appear to date from around the same time as the appeal property. Traditional windows are constructed of wood and generally sliding sash. They are important historical and architectural features of the conservation area. The appeal property, and this row of cottages, clearly have merit by reason of their location within this designated heritage asset.
7. The windows and door on the appeal property by virtue of the use of in particular UPVC are not traditional features found in the conservation area. As such, they detract from the historical significance. As they are also prominent, the harm that arises is apparent by way of their visual impact. Hence, they have a negative impact on the dwelling, the street where it lies in the conservation area and the conservation area itself. The development is not appropriate for this historic environment.
8. While the remaining properties in the terrace have made similar alterations, this does not sufficiently justify the development because the use of the UPVC erodes this aspect of the significance of the conservation area. As a result, attempting to align with the modern features of those properties does not overcome the harm that arises. In addition, that the property is not listed does not diminish from the protection that is afforded due to its location in the conservation area.
9. The appellant has referred to a number of other properties where there is the use of UPVC. A number of these do not appear to be in the conservation area, based on the information before me, or else reflect commercial properties in the vicinity of the Market Place where the conservation area has a different character. I did observe however some properties that have UPVC windows, as the supplied extracts from the conservation area appraisal (CAA) confirm. This does not though provide a route to the further use of this material because there is a need to respect the character so that it relates to the significance. The CAA also clearly frames the use of UPVC as a negative aspect to development that has taken place. It is not in character when the significance of the conservation area is considered.
10. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. Having regard to the above, I conclude that the development does not preserve or enhance the character or appearance of the conservation area. For similar reasons, it does not comply with saved Policies DS1 and HE2 of the Council's North Lincolnshire Local Plan (2003) (Local Plan) and Policies CS5 and CS6 of the Core Strategy (2011) where they concern protecting, conserving and enhancing the historic environment; retaining important architectural and historic features in the conservation area; and high standards of design.

11. While the policies of the Local Plan date from 2003, this does not mean in itself they are not of relevance due to the more recent Core Strategy policies. Nor does the Planning Officer report consider they are no longer 'saved'. They are consistent with national planning policy in as far as promoting high standards of design and protection for the historic environment.

Other Matters

12. The Planning Officer Report points to a level of more than substantial harm caused by the development. For the purposes of Chapter 16 of the National Planning Policy Framework (Framework), I consider the harm to be less than substantial. Set against this are matters that have been raised over energy efficiency, cost and the former state of the windows. While the statutory declaration submitted sets out that the windows and door needed replacing, it is not clear why this could not have been achieved using a more sympathetic material. Cost issues need to be viewed in the context of the sensitivity of the location as a conservation area.
13. The appellant has also offered by planning condition to replace the windows and doors in a shorter period of 10 years compared to their life cycle with heritage style timber windows and doors. This would however still result in harm to the significance of the conservation area for up to 10 years. It does not adequately address the harm that arises.
14. I am also mindful that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Overall, these matters as public benefits do not outweigh the less than substantial harm. The development does thus not comply with Chapter 16 of the Framework. The benefits do not outweigh the harm.

Conclusion

15. The development conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR