



Appeal Decision

Site visit made on 15 August 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 12th September 2025

Appeal Ref: APP/Z2505/W/25/3364553

3A Red Lion Street, Boston, United Kingdom PE21 6NY

- 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 Mrs Violet Komar of Plotway Properties Ltd against the decision of Boston Borough Council.
 - The application Ref is B/24/0384.
 - The development is the change of existing window opening into matching window size and look as the neighbouring property to the right; create 3 smaller windows as replacement of the current long window; brick up in between the windows.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of existing window opening into matching window size and look as the neighbouring property to the right; create 3 smaller windows as replacement of the current long window; brick up in between the windows at 3A Red Lion Street, Boston, United Kingdom PE21 6NY in accordance with the terms of the application, Ref B/24/0384, and the plans submitted with it.

Preliminary Matters

2. The appellant has indicated on the Application Form that the works have started but have not been completed. During my site visit I observed that works were not ongoing and the appeal building appeared as shown on the proposed elevation drawing. My assessment of the appeal proposal is based upon the plans submitted with the application, but I will refer to the development as completed as it appears as though works have finished.

Main Issues

3. The main issues are (i) whether the development preserves or enhances the character or appearance of Boston Conservation Area (BCA) and (ii) the effect of the development on Grade II listed 7 Red Lion Street¹ (No 7).

Reasons

4. The appeal property is within BCA and in proximity to No 7. Under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act), I must have special regard to the desirability of preserving the listed building and its setting and pay special attention to the desirability of preserving or enhancing the character or appearance of BCA.

¹ List Entry No 1388973

5. The significance of BCA in part relates to the importance of Boston and the retention of its ancient town plan, it also has several medieval to 17th century, Georgian, and Regency buildings which have been retained. No 7 is a good example of a red-brick Georgian property, its significance is partly linked to its architectural merit and retention of several historical features. BCA provides the setting for No 7.
6. The appeal property forms part of a terraced block of commercial properties with shopfronts on the ground floor. Although the ground floor of many of the units have been modified to accommodate modern retail needs, the upper floors tend to include original architectural features.
7. However, prior to the development the upper floor of the appeal building had a large timber framed window which included a significant amount of glazing. Due to the proportions of the window, it had a strong horizontal emphasis. The window had three small openings which were all casements. Beyond being timber framed this window had no resemblance to the traditional sash windows which are commonplace and are a feature of BCA. The previous window appeared incongruous within the street scene and was harmful to the character and appearance of BCA. This harm was amplified by the appeal building's prominent position on a bend in the road.
8. Whilst there are several uPVC windows in proximity to the appeal building, timber-framed sash windows are more prevalent. These windows have a vertical emphasis and have mechanical joints. The new windows are white, uPVC casement windows with welded joints. They have very prominent trickle vents, a feature which is not present on the traditional sash windows. As such, they do not assimilate with the historic development within BCA.
9. Notwithstanding this, the proportions of the new windows are similar to the traditional sash windows; they have a vertical emphasis. Although the new windows are not of a similar design to the traditional sash windows, they are more similar than the previous window. As such, the development is more in keeping with the historical development and it has enhanced the character and appearance of this part of BCA.
10. With regard to the setting of No 7, due to the road alignment there are limited views that include both the appeal property and No 7. As above, the proposal would enhance both the character and appearance of BCA. Consequently, it would also enhance the setting of Grade II listed No 7.
11. The Council has indicated that accepting the use of harmful materials on windows may set a precedent. However, each proposal is assessed on its own merits. The new windows, whilst not of a traditional design, offer a betterment when compared to the previous window. Therefore, the proposal should be allowed on its own merits.
12. I conclude that the development enhances the character and appearance of BCA and would not have a harmful effect on the setting of Grade II listed No 7. The development complies with policies 2, 3 and 29 of South East Lincolnshire Local Plan 2011-2036, March 2019. These policies indicate that permission will be granted where sustainable development considerations are met in relation to the enhancement of heritage assets, and proposals within conservation areas should

preserve or enhance features that contribute positively to the area's character, amongst other matters.

13. The development is also in accordance with Section 16 of the National Planning Policy Framework (the Framework) where it advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Furthermore, it is compliant with sections 66 and 72 of the 1990 Act, for the reasons set out above.

Other Matters

14. Within its representations the Council has submitted the listing for the Grade II* listed Boston Sessions House². It is not clear why this is included as neither party contends that the development affects this building or is within its setting. Moreover, the appeal property is some distance away and there is a significant amount of intervening development. As such, the properties are not viewed together and there does not appear to be a link between the use of the buildings. Therefore, the appeal building does not form part of Boston Sessions House setting.

Condition

15. The Council has indicated a condition specifying approved plans would be appropriate should I allow the appeal. I have considered this in light of the guidance within the Framework and the Planning Practice Guidance. This condition is required in the interest of certainty. I have therefore specified that the proposal should be carried out in accordance with plans submitted with it.

Conclusion

16. The development is in accordance with the development plan. Therefore, the appeal should be allowed, and planning permission should be granted.

J Hobbs

INSPECTOR

² List Entry No **1388845**