
Appeal Decision

Site visit made on 4 November 2025

by **M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th November 2025

Appeal Ref: APP/Y2003/D/25/3369716

6 Burgate, Barton upon Humber DN18 5EZ

- 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 and Mrs Weightman against the decision of North Lincolnshire Council.
 - The application Ref is PA/2025/358.
 - The development proposed is the retention of existing UPVC windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is retrospective as the windows have already been installed. I have determined the appeal accordingly.

Main Issue

3. The main issue in relation to this appeal is the effect of the proposal on the significance of a non-designated heritage asset (NDHA) and whether the proposal would preserve or enhance the character or appearance of the Barton upon Humber Conservation Area (BHCA).

Reasons

Significance

4. The significance of the BHCA lies in its layered architectural history. It is a reasonably intact example of an evolved historic townscape that has grown organically, with buildings dating predominantly from the 18th and 19th centuries. Humble vernacular cottages are juxtaposed with more prominent landmark buildings, including St Mary's Church set within its own landscaped grounds. Streets often exhibit a strong sense of enclosure, indicative of the medieval street pattern. Despite variations in styles and forms, buildings share common materials such as brick, coloured render, timber sash windows and pantile roofs. These spatial and architectural qualities underpin the significance of the BHCA.
5. As a modestly scaled mid-terraced property of pleasant architecture, the appeal site reinforces the characteristics of the BHCA and in particular, the organic growth of this section of the town. Sited at the back edge of the pavement and located at the junction of Burgate, Whitecross Street and Beck Hill, the appeal site is prominent in public views. Due to its age, simple form and detailing, the appeal site makes an important and positive contribution to the character and appearance of the BHCA.

6. The Council identifies the appeal site as a NDHA and this is not disputed by the appellants. While there is no statutory listing process for NDHA's, the Planning Practice Guidance explains that they are buildings, sites or areas identified by plan-making bodies as having heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated assets.
7. NDHA'S may be identified through local and neighbourhood plan-making processes, conservation area appraisals and reviews, or as part of the decision-making process on planning applications. In this case, the appeal site is identified as a Building of Townscape Merit in the Barton-upon-Humber Conservation Area Appraisal (CAA) 2004.
8. Based on the evidence before me, including my observations during my visit, I consider that the appeal site merits consideration as a NDHA. Its significance derives from its modest scale, historic construction and linear form as part of a wider terrace. Despite some alterations, it has retained much of its traditional character.

Impact of the Development

9. The CAA notes that loss of traditional details, particularly windows and doors, is a pressure within the BHCA¹. The Barton-upon-Humber Conservation Area Supplementary Planning Guidance (SPG) 2004, states that materials other than timber are unacceptable for windows, doors and conservatories in conservation areas. I note that the BHCA is protected by an Article 4 direction which has been imposed to protect architectural elements such as windows, from incremental and unsympathetic change.
10. Although the terrace varies in scale and uniformity to a degree, the appeal site forms one of a pair of consistent dwellings with No 4 Burgate. Windows across the terrace, while differing slightly in proportion, generally comprise 2/2 timber sash windows (except No 10 Burgate). Timber, with its natural grain and subtle surface imperfections, contributes to the historic interest of these buildings.
11. UPVC windows have been installed within the prominent front elevation of the dwelling. While the sash opening and narrow glazing bars are positive attributes, nonetheless the modern material choice results in a synthetic appearance with thicker frames, a chunky meeting rail and protruding trickle vents. The windows also appear flat, lacking the depth and intricacies of authentically crafted timber framed windows as seen at No 4, and elsewhere in the BHCA. Their position in a shallow reveal exacerbates this effect.
12. In this regard, I do not find that the UPVC windows are suitably refined such that I could consider that they respect the windows that they replaced in form, proportion and/or detailing². The loss of the traditional design and material of the windows and their replacement with unsympathetic alternatives, has harmed the architectural quality and integrity of the NDHA.
13. Due to the prominence of the appeal site, it follows that the identified negative effects to the NDHA would also harm the positive qualities of the CA. Whilst the replacement of windows is a relatively small alteration in the context of the BHCA as a whole, it is these incremental changes to key features which over time, dilute

¹ With reference to paragraph 7.1 of the BHCAA.

² As demonstrated in the before and after photographs supplied within the appellants' appeal statement.

and undermine an area's special interest. The appellants have themselves acknowledged that interventions have eroded the original character form, scale, appearance and proportions of windows along Burgate and neighbouring streets.

14. I note references to other UPVC windows locally. The Council explains that some examples lie outside the Article 4 direction and others are unauthorised. The appellants have not disputed this position. In any event, the fact that there are other harmful UPVC window frames in the vicinity of the appeal site, does not justify further harm to the significance of the NDHA and the character and appearance of the BHCA from the installation of the windows the subject of this appeal.
15. The development does not preserve the character or appearance of the BHCA contrary to section 72(1) of the Act³. As such, the development is harmful to the significance of this designated heritage asset. It also has an adverse effect on the significance of the NDHA.

Public Benefits and Balance

16. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the assets' conservation. That is irrespective of the magnitude of that harm. Consistent with that approach, paragraph 213 sets out that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. For NDHA's, a balanced judgement is required, having regard to the scale of harm and the asset's significance.
17. The harm to the NDHA is modest, given that it affects a large proportion of the front elevation. In the language of the Framework, the harm to the significance of the BHCA would be at the lower end of less than substantial harm. However, it is nevertheless important, given the negative effect exerted and should not be mistaken for a less than substantial objection. Paragraph 215 advises that this harm should be weighed against the public benefits of the development.
18. The appellants refer to future requirements for all private rented properties to achieve an EPC rating of C by 2030. They suggest that using the cheapest estimates to increase the rating of the dwelling to the required standard would cost tens of thousands of pounds, representing a high percentage of the dwelling's market value and exceeding its annual yield. However, the summary of works in the appellant's Heritage Asset Statement indicates that an EPC rating of C could be achieved without installing double-glazed windows. Moreover, such works are not likely to be required every year and so the cost of the installation would not be expected to be recouped in a year's rent.
19. Even if that were not the case, I am not persuaded that similar public benefits could not be achieved by a proposal which would be less harmful to the heritage assets, whilst also improving energy efficiency. In any event, any public benefits from improved thermal efficiency are inherently limited by the small scale of the development, which relates to 2 windows only. Overall, these limited public benefits do not outweigh the harm I have identified.

³ The Planning (Listed Buildings and Conservation Areas) Act 1990.

20. The development fails to preserve the significance of the NDHA and the character or appearance of the CA would neither be preserved, nor enhanced. The harmful impact conflicts with Policies CS5 and CS6 of the North Lincolnshire Core Strategy 2011 and Policies HE2 and DS5 of the North Lincolnshire Local Plan 2003. Together, these policies require all development to be of a standard which respects the appearance and character of the Conservation Area, and that building materials should be appropriate to the locality in terms of type, texture, colour and size. Conflict also occurs with the Framework, which seeks to conserve and enhance heritage assets through high quality design and the reinforcement of local distinctiveness.

Other Matters

21. The Council refers to an appeal decision which related to the replacement of windows and doors with UPVC versions in a dwelling within a Conservation Area⁴. Even if I could accept that case involved a different setting and standard UPVC casements⁵, the Inspector nonetheless found that UPVC was not a traditional material found within the Conservation Area and that its use was inappropriate in the historic environment. They also concluded that the presence of UPVC elsewhere did not justify further harmful development. My findings are consistent with that approach.

Conclusion

22. There are no material considerations that indicate this appeal should be determined other than in accordance with the development plan. Therefore, for the reasons set out above, the appeal is dismissed.

M Clowes

INSPECTOR

⁴ Appeal decision APP/Y2003/D/24/3343650.

⁵ As shown in the photograph of 28 Cross Street, Crowle contained within Appendix 3 of the appellants' appeal statement.