



Appeal Decision

Site visit made on 30 December 2025

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2026

Appeal Ref: APP/Z2505/C/24/3338677

18 Thorold Street, Boston, PE21 6PH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act").
- The appeal is made by Castaway Property Limited against an enforcement notice issued by Boston Borough Council.
- The notice was issued on 6 February 2024.
- The breach of planning control as alleged in the notice is: Without planning permission the installation of new windows in the front elevation of the building.
- The requirements of the notice are:
Remove the windows from the front elevation and replace them with windows that replicate, in terms of design (materials, frame width and profile and colour) of the windows that were removed and are still evident in attached adjacent property, number 16 Thorold Street.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Appeal on ground (a)/deemed application for planning permission

2. This ground of appeal seeks planning permission for the development that has been carried out, being the insertion of new uPVC windows in the front elevation of the building.
3. The **main issue** in this ground of appeal is the effect of the new windows on the character and appearance of the host building and whether they preserve or enhance the character or appearance of the Boston Conservation Area (BCA).

Reasons

4. Most of the housing in Thorold Street, Norfolk Street and Tawney Street date from the early C20th Edwardian period, the majority of them retaining architectural features and embellishments to their frontages influenced by the Arts and Crafts Movement and typical of that era. These include, for example, use of red brick, timber sash windows with large projecting bay windows, along with other decorative flourishes and detailing. The layout of the houses in straight rows in these three streets, forming a rectangular enclosure to and outlook across Central Park, are a generally well-preserved and valuable example of historical and social development

that emerged in the (relatively brief) Edwardian period. As such the traditional materials and architectural features of the houses and their layout contribute greatly to the character and appearance of the BCA, a designated heritage asset as defined in the Framework.¹

5. Prior to the appeal development being carried out the front elevation ground floor bay window of No. 18 Thorold Street had five single glazed white painted timber sliding sash windows within the bay frame, and two more white painted timber sash windows at first floor. These have all been replaced with white uPVC double glazed top-hung casement windows. As such, the new windows are significantly different in design and appearance from the original timber ones, largely due to the differences in frame thickness, the shiny and smooth 'machined' frame uPVC surfaces, the obvious modern top hung opening mechanisms, and incorporated trickle vents on the top rails.
6. Given the changes to the appearance of the windows and the house as a whole they materially affect the external appearance of the building and thus amount to 'development' as defined with section 55 of the Act.
7. Such works would ordinarily fall to benefit from the planning permission ("permitted development") granted by Article 3(1) and Class A, Part 1, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, those Article 3 permitted development rights were disapplied in 1988 by the Council's Article 4 Direction. Consequently, the windows that have been installed require planning permission.
8. Given the overtly modern design and appearance of the installed windows I have previously described I consider they harmfully detract from the traditional Edwardian character and appearance of the host dwelling and also thereby fail to preserve the character and appearance of the BCA.
9. I have considered whether planning conditions could overcome the harm I have identified, but there are none that would do so.
10. In the language of the Framework the harm to the BCA as a designated heritage asset falls to be considered as "less than substantial", and within that it is of a minor scale. However, Framework paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, *irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance*. Accordingly, I attach great weight to the asset's conservation.
11. The existence of other uPVC windows in the area referred to by the appellant do not make these windows subject of this appeal more acceptable and there are no public benefits advanced which would outweigh the harm I have described. As such the development carried out conflicts with the requirements of Policies 2 and 29 of the South East Lincolnshire Local Plan (2019).
12. The appeal on ground (a) therefore fails.

¹ National Planning Policy Framework (December 2024): Glossary – Designated Heritage Asset

Appeal on ground (f)

13. There are two purposes which the requirements of an enforcement notice can seek to achieve. The first is to remedy the breach of planning control which has occurred (section 173(4)(a) of the Act). The second is to remedy any injury to amenity which has been caused by the breach (section 173(4)(b) of the Act). Thus an appeal on ground (f) is a claim that the requirements of the notice exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any harm to amenity resulting from the breach.
14. The notice requires the removal of the unauthorised windows and to replace them with ones that replicate the original ones. This would restore the building to its condition that existed prior to the breach of planning control occurring. As such, the purpose of the notice is to remedy the breach of planning control (section 174(3)(a) of the Act).
15. The appellant's reference to other properties with uPVC windows in the street and the BCA are not relevant to ground (f). I have taken account of this argument in the appeal under ground (a) earlier.
16. Given the purpose of the notice is to remedy the breach of planning control, it is clear the requirement to remove the windows and restore the building back to its former condition cannot be excessive, this is because the requirement goes no further than remedying the breach, or, put more simply, undoing what has been done. Any lesser requirements would not fully remedy the breach of planning control.
17. The appeal on ground (f) therefore fails.

Thomas Shields

INSPECTOR