The Planning Inspectorate

Appeal Decisions

Site visit made on 20 March 2017

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st March 2017

Appeal A: Ref: APP/A2525/W/16/3162937
Hills Retails Stores, 5-6 Bridge Street, Spalding, Lincolnshire, PE11 1XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Hills Retail Stores Ltd against the decision of South Holland District Council.
- The application Ref: H16-0423-16 dated 27 April 2016 was refused by notice dated 24 June 2016.
- The development proposed is the replacement of 3 No external windows, 1 No external door and approximately 3.19sqm of external cladding.

Appeal B: Ref: APP/A2525/Y/16/3162972
Hills Retails Stores, 5-6 Bridge Street, Spalding, Lincolnshire, PE11 1XA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Hills Retail Stores Ltd against the decision of South Holland District Council.
- The application Ref: H16-0422-16 dated 27 April 2016 was refused by notice dated 24 June 2016.
- The works proposed are the replacement of 3 No external windows, 1 No external door and approximately 3.19sqm of external cladding.

Decisions

1. **Appeal A is allowed** and planning permission is granted for the replacement of 3 No external windows, 1 No external door and approximately 3.19sqm of external cladding at Hills Retails Stores, 5-6 Bridge Street, Spalding, Lincolnshire, PE11 1XA in accordance with the terms of the application, Ref: H16-0423-16 dated 27 April 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3464-1 (Second Floor Plan); 3464-2 (Ground and First Floor Plans); 3464-3 (Elevations, Site Plan, and Location Plan); and 3464-4 (Details).

2. **Appeal B is allowed** and listed building consent is granted for the replacement of 3 No external windows, 1 No external door and approximately 3.19sqm of external cladding at Hills Retails Stores, 5-6 Bridge Street, Spalding, Lincolnshire, PE11 1XA in accordance with the terms of the application Ref: H16-0422-16 dated 27 April 2016, subject to the following conditions:

1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

2) The works hereby permitted shall be carried out in accordance with the following approved plans: 3464-1 (Second Floor Plan); 3464-2 (Ground and First Floor Plans); 3464-3 (Elevations, Site Plan, and Location Plan); and 3464-4 (Details).

Procedural Matter

3. The Council has not referred to any development plan policies. I have therefore determined the appeal having regard to national planning policy in the *National Planning Policy Framework* (the Framework) and other material considerations.

Main Issue

4. I consider the main issue common to both appeals is the effect of the proposal on the special architectural and historic interest of the Grade II listed building and on the character and appearance of the Spalding Conservation Area.

Reasons

5. The appeal property is a Grade II listed building within the Spalding Conservation Area. That part of the building facing Bridge Street dates from the 18th century and has a three storey frontage of painted brick with regularly spaced sash windows on the upper floors. The roof to the Bridge Street frontage was repaired and a more 'traditional' shopfront re-instated in 2010. Substantial and more recent additions extend to the rear towards Vine Street and feature a variety of styles and materials. They are mostly flat-roofed.

6. It is proposed to replace three existing painted timber windows (one of which incorporates a door onto the flat roof) in the rear elevation of the older three storey section of the building with white UPVC sealed double-glazed units. It is also proposed to replace a small area of timber cladding next to one of the windows with white UPVC shiplap cladding. According to the applicant there is an ongoing problem of water ingress in this part of the building, and the existing timber windows have been repaired many times. The appellant now seeks a more effective and longer term solution.

7. At the Statutory level, Sections 16 (2) and 66 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* Act require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. As the site also lies within a conservation area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.

8. Section 12 of the Framework concerns the conservation and enhancement of the historic environment, and Paragraph 131 says regard should be given to the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 states that when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to that asset's conservation. It goes on to say that significance can be lost through alteration or destruction of the heritage asset.

9. I consider that much of the significance of this building derives from the 18th century façade to Bridge Street and the contribution it makes to that high quality frontage which contains a significant number of listed buildings; most of which are included within a 'group' including the appeal premises.

10. The Historic England Guidance '*Traditional Windows, Their Care, Repair and Upgrading (April 2015)* states that traditional windows and their glazing make a hugely important contribution to the value and significance of historic areas. It says they are an integral part of the design of older buildings, can be important artefacts in their own right, and that surviving joinery should be conserved and repaired wherever possible. However, it is not suggested that the existing timber windows to which this appeal relates form part of the historic fabric of the building or contribute to its significance. They are clearly relatively modern insertions with low evidential value. Furthermore, the windows are at second storey level, and would be barely visible from any public viewpoints, being largely concealed by the tall stock room block and other more recent additions to the rear of the premises.

11. Taking all these matters together, I favour a pragmatic approach, and consider on balance that the proposal would preserve the special architectural and historic interest of this listed building. For the same reasons I consider the proposal would have a neutral effect that would preserve the character and appearance of this part of the Conservation Area, causing no harm to any of these heritage assets. As such, I find no conflict with National Policy in the Framework.

Conditions

12. The Council have not put forward any suggested conditions. However I have considered the imposition of conditions in the light of the advice in the Government's *Planning Practice Guidance*.

13. Other than the standard commencement conditions, conditions are required to ensure that the development/works is constructed in accordance with the submitted plans, for the avoidance of doubt and in the interests of proper planning.

Conclusion

14. Therefore, for the reasons given above, and taking into account all other matters raised, I conclude that the appeals should be allowed.

Nigel Harrison

INSPECTOR