
Appeal Decision

Site visit made on 12 October 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 01 November 2017

Appeal Ref: APP/A2525/W/17/3171994

12-14 West End, Holbeach, Lincolnshire PE12 7LW

- 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 Mr Scott Parnell against the decision of South Holland District Council.
 - The application Ref H09-1148-16, dated 19 December 2016, was refused by notice dated 7 February 2017.
 - The development proposed is described as "replace windows + door".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal relates to a retrospective application for planning permission and I have treated the appeal on this basis.
3. The Council's Decision Notice in respect of the application that led to this appeal contained no references to development plan policies. However, the Officer Report and appeal statement did reference a relevant policy. As the development plan is the basis¹ on which an appeal decision of this type is made, and the appellant has been supplied with a copy of the relevant policy, I consider that no parties would be prejudiced by my taking this policy into account in my consideration of the planning merits of the appeal.

Main Issue

4. The main issue in this appeal is whether the development preserves or enhances the character or appearance of Holbeach Conservation Area.

Reasons

5. The appeal property is a three-storey brick-faced building addressing West End, one of the principal historic routes close to the commercial core of the Holbeach Conservation Area. The relative height of the appeal building and the width of its front elevation give it a prominence in the streetscene in contrast to the generally smaller-scales and frontages of the adjacent buildings within the terrace. Whilst the shop front of the appeal building, like those elsewhere in its environs, is of a modern character, the strong architectural rhythm of its upper floors created by the regularity of window openings, with five windows at first

¹ Established by section 38(6) of the Planning and Compulsory Purchase Act 2004

floor, and 5 slightly smaller windows at second floor and the restrained detailing of their lintels, with central keystone features contribute considerably to the streetscene. Furthermore, in creating a strong edge to the gently winding historic street close to the centre of Holbeach, the appeal building contributes considerably to its character and appearance as a Fenland market town, and as a consequence to the significance of the Conservation Area taken as a whole.

6. The appeal scheme has replaced the windows at the upper floors with white uPVC units, with two panes in each separated halfway down by a thick horizontal glazing bar. Slender vertical apparently decorative glazing bars bisect the upper and lower panes in all of the windows. The appellant has supplied a photograph of the building prior to installation of the current windows, which, whilst of a low resolution, shows what appear to be multi-light windows with 12 panes in those in the first floor, and 9 panes in those in the second floor.
7. Whilst I note the appellant's references to, and photographs of, other uPVC units in the surroundings of the appeal property, I saw that the building immediately adjacent in the terrace had sash windows in its upper floors, the lower panes of which are recessed considerably behind the upper ones, and from its facade. This building, whilst smaller in scale than the appeal property, is similar in terms of the treatment of its facade, including the detailing of its lintels. The windows in the appeal property, due to the bulkiness of the uPVC framing, and their prominence due to the limited depth of reveal, particularly to the lower pane, constitute a stark contrast to this immediately adjoining property. Moreover, due to the amount and bulky detailing of the installed windows combined with their prominence within the building's facade, they read as an over-assertive and dominant presence, and have as a consequence eroded the appeal building's historic character to a considerable degree.
8. The windows are on a highly visible part of the building, the scale of which makes it a prominent element of the streetscene. As a consequence, the erosion of the appeal building's character has also diminished its contribution to the character and appearance of the Conservation Area to a material degree, and has thus caused a clearly harmful effect to its significance. Therefore, mindful of the duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I conclude that the development fails to preserve the character and appearance of the Conservation Area. For these reasons too the appeal development conflicts with Policy SG1 of the South Holland Local Plan (adopted July 2006) insofar as, amongst other things, it seeks to ensure that development avoids harm to South Holland's essential character.
9. In terms of the uPVC windows present in the appeal site's surroundings referred to me by the appellant, I have not been supplied with any substantive evidence to suggest that these installations have the benefit of planning consent, or if they do what considerations were taken into account in the determination of their planning applications. Furthermore, the styles of the windows themselves and the buildings within which they are installed vary considerably from case to case. Moreover, each planning proposal needs to be considered on its own merits. Consequently, the presence of uPVC windows in the wider area does not serve to establish a precedent for those installed in the appeal property, or soften their harmful effects.

Other Matters

10. The Government's National Planning Policy Framework (the Framework) anticipates that great weight should be given to the conservation of heritage assets, such as conservation areas, in considering the impact of development proposals². Once harmful effects to the significance of a heritage asset are found, the level of this harm should be assessed. In the current case, I consider due to the relatively localised impact of the appeal scheme that it has caused less than substantial harm to the significance of the Conservation Area taken as a whole. Nevertheless, the Framework establishes³ that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
11. I note that the appellant considers the windows that have been replaced to have been dilapidated and dangerous. Whilst I am aware of the photographs submitted in support of this view, the low resolution of these, and the distance from which they were taken does not add any strong support to this assertion. Moreover, I have been supplied with no other substantive evidence regarding the condition of the windows prior to their replacement, and whilst mindful of the appellant's concerns about costs, whether repair would have provided a viable alternative. Consequently, this matter carries only very minimal weight in favour of the appeal development.
12. I am mindful that the building has been brought into use at some considerable cost and that the appeal development has enabled the care provider which operates the building to comply with Care Quality Commission guidelines. This is a clear benefit of the scheme; however, a lack of detail establishing whether these guidelines could be met by repair of the former windows, or their like-for-like replacement leads me to attach only modest weight to this matter in the overall planning balance.
13. Whilst I note the appellant's references to proposals for the shop front of the appeal building, this matter is outside the scope of the current appeal, which has focussed on the development as described in the application form.

Conclusion

14. For the reasons given above, the public benefits advanced in favour of the appeal scheme are not, either taken individually or together, of sufficient weight to tip the balance in its favour given the great weight and importance I attach to the harm it causes to the Conservation Area. Neither, for the reasons set out, has it been established that the appeal development has led to the optimum viable use of the building.
15. Consequently, the proposed development would clearly not meet the expectations of the Act or the Framework. Moreover no material considerations have been advanced that would outweigh its conflict with the development plan. Accordingly, I conclude that, for the reasons given above, and taking into account all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR

² At paragraph 132

³ At paragraph 134