The Planning Inspectorate

Appeal Decision

Site visit made on 16 July 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Appeal Ref: APP/A2525/W/24/3336415
24 & 24a Market Place, Donington, Spalding PE11 4ST

- 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 Ian Carrott against the decision of South Holland District Council.
- The application Ref is H04-0491-23.
- The development proposed is described as "replace timber windows with UPVC windows."

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

3. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The development has been completed and I was able to view it during my visit.

Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character or the appearance of the Donington Conservation Area

Reasons

6. The appeal site lies within the Donington Conservation Area (CA) and comprises a prominent two storey building located on the Market Place. The appeal building is split into two units, 24 and 24a Market Place, with a commercial unit at ground floor and a flat at first floor.

7. The Market Place lies at the core of the CA and forms the primary and historic centre of Donington, offering a range of uses, including primary shopping, service and leisure uses, as well as residential. The CA is characterised by a large number of historic, vernacular buildings, many of which are listed or identified as non-designated heritage assets, including 20 and 23 Market Place.

The CA's significance, insofar as it relates to this appeal, is derived from the historic, vernacular buildings and materials.

8. Although the development has taken place, a photo of the appeal building prior to the works being undertaken has been submitted. While the photo only shows three of the windows, the appellant has confirmed that the previous windows comprised four timber sliding sash windows and a single timber casement window. Such windows would have been more typical of the style and material of windows originally found within the CA and, by reason of their design, slim profile and timber construction, they contributed to the significance of the CA.

9. While the installed windows sought to reflect the proportions and style of those they replaced, UPVC is not a traditional or vernacular material. Through its use, the installed windows have markedly thicker frames and proportions. This is particularly noticeable in respect of the ground floor casement window.

10. Therefore, while there have been no changes to any of the structural openings as a result of the appeal scheme, the installed windows occupy a higher proportion of the window opening when compared with those they replaced. The installed windows are in stark contrast to the previous slimmer timber framed windows and represent a detrimental change in appearance. They therefore result in a loss of character and harm to the designated heritage asset.

11. My attention has been drawn to a number of buildings within the CA that have UPVC windows, including properties on Station Street, Market Place, Park Lane, Church Street, High Street and Quadring Road. While the appellant asserts it is likely these properties had timber sliding sash or timber casement windows prior to the installation of UPVC windows, there is little evidence to substantiate this.

12. While I do not have the full planning background for each building identified, the Council indicate that much of the UPVC present has been installed via permitted development rights. In any event, I am required to determine this appeal on its own merits, and the presence of similar windows on other properties does not justify the additional harm to the character and appearance of the CA arising from the appeal scheme.

13. Consequently, the appeal scheme fails to preserve or enhance the character or the appearance of the Donington CA as a whole, and results in harm to the significance of the designated heritage asset.

14. As required by paragraph 205 of the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case, I consider that the harm to the significance of the heritage asset is less than substantial.

15. Paragraph 208 of the Framework states that if a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.

16. The appellant has confirmed that the previous windows were replaced as they were rotten and thermally inefficient. In addition, interested party comments state that the installed windows would remain looking tidier for longer and are more environmentally friendly, when compared to the windows they replaced.

There is however limited substantive evidence to demonstrate that the previous windows were beyond repair or that the maintenance and energy efficiency concerns could not be met through different options, with appropriately designed windows.

17. Given the nature of the development proposed, these benefits would primarily be private rather than public. As a result, they are insufficient to outweigh the great weight I must attach to the harm I have identified to the significance of the designated heritage asset.

18. For these reasons, I conclude the replacement windows to the front elevation of the property do not preserve or enhance the character or the appearance of the Donington CA as a whole. As such, the appeal scheme is contrary to Policy 29 of the South East Lincolnshire Local Plan 2011-2036 Adopted March 2019, which states, among other things, proposals within a CA should preserve and enhance or reinforce features that contribute positively to the area's character, appearance and setting. The development is also contrary to the Framework which seeks to ensure development conserves and enhances the historic environment.

Other Matters

19. The Council highlight that the appeal site lies close to multiple listed buildings, with the appellant's Heritage Impact Assessment identifying five Grade II listed buildings and one Grade II* listed building nearby. The distance, layout and relationship between the appeal site and the listed buildings, together with the intervening built form and nature of the appeal proposal, leads me to the view that their settings would be preserved.

20. It is noted that the appellant undertook the work in good faith, following advice from the duty planning officer prior to installing the windows. However, in determining the appeal, I am required to have regard to the planning merits of the proposal. This is therefore a matter between the appellant and the Council.

Conclusion

21. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR