Planning Inspectorate

Appeal Decision

Site visit made on 10 March 2025

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/A2525/W/24/3350103
1A Hall Drive, Gosberton, Spalding PE11 4LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Andrew Ferguson of Penstar Developments Ltd against the decision of South Holland District Council.
- The application Ref is H08-0121-24.
- The application sought planning permission for the conversion of semi-detached house into two 2 bed houses, without complying with a condition attached to planning permission Ref H08-0175-19, dated 29 April 2019.
- The condition in dispute is:
  - No. 3 which states that: "*Unless otherwise agreed in writing by the Local Planning Authority, all new window frames, glazing bars and external door frames on the front elevation of the building shall be of timber construction, painted white and thereafter so maintained*."
- The reason given for the condition is: "*In the interests of the architectural composition and appearance of the development and the character and visual amenity of this part of the Conservation Area in which it is set. This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019*."

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section 73A of the Town and Country Planning Act (1990) relates to development already carried out, including development carried out without complying with some condition subject to which planning permission was granted, as for this appeal. An approval of a s73A application effectively creates a new planning permission, with the extant approval remaining intact.

3. The Government published a revised version of the National Planning Policy Framework ('the Framework') in December 2024. I do not find the revisions to be substantive or determinative in relation to this appeal outcome.

Background and Main Issue

4. Planning permission H08-0175-19 ('the permission') in April 2019 allowed conversion of 30 High Street into 2 dwellings, now known as No. 1A and 1B Hall Drive. Its condition 3 requires all new window frames, glazing bars, and external door frames on the front elevation of the building to be of white painted timber construction, and thereafter so maintained. The proposal seeks to change the 2 timber windows on the High Street front elevation to uPVC windows, as installed. The amendment sought is therefore to remove condition 3.

5. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the preservation or enhancement of the Gosberton Conservation Area (CA).

Reasons

6. The High Street façade of No. 1A Hall Drive appears as a single property with No. 1B, and contains 5 windows in total. The property lies within the Gosberton CA, and so I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. Section 16 of the Framework also requires that great weight should be given to the conservation of designated heritage assets.

7. Policy 29 of the South East Lincolnshire Local Plan 2011-2036 (SELLP) reinforces that proposals should conserve and enhance the character and appearance of designated and non-designated heritage assets, and proposals within a CA should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance, and setting. Policy 29 refers to the retention of architectural details that contribute to the character and appearance of the area, and the retention and reinforcement of local distinctiveness with reference to various elements of the existing built environment, including materials.

8. The significance of the CA arises from the historic development pattern and architecture of the settlement. Its focus is around the properties fronting onto High Street and Salem Street, with the St Peter and St Pauls Parish Church as the settlement's historic and visual focal point. Notable buildings include the 1872 Public Hall opposite the appeal site, and the 1878 Methodist Chapel a short distance away on Salem Street. Building materials are predominantly brick, with stucco also evident on the listed buildings on Mill Lane. Timber windows form the primary traditional vernacular material, albeit that many have been changed to uPVC.

9. The appeal building is a non-designated heritage asset, as it is recorded on the Council's local heritage list, and on the Lincolnshire Historic Environment Record. The latter describes the building along with No. 32 High Street as good examples of this style of building of this period, surviving with only a few changes to their original construction. Alterations have been made to 1A and 1B, particularly from the 2019 permission. However, there appears to be no front façade amendment other than the blocking up of the doorway at some point many years ago, and the uPVC windows sought under this appeal. As such, I find the appeal building contributes to the significance of the CA.

10. Moreover, if as suggested by the appellant, the changes made to 1A are so substantial such that there is little architectural or historic interest left, then I find it even more important to retain those original features which do remain. The front façade lies at a prominent central position within the village and the CA. Although modest in itself, it is attractive and holds architectural merit including from its timber windows. It lies within visual range of several other buildings which cumulatively contribute to the appreciation and understanding of the CA's character and setting.

11. That other village properties are not subject to control over window treatment does not indicate that there should be no control at all. Some examples I noted on my site visit are evidently harmful to the CA character, and so their existence does not

justify additional harm. The uPVC windows in 1A are thicker and more prominent than the timber windows remaining in No. 1B, and do not reflect the historic architecture of the dwelling in their finish and fine detailing. I find this juxtaposition to be apparent, and harmful.

12. Overall therefore, the proposal causes less than substantial harm to the significance of the CA as a designated heritage asset, to which the Framework paragraph 212 requires that I give great weight. The Framework paragraph 215 requires less than substantial harm to the significance of the CA to be weighed against the public benefits of the proposal. The only part public benefit presented is that wooden windows can be less energy efficient than uPVC. I find that this does not outweigh the less than substantial harm to the significance of the CA.

13. The proposal also harms the building itself as a non-designated heritage asset, for which the Framework paragraph 216 requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. For the reasons outlined above, my judgement remains that uPVC windows cause undue harm. The proposal overall therefore conflicts with the Framework, and with the SELLP Policy 29. The retention of condition 3 is therefore necessary and reasonable.

Other Matters

14. The appellant identifies that the previous timber windows resulted in mould in the bedroom, and so were harmful to living conditions for the occupants. Other options were firstly explored to address the significant penetrating damp, including a bathroom extractor fan, a dehumidifier, and extensive repointing of external brickwork and covering in liquid brick seal. However, there is no evidence that new high quality timber windows would not alleviate this problem. I give this limited weight in favour, but this is only a private benefit.

15. Various Council officers had initially assisted and generally encouraged the appellant's pursuit of a Council funding grant scheme, for replacement of the wooden windows with uPVC double glazing at No. 1A, 1B, and No. 32 High Street. However, such support was not gained from the local planning authority. While better co-ordination between Council departments may have been desirable, the evidence does not indicate that the Council directly advised that the No. 1A timber windows could be replaced with uPVC.

16. The financial implications of reinstating the windows to timber is a private matter, and in this instance only holds negligible weight in the planning balance.

Conclusion

17. Overall, the proposed development conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR