DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0491-23**	**Applicant:**	**Mr I Carrott**
Proposal:	Replace timber windows with UPVC windows - Retrospective		
Location:	24 & 24a Market Place Donington Spalding		
Terminal Date:	31st July 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This application is for the retrospective replacement of timber windows with UPVC windows at 24 & 24a Market Place, Donington.

Site Description

24 and 24a Market Place, Donington form 2 separate units within the same structure, with the ground floor being a commercial unit, and the upper being a flat. Market Place forms the primary and historic centre of Donington. It plays host to the primary shopping/service/leisure facilities for

the settlement and also contains a large amount of historic, vernacular buildings with multiple designated and non-designated heritage assets within close visual range. For these reasons, the immediate setting of the Market Place portion of the Donington Conservation Area can be considered to be one of the area's primary contributors to the character, value and significance of the local historic environment.

The host property itself is an early C19th commercial structure, featuring a historic timber corner shop frontage with arched windows. The property featured largely 8 over 8 sash timber windows, which have been replaced throughout with UPVC alternatives (subject of this application).

Multiple listed buildings are within close visual range of the proposal - for instance, Town Farm House, along Church Street (mentioned in Pevsner's Lincolnshire), No. 18 Market Place and also The Peacock Guest House (all Grade II). However, all are sufficiently far away and obscured that it would be incorrect to describe 24 Market Place as being in the setting of any listed property. Nonetheless, a number of the non-designated heritage assets nearby are also of substantial historic and aesthetic value to the wider area, including the adjoining 23 Market Place and the adjacent No. 20 Market Place. It is therefore reasonable to suggest that the proposal site forms an integral part of the settings of multiple non-designated heritage assets, in addition to that of the Conservation Area.

The immediate setting is largely characterised by C19th commercial and residential development. Most properties within the Market Place are mixed commercial and above ground floor residential.

History

H04-0061-10

Change of use from A2 to residential use. Approved on 19-03-10.

Consultation Responses

None received.

Planning Considerations

Heritage Impact

UPVC is not a traditional, vernacular material and as such is unsuitable for use in Conservation Areas.

The proposed windows are positioned on the significant main elevation facing the public realm on Market Place. As the site is within the Donington Conservation Area - it is considered that the white UPVC windows are significantly harmful to the qualities of the historic setting.

The Local Planning Authority seeks to use the controls that are available in order to ensure wherever possible that development preserves or enhances the character and appearance of the District's conservation areas. The installation of UPVC, particularly white, bottom opening windows, has an unacceptably harmful impact. The alien appearance of modern plastic material in a traditional area undermines the character and appearance of the conservation area.

The provided heritage impact assessment mentions the prevalence of UPVC in the Donington Conservation Area. It should be noted that much of the UPVC that is present in the Conservation Area for Donington has been installed via Permitted Development Rights, as the Conservation Area is not subject to a blanket removal of rights to permitted development. Therefore, the existence of UPVC in the conservation area does not represent a justification for contradiction of Policy 29 of the SELLP wherever consent requirements exist. Furthermore, UPVC is not the prevailing material in the immediate setting, and a cursory examination of the wider Market Place setting, reveals that very few properties within close visual range of the proposal site have adopted UPVC, and therefore it cannot be said that UPVC fits into any theme or character of the immediate surroundings of this site.

Additionally, the included Heritage Impact Assessment declares that the new windows are matching in style to those which they replace. Whilst it is the case that the replacement windows do seem to match in terms of vague frame design, the appearance of the new, replacement UPVC is substantially different, with the mullions and transoms being much wider and obvious in appearance

than the former timber windows, as is often the case with UPVC windows. This is particularly obvious in examination of the ground floor window upon the South Eastern Elevation, which when viewed in contrast with historic Google Street View imagery of the site from 2022, appears much thicker in terms of frame design.

For the reasons above, it is determined that these proposals are contrary to Policy 29 (specifically Section B) of the South East Lincolnshire Local Plan (2019) and to national guidance set out in Section 16 of the National Planning Policy Framework (2021), in that they neither conserve nor enhance the significance or visual/aesthetic qualities of the Donington Conservation Area nor the wider Historic Environment.

Conclusion

For the reasons listed above, this application is found to be not in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019) and Section 16 of the National Planning Policy Framework (2021). Therefore, this application is recommended for REFUSAL.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.