



PLANNING (LISTED BUILDINGS AND  
CONSERVATION AREAS) ACT 1990

## REFUSAL OF LISTED BUILDING CONSENT

**APPLICATION NO:** PA/2011/0037

**Applicant:** Mr S Jackson

**Address/Agent:** 1 High Street  
Crowle  
SCUNTHORPE  
DN17 4LD

North Lincolnshire Council hereby give notice that the application received on 14/02/2011 to:

**replace wooden sash windows with upvc sash windows at 1, 1a, 1b High Street & 2 Cross Street, Crowle, DN17 4LD**

has been considered and that consent for these works in accordance with the plans and written particulars submitted has been refused for the following reason:

1.

In the council's opinion the installation of uPVC sash windows in a listed building would harm the character and setting of a listed building in question and the conservation area as a whole, the proposal is therefore considered contrary to policies DS1, HE2 and HE5 of the North Lincolnshire Local Plan.

Dated: 31 March. 2011. Signed:

  
M Welton  
Head of Planning

## RIGHTS OF APPEAL ETC

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse consent for the proposed development or to grant consent subject to conditions, he may appeal to the Planning Inspectorate, in accordance with Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990, within six months of the date of this notice. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 304A Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Planning Inspectorate has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

2. If Listed Building Consent in respect of a building is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Planning Inspectorate and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works for which Listed Building Consent has been or would be granted, he may serve on the council in whose area the land is situated a notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. In certain circumstances a claim may be made against the Local Planning Authority for compensation, where consent is refused or granted subject to conditions by the Planning Inspectorate on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The Planning Inspectorate have introduced an online appeals service that you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes). The Inspectorate will publish details of the appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only supply information, including personal information belonging to you, that you are happy will be made available in this way. If you supply personal information belonging to someone else, please ensure that you have their permission. More detailed information about [data protection and privacy matters](#) is available in the Planning Portal.

*When making your appeal, if requesting your forms from the Planning Inspectorate it is important that you ask for the correct appeal form. Either a:*

*Planning Appeal Form (full or outline applications)*

*Householder Planning Appeal Form*

*Listed Building Consent or Conservation Area Consent Appeal Form*

*Certificate of Lawful Use or Development Appeal Form*

**Please note:** *only the applicant possesses the right of appeal.*

## NOTE

Attention is drawn to Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of any consent granted by the Local Planning Authority) until notice of the proposal has been given to the Royal Commission on the Historic Monuments of England, 37 Tanner Row, York, YO1 6WP and that the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it. A copy of the notification form is enclosed where appropriate.



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## Appeal Decision

Site visit made on 16 January 2012

**by Mrs A L Fairclough MA, BSc(Hons), LLB(Hons), PGDipLP, MRTPI, IHBC**  
an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 7 February 2012**

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### **Appeal Ref: APP/Y2003/E/11/2154869**

### **1, 1A, 1B High Street and 2 Cross Street, Crowle, North Lincs DN17 4LD**

- 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 Mr Steven Jackson against the decision of North Lincolnshire Council.
  - The application Ref: PA/2011/0037, dated 17 January 2011, was refused by notice dated 31 March 2011.
  - The works proposed are described as 'remove the rotten wood sash windows with double glazed uPVC sash windows, to match existing windows so visually they would look as they do now'.
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### **Decision**

1. The appeal is dismissed.

### **Procedural matters**

2. The Council described the works as to replace wooden sash windows with UPVC sash windows. This more succinctly, and accurately, describes what is proposed and I have dealt with the appeal on that basis.

### **Main Issue**

3. The terrace made up of Nos.1-11 High Street, that contains Nos.1, 1A, and 1B High Street and No.2 Cross Street is a Grade II listed building that lies within the Crowle Conservation Area. On this basis the main issue to be considered is the effect of the proposed works on the special architectural and historic interest of the listed building and, linked to that, whether they would preserve or enhance the character or appearance of the conservation area.

### **Reasons**

4. Nos.1, 1A, and 1B High Street and No.2 Cross Street include timber, single-glazed, sash windows in a variety of styles with four panes at ground and first floor levels and nine panes at second floor. The variety of styles within the windows, reflecting the historical evolution of the building, and their traditional proportions, detailing and forms are an integral part of the special architectural and historic interest of the listed building. They are an important constituent of the positive contribution the listed building makes to both the character and appearance of the conservation area.
5. No drawings have been submitted to illustrate the precise design of the replacement windows proposed but it seems that they would take the form of four-pane, double-glazed, sash windows, with frames formed in uPVC.

6. The replacement windows would have a similar opening mechanism to the existing windows. However, due to the different material properties of uPVC, the framing sections would inevitably be thicker, as would the astragals. The nature of uPVC means that the frames would have a flat, uniform appearance and lack the finesse of the detailing found in the existing, timber windows. The introduction of such a modern material, with the drawbacks set out, would appear contextually incongruous and it would extinguish part of the historical evolution of the building, currently evident.
7. As a consequence, far from bringing enhancement as the appellant suggests, the proposal would cause substantial harm to the special architectural and historic interest of the listed building and to both the character and the appearance of the conservation area.
8. Following on from Policy HE7, Policy HE9 of *Planning Policy Statement 5: Planning for the Historic Environment* (PPS5) deals with the consideration of applications for consent relating to designated heritage assets. HE9.2 states that where the application would lead to substantial harm, consent should be refused unless, of relevance, the substantial harm is necessary in order to deliver substantial public benefits that outweigh the harm.
9. Clearly, the uPVC windows would provide some advantages notably in terms of energy efficiency and noise insulation. However, these do not provide sufficient benefit to outweigh the substantial harm that would be caused. I reach that conclusion not least because, if replacement is deemed necessary, then the same benefits could be provided by windows that paid some attention to their historic context. On this basis the proposal fails to accord with advice in PPS5 and the requirements of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
10. I note the references to uPVC windows that have been installed in the area and took some time to look at these at the site visit. However, it is not clear whether these required or received listed building consent and in any event, it is incumbent upon me to deal with the proposal at issue on its own merits.
11. I also see that the appellant has contacted the Secretary of State for Culture Media and Sport in an attempt to have Nos.1-11 High Street removed from the Statutory List. However, what has been placed before the Secretary of State is not a justification for removal, but an explanation of why it is felt the existing windows need to be replaced. Notwithstanding that, despite changes that have been made to it, over time, the terrace retains special architectural and historic interest and there is no reasonable justification for me to recommend to the Secretary of State that it be removed from the Statutory List.
12. For the reasons set out above, and having regard to all matters raised, the appeal is dismissed.

*Mrs A Fairclough*

INSPECTOR