



Appeal Decision

Site visit made on 22 July 2013

by Susan Heywood BSc (Hons) MCD MRTPI

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

Decision date: 29 July 2013

Appeal Ref: APP/Y2736/D/13/2199956
60A Bondgate, Helmsley, York YO62 5EZ

- 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 William Hunton against the decision of Ryedale District Council.
 - The application Ref 12/01237/HOUSE, dated 19 December 2012, was refused by notice dated 28 March 2013.
 - The development proposed is to replace 5 wooden casement windows with equivalent looking uPVC casement windows. Replace 1 varnished wooden door with equivalent looking wood effect composite door.
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Decision

1. The appeal is dismissed.

Preliminary Matter and Main Issue

2. The appellant claims that the Article 4(1) Direction which applies to Helmsley Conservation Area does not include the removal of permitted development rights for windows and doors. However, the Statement of Case for the making of the Direction¹ includes reference to the alteration of doors and windows in section 5.3.2. In any case, the application has been made and the appeal therefore falls to be determined by me. Whether or not planning permission is required is not a matter for me to determine in the context of an appeal made under S.78 of the above Act. Separate procedures exist for the determination of whether planning permission is required for this development. The decision in this appeal does not prevent the appellant from seeking such a determination.
3. The main issue in this appeal is whether the windows and door, which have been inserted into the front elevation of the appeal property, preserve or enhance the character or appearance of the Helmsley Conservation Area.

Reasons

4. Helmsley Conservation Area comprises rows of simple, flat fronted, terraced properties constructed of warm local stone as described in the Statement of Case referred to above. The appeal dwelling is one such property. It has a long frontage containing 5 windows and a door and is sited in a prominent

¹ Statement of Case of the North York Moors and Ryedale District Council for the making of a Direction under Article 4(1) of the Town and Country Planning General Development Order 1988 for Part of Helmsley Conservation Area, December 2006

location at the back edge of the pavement fronting the road which approaches Helmsley from the east.

5. The Conservation Area Appraisal (referred to in the Statement of Case) identifies the architectural character of the town. Components of that character comprise doors and windows constructed of timber, windows incorporating sliding sashes and small panes, small window openings with deep reveals and front doors predominantly of timber and constructed in traditional panelled styles. Many of the properties along Bondgate display these traditional styles of windows and doors. Traditionally, windows (of the style which the uPVC replacements in this appeal aim to replicate) tend to be set further into the window reveal. They have finer glazing bars and the central, sliding, portion is set back into the reveal. This central, sliding section forms the opening mechanism and this feature contributes to the flat-fronted characteristics of the properties within which they are seen. These window and door styles form part of the significance of the Conservation Area as a heritage asset.
6. The replacement uPVC windows in the appeal property fail to replicate these traditional windows in many respects. In particular, they are set towards the front of the window reveal and as such they do not replicate the effect of depth and shade created by traditional windows. They have thick frames around the side opening elements which project out from the face of the main frame. They also have thick central horizontal glazing bars, unlike the finer glazing beads seen in traditional windows, and indeed seen on the previous windows in the appeal property. The black gaskets on the inside of the window frames are also apparent from the street and, whilst they may not be noticed in themselves by passers-by, they add to the thickness of the frame around the panes of glass. The separate plastic cill below the window and projecting strip to the top also fail to reflect the simple wooden frames of traditional windows.
7. The replacement uPVC door has two glazed top panels with elaborate window leading detail which is wholly out of character with the traditional simple, four panelled wooden door styles seen elsewhere along the street. In addition, the smooth effect gained from the uPVC material is quite unlike the texture seen in wood and the wood grain effect is an unsatisfactory attempt to replicate the appearance and texture of a traditional wooden door. Furthermore, the continuation of the door frame along the bottom of the opening with a projecting cill is an uncharacteristic feature which is at odds with the joinery seen in traditional door surrounds.
8. I understand that the appeal property was previously an agricultural building, formerly used as a piggery barn. Originally the building appears to have had small openings at first floor and only one ground floor window together with a simple wooden door. Photographs supplied by the appellant show the new window openings during construction works in 1990. It is therefore clear that the window openings that now exist are not original to the building. Furthermore, the windows inserted at the time did not reflect all of the characteristics of traditional windows as described above. In particular, they were not deeply set within the window reveals and they appear to have been side hung casements which will have opened out into the street. The original door appears to have been replaced with a non-traditional panelled door with central window, although the door was made of timber. Nevertheless, the style of those previous windows and the door reflected the traditional style and

materials seen elsewhere within the Conservation Area to a greater degree than the uPVC windows and door which have now been inserted.

9. No local policies have been drawn to my attention and the Council relies on paragraph 131 of The National Planning Policy Framework (the Framework). This requires decision makers to have regard to the desirability of new development making a positive contribution to local character and distinctiveness. The Framework also advises that opportunities should be sought for new development to enhance or better reveal the significance of heritage assets. The opportunity presented by the need to renew the windows and door in this property has been lost by their replacement with the inappropriate windows and door now installed which do not make a positive contribution to local character and distinctiveness. The Framework requires decision makers to give great weight to the conservation of a designated heritage asset when considering the impact of a proposed development on its significance. A balanced judgement must be taken having regard to the scale of harm and the significance of the asset.
10. The design and materials of the replacement uPVC windows and door fail to reflect the traditional characteristics of windows and doors in the wider Conservation Area and the development therefore detracts from the character and appearance of the property. The long frontage of the property, containing a large number of windows, and its prominent siting within the Conservation Area has led to the replacement windows and door causing substantial harm to the character and appearance of the Conservation Area and to its significance as a heritage asset.
11. Where substantial harm would be caused the Framework requires that permission should be refused unless it can be demonstrated that substantial public benefits would outweigh the harm, or a number of other criteria apply none of which are relevant in this case.
12. In support of the appeal, the appellant states that the previous windows and door were in a poor state of repair and the double glazed units in the windows had deteriorated. I note that the property is north facing and acknowledge that the previous windows and door are likely to have been draughty. I also sympathise with the appellant's health problems and understand the desire for new windows and a door which are low maintenance. However, it would have been possible to obtain new wooden windows and a door designed in a traditional style which could have achieved good energy efficiency ratings and which would have overcome the problems experienced with the previous windows and door. Good quality wooden units would also have been low maintenance for a number of years. These matters do not therefore justify allowing a development which harms the appearance of the property and the Conservation Area.
13. I note that other properties, both in this row and opposite in the row of cottages known as the 'Twelve Apostles', have had replacement uPVC windows and doors. The Council indicates that some of these were in place prior to the Article 4(1) Direction coming into force, others are unauthorised. In any case, many of these have been harmful to the character of the properties in which they have been inserted (as identified in the Statement of Case for the Article 4(1) Direction). Allowing further harmful development would cumulatively erode the character, appearance and significance of the Conservation Area.

Accordingly, the existence of uPVC windows and doors in other properties does not justify the harm caused by their use at the appeal property.

14. I also note that there are new doors and windows elsewhere in the Conservation Area which are not of traditional designs. I do not know the background to these cases and have considered the appeal on the basis of the circumstances in this case. Finally, I have considered the contents of the letter of support which has been submitted by a neighbour. But, this does not justify allowing a development which is found to be harmful.
15. I note the appellant's concerns relating to the way in which the planning application and pre-application discussions were dealt with. Nevertheless, it is not within my remit to comment upon the discussions which took place between the appellant and the Council prior to the submission of the appeal.
16. For the above reasons, I conclude that the replacement uPVC windows and door neither preserve nor enhance the character or appearance of the Conservation Area and cause substantial harm to its significance as a heritage asset. This harm is not outweighed by the points put forward by the appellant to support the development and no substantial public benefits exist to outweigh the harm caused. Accordingly, the development conflicts with the Framework and should be dismissed.

Susan Heywood

INSPECTOR