



Appeal Decision

Site visit made on 19 February 2014

by N McGurk BSc(Hons) MCD MBA MRTPI

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

Decision date: 18 March 2014

Appeal Ref: APP/Y2736/A/13/2209283

Spring Barn, Flaxton, York, North Yorkshire, YO60 7RP

- 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 R Stubbs against the decision of Ryedale District Council.
 - The application Ref 13/00806/HOUSE, dated 4 July 2013, was refused by notice dated 31 October 2013.
 - The development proposed is replacement of existing timber sliding sash windows with PVCU sliding sash windows.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of existing timber sliding sash windows with PVCU sliding sash windows at Spring Barn, Flaxton, York, North Yorkshire, YO60 7RP in accordance with the terms of the application, Ref 13/00806/HOUSE, dated 4 July 2013, and the plans submitted with it, subject to the condition that the development hereby permitted shall begin not later than three years from the date of this decision.

Procedural Matters

2. The Council did not turn up for the site visit, as arranged. With the agreement of the appellant, I carried out an unaccompanied site visit.
 3. The appeal is made further to a split decision issued by the Council. I confirm that I have considered the whole of the application in reaching my decision.
 4. Planning Practice Guidance (PPG) came into force on 6 March 2014. The content of the PPG has been considered but in light of the facts of this case, it does not alter my conclusions.
 5. Planning permission was originally sought for the replacement of 24 timber sash windows (12 to the front of the appeal property and 12 to the rear) with PVCU sash windows, together with the replacement of two front doors and one rear door. In its decision notice, the Council approved the proposal in respect of the windows and doors to the rear of the appeal property, but refused it with respect to the windows and doors to the front of the appeal property.
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Main Issue

6. The main issue in this case is the effect of the development proposed on the character and appearance of the Flaxton Conservation Area.

Reasons

7. The appeal property is a semi-detached two storey house located along the main village street in Flaxton. Like most properties in the village, it faces the main street across a wide pavement and grass verge. The village largely comprises housing extending in a ribbon development.
8. The appeal property is located within the Flaxton Conservation Area, which is characterised by traditional brick-built two storey houses set back from the main street behind grass verges which open out onto a large village green. The traditional design and detailed brickwork of dwellings comprise a dominant and highly attractive feature characteristic of the Conservation Area.
9. During my site visit, I observed that whilst sash windows are common to properties within the Conservation Area, many of these comprise replacement modern PVCU windows. Whilst the modern replacements appear slightly different to those original windows that remain, I consider that their commonplace appearance throughout the Conservation Area means that they do not appear incongruous to any notable degree.
10. Further to the above, I find that, rather than detract from their surroundings, the replacement sash windows already present in the Conservation Area serve to reflect investment in the upkeep of local housing and that by retaining the "sash" nature of the windows, the attractive attributes of the Conservation Area are generally retained.
11. Taking the above into account, I find that the proposed development would appear in keeping with the established character of the area. Consequently, I consider the proposed windows to both the front and rear of the appeal property to be appropriate.
12. The Council, in support of its case, considers that the PVCU frames proposed are thicker than the timber windows to be replaced. However, I find that the plans submitted with the proposal demonstrate that the frames proposed would not be materially thicker. The Council's Conservation Officer also considers that UPVC window glazing is more highly reflective than that of timber framed glazing. However, no substantive evidence has been provided to demonstrate that this is the case.
13. The Council goes on to suggest that various elements of the windows proposed would differ from those windows to be replaced. The proposed new windows will comprise modern materials and it is inevitable that they will not be identical to the historic windows currently in situ. I note above that modern replacement sash windows are a common feature of the Conservation Area. The proposed development would be in keeping with this and there is no policy requirement for the like-for-like replacement of windows.
14. In its reason for refusal, the Council considers that the doors to the front elevation of the property would harm local character. During my site visit, I observed there to be a wide variety of front doors – comprising different

designs and materials, including white PVCU doors - within the Conservation Area. Furthermore, the appellant states that the proposed GRP composite doors would closely match the appearance of the existing timber doors. In this regard, I find that they would be entirely in keeping with their surroundings. There is no substantive evidence before me to demonstrate that this would not be the case.

15. Taking all of the above into account, I find that the proposed development would preserve the character and appearance of the Flaxton Conservation Area. It would not be contrary to the Framework or Local Plan¹ policy SP12, which together amongst other things, protect heritage assets.

Conclusion

16. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

¹ Ryedale Local Plan Strategy with Main Modifications and Additional Modifications (2013).