
Appeal Decisions

Site visit made on 6 September 2016

by Anthony Lyman BSC (Hons) DipTP MRTPI

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

Decision date: 22 September 2016

Appeal A: Ref: APP/H2733/W/16/3146025

73 North Marine Road, Scarborough, North Yorkshire, YO12 7HT

- 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 Jack Tolson against the decision of Scarborough Borough Council.
 - The application Ref 15/02429/FL, dated 7 December 2015, was refused by notice dated 29 January 2016.
 - The development proposed is to replace existing sliding sash single glazed windows on ground, first, second and third floors on the North Marine Road elevation with double glazed sliding sash UPVC windows.
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Appeal B: Ref: APP/H2733/Y/16/3151310

73 North Marine Road, Scarborough, North Yorkshire, YO12 7HT

- 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 Jack Tolson against the decision of Scarborough Borough Council.
 - The application Ref 15/02430/LB, dated 20 November 2015, was refused by notice dated 29 January 2016.
 - The works proposed are to replace existing sliding sash single glazed windows on ground, first, second and third floors on the North Marine Road elevation with double glazed sliding sash UPVC windows.
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Decisions

Appeal A:

1. The appeal is allowed and planning permission is granted to replace existing sliding sash single glazed windows on ground, first, second and third floors on the North Marine Road elevation with double glazed sliding sash UPVC windows at 73 North Marine Road, Scarborough, North Yorkshire, YO12 7HT in accordance with the terms of the application, Ref 15/02429/FL, dated 7 December 2015, subject to the conditions set out in the attached schedule.

Appeal B:

2. The appeal is allowed and listed building consent is granted to replace existing sliding sash single glazed windows on ground, first, second and third floors on the North Marine Road elevation with double glazed sliding sash UPVC windows at 73 North Marine Road, Scarborough, North Yorkshire, YO12 7HT in
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accordance with the terms of the application Ref 15/02430/LB, dated 20 November 2015 subject to the conditions set out in the attached schedule.

Main Issue

3. No. 73 North Marine Road is part of a Grade II listed terrace within the Scarborough Conservation Area. The main issue to be considered is the effect of the proposal on the special architectural and historic interest of the listed building and, linked to that, whether the works would preserve or enhance the character or appearance of the conservation area. In the language of the National Planning Policy Framework (the Framework) this can be defined as the effect of the proposal on the significance of designated heritage assets.

Reasons – Both Appeals

Background

4. The appeal property is an early C19th red brick terrace house with three storeys, an attic floor and a basement. The building, which has been divided into flats, has dual facades. One elevation, the subject of this appeal, faces North Marine Road. The other frontage faces on to Queens Parade, with elevated views across Scarborough's North Bay. Nos. 73-81 North Marine Road are Grade II listed buildings. On the same side of the road from Nos. 31 to 115 there are other groups of Grade II listed buildings, all within the Scarborough Conservation Area.
5. Excluding the basement window, which appears to have been replaced, there are seven windows in the North Marine Road facade, including two dormer windows in the mansard roof. The proposal is to replace these seven timber windows, which are said to be in poor condition, with UPVC sliding sash units.

The Policy Background

6. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant listed building consent, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses. Section 66(1) of the Act requires a similar approach in considering whether to grant planning permission for development which affects a listed building or its setting. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in exercise of planning functions. Any finding of harm to a listed building, or to a conservation area, is a matter of considerable importance and weight on the negative side of the balance.
7. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. Saved Policy E14 of the Scarborough Borough Local Plan requires, amongst other things, alterations to existing buildings not to detract from the character, appearance or historic significance of the building, or to harm the uniformity of a terraced frontage. Saved Policy E23 relates to detailing in conservation areas and, amongst other things, states that on period properties built prior to 1914,

the replacement of the authentic style of windows by modern units not in authentic materials, design and detail will be unacceptable.

The Significance of the Designated Heritage Assets

9. Nos. 73-81 North Marine Road were first listed in 1953. The listing description refers to the buildings as a row of red brick and grey header houses with stone sill courses to ground and first floors, moulded wood frieze cornice and slate mansard roof. The fenestration is described as four pane sashes to the left and three panes to the right over the door, with one four pane sash at ground floor level. The house has a flight of steps with Victorian railings up to the entrance.
10. Windows in the Queens Parade facade of the listed appeal building have been replaced by UPVC units following the grant of planning permission and listed building consent by the Council in 2013. With regard to the current application, the Council consider that the proposal would conflict with saved Policy E23 which prohibits the replacement of authentic style windows with modern units in buildings pre-dating 1914. The Council state that the windows in the North Marine Road elevation are of an original style and design.
11. However, four of the seven windows to which the appeal relates are not original to the house or period in design. According to the appellant, the two windows on the top floor did not exist until the attic was converted in the 1930s, at which time the second floor windows were altered to match the new dormers. Each of these windows has four large panes that appear unsympathetic to the smaller traditional panes of the period in the other three windows below. The altered second floor windows also appear discordant against the multi-paned period second floor windows in adjacent properties. The fenestration on this elevation, including the basement window, is a hotchpotch of styles that do not reflect the historic significance of the heritage asset and the street scene.
12. The proposed UPVC frames would be white, with a wood grain finish. The multi-paned design with glazing bars of an appropriate style would give the authentic look of period originals and would present a uniform appearance in place of the current harmful mixture of styles. The Council acknowledge that the proposed 'Heritage Collection' UPVC sliding sash windows are of a good standard and give an authentic timber look.
13. The reason for refusal claims that the use of unsympathetic modern materials would detract from the traditional terrace. However, recently the Council granted consent for the installation of seven UPVC windows in the elevation of No. 87 North Marine Road, on the basis that the timber windows existing at that time were not original. That property is Grade II listed and can be seen in close proximity to the appeal property in the same terrace. The owner of that property confirms that, the windows approved by the Council for his property are from the same high quality heritage range selected for the appeal property, and that the new windows have considerably benefitted the property's carbon footprint.
14. On my site visit I viewed the windows fitted to No 87 North Marine Road, and the UPVC windows installed at No 47 in the same street, also recently approved by the Council. Compared to the assortment of often poorly maintained single glazed timber windows in the terrace, the heritage style UPVC windows in these two properties enhance the appearance of the buildings and the street scene.

15. The style, quality and appearance of UPVC windows have advanced considerably since saved Policies E14 and E23 were adopted in 1999. Nevertheless, the use of such windows may still not be appropriate in relation to all designated heritage assets. However, given the context of the nearby listed properties in the terrace referred to above, and the fact that UPVC windows have been approved and installed on the Queens Parade frontage of the appeal property, within the conservation area, I conclude that the appeal proposal would not harm the significance of the designated heritage assets. Furthermore, given that the three remaining original windows are in poor condition and in need of replacement, the original historic fabric would be likely to be lost, irrespective of the appeal proposal.

Conditions

16. In addition to the standard commencement condition to both the permission and the consent, it would be necessary for the development and the works to be undertaken in accordance with the approved plans, using windows from the specified heritage range, in the interest of preserving the significance of the heritage assets.

Conclusion

17. As set out above, the Act requires special regard to be had to the desirability of preserving (that is not harming) listed buildings, and special attention to be paid to the desirability of preserving (again not harming) or enhancing the character or appearance of conservation areas. For the reasons set out above, the significance of the listed building would not be harmed by the proposal, and the character and appearance of the conservation area would be preserved. On that basis, the proposal would accord with the provisions of the Act, the policies of the Framework that seek to conserve and enhance the historic environment, and the local plan policies referred to above.
18. Accordingly, for the reasons given, both appeals should succeed, subject to the conditions imposed.

Anthony Lyman

INSPECTOR

Conditions

- 1) The development and works hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans.
- 3) The sliding sash windows to be utilised in the North Marine Road elevation shall be the 'Heritage Rose' windows (without decorative horns) as submitted to the local planning authority on 20 November 2015, and thereafter, shall be retained.