
Appeal Decision

Site visit made on 24 January 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/H2733/W/16/3163410

Flat 2, Lorne House, 18 Albemarle Crescent, Scarborough, North Yorkshire YO11 1XS

- 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 Miss Olga Wheatley against the decision of Scarborough Borough Council.
 - The application Ref 16/01622/HS, dated 30 June 2016, was refused by notice dated 5 October 2016.
 - The development proposed is described as fitting heritage style white PVC u sliding sash windows to front elevation.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Although reason for refusal 2 as set out in the Council's decision notice refers to the Whitby Conservation Area, the Council has confirmed that this is in error and that the site is situated within the Scarborough Conservation Area. I have dealt with the appeal accordingly.

Main Issue

3. The main issue for the appeal is whether the proposed development would preserve or enhance the character or appearance of the Scarborough Conservation Area.

Reasons

4. 18 Albemarle Crescent is a three storey, end of terrace property, situated within the extensive Scarborough Conservation Area. I noted at my site visit that the Conservation Area has a mixed character. No 18 is situated within a short terrace of properties, which have some uniformity in their appearance, with two storey projecting bay windows, regular fenestration and rendered walls. The appeal proposal relates to the replacement of the timber sliding sash windows in Flat 2 at No 18 with white UPVC units. I note the intention to replace the remaining windows at the property in due course should be appeal be successful.
 5. I saw during my site visit that whilst there have been some replacement of windows at Albemarle Crescent with later timber frames, there are few examples of UPVC windows present. A notable exception is at Flat 2, 36
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Albemarle Crescent, where replacement uPVC windows have been permitted. I note from the copy of the decision notice (LPA ref 16/00690/HS) and officers report provided by the appellant that the permission for the replacement windows at No 36 related to a specific product known as 'Ultimate Rose Vertical Sliding Sash' and that the windows to be replaced at No 36 were said to be heavier framed than those in adjacent properties.

6. Policy E.23 of the Scarborough Borough Local Plan 1999 (Local Plan) includes that applications for the replacement of windows which would harm the character of a conservation area will not be permitted and that on properties built prior to 1914 the replacement of authentic style windows by modern units in unauthentic materials or design will be unacceptable other than in exceptional circumstances. The Council have dealt with the appeal on the basis that the appeal building predates 1914 which is not challenged by the appellant.
7. The existing windows at the appeal property are of a traditional form with wooden frames which are slender in appearance and appear to match the others within the terrace. Whilst I have not been provided with dimensions of the existing frames, after considering the details of the proposed 'Genesis' sliding sash windows made by Bison Frames UK Ltd, I am not convinced that they would be not be appreciably heavier in appearance than those existing, due to the width of frames, sashes and meeting rails. Consequently, I consider that the appeal proposal would give rise to windows of a heavier appearance in unauthentic materials which would not closely resemble the original windows and no exceptional circumstances have been demonstrated in this case. This would give rise to harm to the appearance of No 18, the wider terrace and Conservation Area.
8. I have found harm to the Conservation Area, which I give considerable importance and weight. Paragraph 131 of the National Planning Policy Framework (the Framework) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of development affecting conservation areas, which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 132 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset.
9. Paragraph 126 of the Framework recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. The harm found in this case would be less than substantial to the extensive Conservation Area as a whole and any harm, which is less than substantial, must be weighed against the public benefit of the proposal as per paragraph 134 of the Framework. Whilst the harm to an individual site may be less than substantial, the incremental and cumulative harm that could arise from similar proposals could adversely affect the Conservation Area and the heritage asset as a whole. As heritage assets are irreplaceable, any harm requires clear and convincing justification. The appellant has referred to the appeal scheme improving energy efficiency as is supported by the Framework. However, in this case the alterations relate to a

private dwelling and any such public benefits which may arise do not outweigh the harm found to the Conservation Area.

10. To conclude on this matter, the appeal scheme would not preserve or enhance the character or appearance of the Scarborough Conservation Area. The proposal is contrary to Local Plan Policy E.23 and additionally Local Plan Policy E.14 which is concerned with extensions and alterations to existing buildings and includes that alterations should not detract from the character, appearance or historic significance of the building. The appeal proposal also fails to accord with the historic environment policies of the Framework.

Conclusion

11. For the above reasons and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR