
Appeal Decision

Site visit made on 3 May 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 12 June 2017

Appeal Ref: APP/E2001/W/17/3168143

17 Market Place, Pocklington, East Riding of Yorkshire YO42 2AS

- 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 Mrs Sheila Roberts against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/16/03722/PLF, dated 2 November 2016, was refused by notice dated 5 January 2017.
 - The development proposed is replacement windows to front and rear elevation from timber to white upvc.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development consists of replacement windows to the front and rear of the appeal property. Whilst the main matters of dispute in this appeal relate to the effect on the appearance of the front of the building and the surrounding area rather than to the rear, the Council has considered the proposal as a whole and dealt with it as such. Accordingly, I have considered and determined this appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area, including the Pocklington Conservation Area (CA).

Reasons

4. The appeal property is situated in the centre of the market town and it is located within the Pocklington Conservation Area (CA). The area is characterised by a range of two and three storey and largely historical buildings. There is a mix of original and modern features and also a mix of shop fronts at ground level and upper floors of buildings appear to have predominantly timber-framed sash windows. However, whilst the appeal building is not listed, it differs from most buildings by having timber casement windows and decoratively coloured brickwork which contributes to the character of the CA. It is a three storey building which is taller than many nearby buildings. Its height and decorative appearance draws the attention and therefore makes the building prominent in the streetscene.
 5. Policy ENV3 of the East Riding Local Plan Strategy Document (LP) seeks to ensure that development protects heritage assets and important unlisted buildings. The National Planning Policy Framework (the Framework) states that in cases where development would lead to less than substantial harm to the character and
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- appearance of a conservation area, such harm should be weighed against the public benefits of the proposal.
6. The property facade, as it appears from the street, is split between Nos 15 and 17 Market Place. This is apparent on the ground floor where there is a clear distinction between two separate shop fronts. One unit extends two thirds across the ground floor frontage (No 15) and the other unit which is part of the property the subject of this appeal (No 17) extends to one third of the buildings width. Although less apparent, this split within the building is continued on the upper floors. There are three windows on each the two upper floors and these are distributed evenly across the front elevation of the building. However, only one window on each floor relates to No 17 and is proposed to be replaced.
 7. The window design and detailing of the frames forms an intrinsic part of the buildings overall design and relate to the horizontal lines of glazed bricks and tiles of the overall façade of the building. The proposed upvc frames would have a similar design and appearance to the existing frames. However, the intrinsic detail of the existing frames would be lost. Furthermore, as the proposal relates to only two of the six windows on the upper floors on the façade of the building, it would unbalance its appearance and would be at odds with the overall design of the property. This harmful effect would only be exacerbated due to the buildings prominence within the streetscene and the CA.
 8. I appreciate that the host building is in different ownerships and that this may make a comprehensive replacement of all windows within the façade of the building as viewed from the street difficult to achieve. Notwithstanding this, I find that the inconsistent and unbalanced appearance of the building which is a prominent focal point would be significantly harmful to the character and appearance of the building and the surrounding area, including the CA.
 9. The appellant questions the historic and architectural interest of the appeal building whilst it is not listed and noting that Historic England had not been consulted on the scheme. Notwithstanding this, the building is within the CA and from what I have seen and read, I find that it makes a contribution to the intrinsic qualities of the CA. Furthermore, a building does not have to be listed to have such interest and the fact that Historic England was not consulted does not automatically mean that a building has no such historic or architectural interest or value.
 10. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special regard should be given to the desirability of preserving or enhancing the character or appearance of a conservation area. Furthermore, the Framework states that, where relevant, the impact of proposed development on the significance of the CA should be assessed. As such, whilst the replacement windows would appear similar to the existing timber frames, the omission of the detailing to the mullions and transoms would be harmful and would result in key elements of the windows with historic and architectural interest being lost. Furthermore, the Council expects that traditional materials are used in order to preserve or enhance the character or appearance of the CA. The proposal would not provide this or the intrinsic detail.
 11. Having considered the above, I find that the harm to the significance of the CA would be less than substantial. However, in accordance with Paragraph 134 of the Framework, I must assess this harm against the public benefits of the proposal. The appellant argues that the existing timber window frames are in a poor state of repair, have an untidy appearance and provide a low level of thermal insulation. Furthermore, the appellant states that the public benefits of the scheme are

difficult to determine but arguably would include improvements in appearance, heat insulation and security.

12. Notwithstanding this, I find that these benefits, when considered individually and cumulatively, would be outweighed by the significant adverse impact of the proposal which I have identified. Furthermore, the loss of design features of historic and architectural interest which form an integral part of the buildings character and appearance and which contribute to the significance of the CA would be difficult to reinstate or replicate. Therefore, I must give significant weight to the harm identified. Moreover, the proposal would neither preserve nor enhance the character or appearance of the CA.
13. Consequently, I conclude that the proposal would have a significant adverse impact on the character and appearance of the building and its surrounding area, including the CA. It would therefore be contrary to Policy ENV3 of the ERLP SD and the relevant guidance within the Framework. Amongst other matters, this policy and guidance seeks to ensure that development has no significant harmful effect on the character or appearance of its surroundings and preserves or enhances the significance of designated heritage assets, including conservation areas.

Other Matters

14. The appellant refers to other properties where replacement windows have been granted within the CA. I note the point regarding similar windows by the same company having gained approval in the CA where, it is argued, detailing has not been reinstated or replaced and has therefore been lost. I have had due regard to these other cases. However, whilst there are similarities to the scheme before me, I do not have the full details of these cases or their circumstances. As a result, I cannot fully assess how comparable they are to this proposal and can therefore only give limited weight to them.
15. However, I note the Council states that in one case which the appellant refers to, sufficient detail on the design of the windows was provided in order to determine that the windows were acceptable. Furthermore, in another case where two proposals covered one building, a condition was imposed to ensure that the schemes were implemented and timed so that the building was not unbalanced or otherwise harmed. Notwithstanding the above and in any event, I must assess the proposal before me on its own merits and circumstances. Accordingly, I have determined the appeal on that basis.

Conclusion

16. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR