



Appeal Decision

Site visit made on 7 January 2020

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 28 January 2020

Appeal Ref: APP/E2734/W/19/3238891

Sovereign House, Sovereign Park, Harrogate, North Yorkshire HG1 2SF

- 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 Scott MacDonald (Sovereign Park (Harrogate) Management Company Ltd / Sovereign House) against the decision of Harrogate Borough Council.
 - The application Ref 19/01058/FUL, dated 7 March 2019, was refused by notice dated 24 July 2019.
 - The development proposed is replacement windows, balcony screens and entrance screen.
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Decision

1. The appeal is allowed and planning permission is granted for replacement windows, balcony screens and entrance screen at Sovereign House, Sovereign Park, Harrogate, North Yorkshire HG1 2SF in accordance with the terms of the application, Ref [19/01058/FUL, dated 7 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2023.02A and 2023.01.
 - 3) Prior to the installation of any fenestration as part of the development hereby approved, drawings indicating details of all windows, screens and external doors, including cross sections of glazing bars, to a scale of not less than 1:20 shall be submitted to and approved in writing by the local planning authority. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter.
 - 4) Before the first use of any materials in the external construction of the windows of the development hereby approved, samples of those materials shall have been made available for inspection by, and received the written approval of, the local planning authority and the development shall be carried out in strict accordance with the approved details.

Main Issue

2. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Harrogate Conservation Area.

Reasons

3. Sovereign House lies within the Sovereign Park development, itself the result of the redevelopment of the former Royal Baths Hospital site and buildings. The appeal building itself is a relatively recent residential development¹ within the grounds of the former Royal Baths Hospital, the converted main building of which lies a short distance away from the appeal building.
4. The site lies within the Harrogate Conservation Area (CA), and specifically within 'Character Area C : The Duchy estate'. Noted as being overwhelmingly residential, the Conservation Area Character Appraisal (CACA) also notes that it is difficult to generalise about the form and character of buildings within the Duchy estate. With regard to windows, it goes on to state that numerous window types are found within the Duchy but that there has been relatively little replacement with PVCu windows. The replacement of windows by ones of poor design or materials is noted as being a feature detracting from the CA's character, albeit with particular regard to the effects of these where carried out on just one half of a semi-detached property.
5. The proposal is for the wholesale replacement of windows and balcony screens throughout Sovereign House. Sovereign House is of a largely conservative design and of a broadly traditional character and appearance, typified by the use of light-coloured render with exposed dark timber beams reflecting the broad character and appearance of buildings within this particular character area, whilst the use of timber windows throughout was considered by the Council at the time of its original approval to be a typical approach for new buildings within the CA that were not considered to be of contemporary design. Although Sovereign House does incorporate some contemporary features such as the modern form of the balconies on particular elevations it is not unreasonable to describe it as not being of contemporary design.
6. The Council acknowledge that the objection to the replacement windows is, in part at least, one of principle relating to the window frame material. However, the appellant has indicated that particular areas of design concern to the Council, such as joint and horn design, could be manufactured to address these issues.
7. Moreover, whilst the existing windows and screens are of timber frame construction they have several noted failings in their design and appearance. Thus, features such as trickle vents, drip moulds and the absence of horns are all noted as being issues with the current windows. Furthermore, I saw that the balcony screens, and particularly the frames immediately adjacent to the opening doors, had awkwardly heavy, cumbersome frames that were much thicker than those elsewhere within those screens. The proposed replacements would be less heavy-handed in their appearance on the balconies which have prominent positions looking out over the grade II historic park and garden of V alley Gardens.
8. The proposed windows, whilst uPVC, would be a sliding sash design rather than just reflecting the proportions of such as the existing timber frames do. Thus, there would be greater relief between upper and lower panes, whilst the panes themselves would benefit from the removal of the glazing bars currently present within the existing windows. It is also clear that they would avoid the

¹ LPA Ref No: 96/02671/FUL – approved 27.02.1997

- identified failings of the existing windows, or that they could be manufactured so as to omit those negative features.
9. The elevations of Sovereign House are all publicly and readily visible, either from Sovereign Park or from Valley Gardens to the rear. However, those views are from some distance from where the material of the proposed replacement windows would be largely indistinguishable from timber windows. What may be more noticeable from those viewpoints however, would be the deeper recess between the upper and lower panes, the removal of the glazing bars and the omission of clutter on the frame such as trickle vents and the less cumbersome balcony screen frames.
 10. These positive aspects of the proposed replacement windows would be sympathetic to the character of the host building and of those around it, particularly the former Royal Baths Hospital building. Importantly, they would also, in my judgement, be the most widely noticeable aspects of the proposal. The building is not a traditional building and so I am satisfied that the proposed replacement windows and balcony and entrance screens would be sympathetic and appropriate to the character and appearance of the host building. Nor, for the reasons that I have set out above, would the proposal cause harm to the setting of the adjacent Royal Baths Hospital building.
 11. Whilst I recognise the CACA conclusion that the spread of uPVC windows across the character sub-area has been limited, I am satisfied that it has been satisfactorily demonstrated that the proposal would result in the incorporation of positive features within the windows which would have a more beneficial contribution to the character and appearance of the host building, the setting of the adjacent former Royal Baths Hospital building and the wider Conservation Area than the existing windows and screens. For the reasons I have set out above, the proposal would respond appropriately to the character of the host building and I am satisfied that the details and the detailing of the replacement windows would respect the style, proportions and appearance of traditional sliding sash windows. The use of uPVC would not, in my judgement and for the reasons I have set out, cause harm in these respects. There would therefore be no conflict with the aims and provisions of Core Strategy policy SG4 or saved Local Plan policies H15 or HD20.
 12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. For the reasons set out above, I conclude that the proposed replacement windows would preserve the character and appearance of the Harrogate Conservation Area.

Conditions

13. I have considered the Council's suggested conditions in light of the National Planning Policy Framework and Planning Practice Guidance. I agree that a time limit condition is necessary in the interests of certainty. I have also added a plans condition which confirms the overall suite of approved plans, albeit that I also agree with the Council's suggestion of conditions requiring further detail regarding the window design and construction and samples of the windows.

Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR