
Appeal Decision

Site visit made on 13 January 2020

by A Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Appeal Ref: APP/Y2736/Y/19/3237495

Vivers Lodge, Old Road, Kirkbymoorside, York, YO62 6LT

- The appeal is made under section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant Listed Building Consent.
 - The appeal is made by Mrs J. Cook against the decision of Ryedale District Council.
 - The application, Ref 19/00074/LBC, dated 24 January 2019 was refused by notice dated 29 May 2019.
 - The development proposed is for replacement windows and door in a listed building in a conservation area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development upon the significance of the Grade II Listed Vivers Lodge.
 - The effect of the development upon the character and appearance of the Kirkbymoorside Conservation Area.

Reasons

Impact Upon the Significance of the Grade II Listed Vivers Lodge

3. The appeal property is a Grade II Listed, 3 storey traditional townhouse. The property exhibits several phases of construction beginning from the mid/late 18th century. The property is particularly notable for its later upgrading in the Victorian era where it would appear that much of the primary front elevation of the building was substantially re-fronted in high quality materials and features that were inspired by more classical fashions of the day. This included the use of orange/red brick coursed in Flemish Bond, the installation of the central glazed bay at first floor level and the introduction of classically inspired sandstone architectural details around the ground floor bay windows and main entrance.
4. The existing windows to the building appear to date from these two phases respectfully, with windows to the rear typically exhibiting smaller panes of glass that would be synonymous with the earlier phase of the building. To the

front the vertical sliding sash windows appear to date from the later phase of construction as does the dramatic first floor bay window, which is particularly ornate. I also noticed on my site visit that many of these windows still contain historic glass that is an important element in their significance.

5. In considering whether to grant listed building consent for any works Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Similarly Section 72 of the same Act requires me to show special attention to the desirability of preserving or enhancing the Conservation Area when determining planning applications for development within such an area. Paragraph 193 of the National Planning Policy Framework (NPPF) also states that when considering the impact of proposed development on the significance of the heritage asset, 'great weight' should be given to the asset's conservation.
6. Further to this policy guidance, Historic England also provides guidance on traditional windows¹ in the form of 'Traditional Windows, Their Care, Repair and Upgrading'. This guidance states that the loss of traditional windows in our older buildings poses one of the major threats to our heritage and illustrates that traditional windows *"...are an integral part of older buildings and can be important artefacts in their own right, often made with great skill and ingenuity with materials of a higher quality than are generally available today."*
7. The significance of Vivers Lodge is therefore derived from its historic fabric and the evidential and aesthetic values that it provides. The fact that the property had been re-fronted in the Victorian era does not detract, but, on the contrary, adds to this significance.
8. I consider that the windows to this building are fundamental to the building's historic evolution and are highly likely to be original to each respective phase of building. As such they form an integral part of the building's significance and to its understanding. Of particular note is the central, first floor bay window that is exceptional due to its ornate, slender glazing bars. I also saw on my inspection of the building that several of the windows exhibit fine joinery details to their internal aspect in the form of carved architraves and it is unclear how much of this detail would survive should this appeal succeed.
9. The Appellant intends to remove 23 of these timber windows and 1 original doorway to the rear to be replaced with UPVC windows and a new door from the 'Ultimate Rose Collection'. This would see all 23 windows replaced by wood grained, sliding sash type UPVC and the existing doorway replaced by a new doorway of similar material. I have no evidence before me as to how the proposed replacements would compare to the existing but I consider it highly unlikely that they would compensate in any way for the loss of detail, original timber, hand made glass or the aesthetic qualities of the existing windows and doorway. In respect of this I conclude that significant harm would occur to the listed building through allowing this appeal and that the requirements within Section 16(2) of the Act are not met.

¹ Traditional Windows, Their Care, Repair and Upgrading, Historic England 2017.

Impact of the Development Upon the Kirkbymoorside Conservation Area

10. The appeal property is a substantial house standing in a prominent location within the Kirkbymoorside Conservation Area. The house is particularly visible from the recreation area immediately opposite the site. Although this recreation ground is not actually within the Conservation Area, it does offer elevated views over Old Road and of the town beyond.
11. Kirkbymoorside is covered by an Article 4 Direction that seeks to retain original windows. I consider that this signifies the weight that the Local Planning Authority place upon the contribution of historic fenestration to the character and appearance of the Conservation Area.
12. As considered above, the removal of the original windows, loss of historic glass and the replacement of the first storey central bay window would cause harm to the Kirkbymoorside Conservation Area and erode its significance which would be contrary to the requirements contained within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

13. In assessing this proposal I give substantial weight to the points that the appellant raises in relation to the energy performance of the UPVC windows as a potential public benefit. However, I have seen no evidence to support these claims that the existing windows are unsustainable or beyond refurbishment, other than on my site visit where I saw that some of the windows to upper rooms were slightly open. I also have no information as to any attempt to consider any more conservative ways in which to deal with the issues of energy performance, perhaps in the form of draught sealing. I therefore consider that although important, the complete removal of the historic joinery is not justified by any alleged increase in energy performance that may come from the new windows.

Conclusion

14. I conclude that, through this proposal, the Listed Building would lose substantial elements of historic fabric that would cause significant harm to the significance of the Grade II Listed Vivers Lodge that is in no way outweighed by any potential public benefits. As such I dismiss the appeal.

A Graham

INSPECTOR