
Appeal Decisions

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 Refs: APP/Y2733/W/19/3237504 and APP/H2733/Y/19/3237456
1, Mews Cottages, 21 St. Hilda's Terrace, Whitby, YO21 3AE**

- The appeals are made under section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 38 of the Planning and Compulsory Purchase Act 2004 against a refusal to grant Planning permission and Listed Building Consent.
 - The appeals are made by Mrs A. Wraith against the decision of Scarborough Borough Council.
 - The applications, Ref 19/00986/FL and 19/01067/LB, dated 15 April and 23 April 2019 respectively were refused by notices dated 26 June 2019.
 - The development proposed is for replacement windows and door.
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Decision

1. The appeals are dismissed.

Procedural Matter

2. These applications seek both Listed Building Consent and Planning Permission for the above development. Due to the similarities between the applications and the specific issues involved I have determined both of these decisions as part of the same decision notice.

Main Issues

3. The main issues in these appeals are:
 - The effect of the proposed development upon the significance of the Grade II* Listed 21 St Hilda's Terrace.
 - The effect of the development upon the character and appearance of the Whitby Conservation Area.

Reasons

Impact Upon the Significance of the Grade II Listed 21 St. Hilda's Terrace.*

4. St Hilda's Terrace is a dramatically placed terrace of buildings mainly dating from the 18th century. Many of the buildings are listed on the statutory list for England as being of architectural or historic importance. 21 St Hilda's Terrace is a fine neo classical building of ashlar stone and fine architectural details. The main range is typically grand, well proportioned and symmetrical and is spread over five bays that are separated by Doric Pilasters.

5. Set back to the side of this main range is a row of buildings that appear contemporary with the main house and would be synonymous with the Mews type ancillary outbuildings common to such houses. These buildings are two storey in height, enclosing a partial courtyard and are clearly subservient to the main range as a result. The Mews cottages do however relate to the main house in terms of their simply proportioned and designed windows and their uniform materials and architectural form.
6. The appeal property forms one part of this row of Mews cottages and has a small ground floor extension to its front façade that faces into the courtyard. The proposal is to replace the two first floor windows to the original, first floor, element of the property as well as to replace the two ground floor windows in the later extension. The proposal would also see the existing front door to the property changed.
7. Although the windows to the ground floor extension are obviously more recent, they do nevertheless, have the slender glazing bars and authentic materials that were likely original to the building. Similarly the existing door, although seemingly also modern, does match that of the neighbouring mews property and as such provides some form of continuity which is important in such a collection of buildings.
8. 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. 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.
9. Further to this, 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."*
10. The replacement of the windows would introduce an alien material into the listed building in the form of UPVC. Moreover, although the ground floor windows are clearly not original to the site, they do attempt to reflect something of the older materials and design. The introduction of a material that departs from this tradition, without any details or justification would cause harm to the Mews cottages and the Listed Building as a whole.
11. Although the door itself is also a later addition, part of what makes this site special is the uniformity of these Mews cottages. By altering this doorway to a design that differs from its neighbour, something of this uniformity would be lost and this would ultimately affect the significance, understanding and attractiveness of the site as a whole.

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

12. In assessing this evidence I find that the replacement of existing windows and door would cause significant harm to the special architectural and historic interest of the Grade II* Listed Building that is not outweighed by any public benefits. As such the statutory requirements within the Act are not met, neither are requirements within planning policy DEC5 of the Scarborough Borough Local Plan addressed in terms of the impact upon the historic environment.

Impact Upon the Whitby Conservation Area

13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to show 'special attention' to the desirability of preserving or enhancing the conservation area when determining planning applications for development within a conservation area.
14. The buildings that form St Hilda's Terrace create an impressive, highly visible terrace within the town that is visible from the opposite side of the harbour river and from Pannett Park below. The Whitby Conservation Area Appraisal describes St Hilda's Terrace as being "The finest street in the town" and explains that many of the properties within the terrace are Grade II* Listed in their own right as well as being important for group value as a street in its entirety.
15. On a more local scale the appeal site is noticeable when walking up the public footpath that runs alongside this site from Pannett Park. This path itself is highly characteristic and offers glimpses and views to the larger houses surrounding it as well as longer distance views due to the topography of the area. One of these views is through the entrance into number 21 and the appeal property can be seen from some distance along this footpath and is one of the first glimpses one gains when approaching the site from this direction.
16. In light of this, the introduction of UPVC windows would not only introduce a foreign material into this part of the conservation area, but it would also be noticeable from this footpath and as such would undermine some of the authentic qualities and key views that contribute to the character and appearance of the Whitby Conservation Area. Ultimately, the replacement windows would erode the special character of the conservation area and cause harm contrary to policies DEC1 and DEC5 of the Scarborough Borough Local Plan.

Other Matters

17. In assessing these proposals I give substantial weight to the points that the appellant raises in relation to the energy performance of these windows as a potential public benefit. However, I consider that the windows are relatively recent in their installation and are in good repair. I have also seen no evidence to support the claims that the existing windows are unsustainable or that other measures to help improve their efficiency, other than complete replacement, have been considered. I therefore consider that although important, the complete removal of the existing windows and their replacement with UPVC is not justified through consideration of the details before me.

Conclusion

18. The introduction of UPVC windows and replacement door would undermine the uniformity, authentic materials and significance of the Grade II* Listed Building and would also cause harm to the Whitby Conservation Area that is not outweighed by any identified public benefits. I therefore dismiss the appeals.

A Graham

INSPECTOR