



Appeal Decision

Site visit made on 1 June 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/E2734/Y/19/3237816

Hackfall Farm, Wapping to Nutwith Common, Grewelthorpe HG4 3DE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Dawson against the decision of Harrogate Borough Council.
 - The application Ref: 19/01858/LB, dated 29 April 2019, was refused by notice dated 23 July 2019.
 - The works proposed are replacement windows.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Harrogate Borough Council formally adopted the Harrogate District Local Plan 2014-2035 (HDLP) on 4 March 2020 during the course of the appeal. This replaces both the Harrogate District Local Plan (2001, as altered 2004) and the Harrogate District Core Strategy (2009). I have therefore determined the appeal having regard to the relevant policies within the HDLP. Both main parties have had the opportunity to comment on the implications of this for the appeal. I am satisfied that no interested party has been prejudiced by this approach.
3. Due to the Covid-19 pandemic and Government guidelines regarding social distancing, the interior of the building was not accessed as part of the site visit. Instead, a photographic window schedule showing the internal face of the existing windows including the reveals and a close up of the glazing bars was submitted by the appellants¹. I have therefore taken the photographic window schedule into account in my determination of the appeal.
4. A revised set of drawings were submitted to the Council during the determination of the application and were used in its decision². For the avoidance of doubt, I have used the revised drawings in my determination of the appeal.
5. The Council has granted planning permission and listed building consent for an extension to the Farmhouse³ which involves the loss of window No 16 as identified in Appendix 1 (Window Schedule) of the appeal statement. Whilst I

¹ Window Schedule (Revised) attached to email dated 20 May 2020.

² Drawing Ref: 2477 (PL)50 A - Window Key Drawing.pdf; Drawing Ref: 2477 (PL)51 A - Type 1 Window Details.pdf and Drawing Ref: 2477 (PL)52 A - Type 2 Window Details.pdf.

³ Application Refs: 17/02325/FUL and 17/02326/LB.

acknowledge that the permission and consent may not be implemented, no existing or proposed details of window No 16 have been submitted and it is not included in the photographic window schedule referred to above. Therefore, I have not taken window No 16 into account in my determination of the appeal.

6. As the proposal relates to a listed building and is in a conservation area, I have had special regard to Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

7. The main issue is the effect on the special interest of the Grade II listed building known as Hackfall Farmhouse and the character and appearance of the Hackfall Conservation Area.

Reasons

8. The appeal site is located on the outskirts of Grewelthorpe village. It is situated within the Hackfall Conservation Area (the HCA) and the Nidderdale Area of Outstanding Natural Beauty (the AONB). It is also located within the setting of the Hackfall Registered Historic Park and Garden (the HRP&G).
9. Hackfall Farmhouse is Grade II listed and dates from the mid-to-late 18th century with a 20th century extension to the side⁴. It is a two storey, three bay, detached building, constructed of coursed squared stone with a clay pantile hipped roof. Although being set well back from Masham Road, the topography of the surrounding land causes it to be a prominent building on the historic landscape and it can be seen in long views from the highway and an adjacent public footpath.
10. Hackfall Farm was used by the Aislabies as their base while visiting Hackfall. The Aislabies laid out the grounds at nearby Studley Royal and incorporated the ruins of Fountains Abbey. Hackfall Farmhouse is stated to have probably been built for William Aislabie who redesigned the landscape at Hackfall to enhance its natural features and vistas.
11. The entrance to the house faces Masham Road, but the principal elevation faces the heavily wooded site of Hackfall. This façade possesses a semi-circular, single storey, stone bay which internally is a completely circular room with a domed ceiling. Originally, this 'Garden Room' had three windows (one of which is now a door) that provided views out over the designed pleasure grounds of Hackfall.
12. From the evidence available to me, I consider that the significance of the listed building is largely derived from its historical associative value with the Aislabie family and its aesthetic designed value of a building within a planned landscape, which the 'Garden Room' allowed full appreciation of. However, the original building's modest vernacular form (albeit with a hipped rather than a pitched roof) and pleasing symmetry, combined with the use of traditional construction techniques and materials, including its fenestration, also make important contributions to its aesthetic value and thus its special interest and significance.

⁴ Application Ref: 83/00511/FUL.

13. The existing windows relevant to the appeal are single-glazed, painted timber units set deep within stone surrounds. They are a combination of multi-pane Yorkshire sliding sash windows (6 aside 6); multi-pane vertical sliding sash windows (8 over 8 and 2 over 2); and a casement window in the basement. Of these windows 6 (40%) are historic and 9 (60%) are modern replacements.
14. The appeal proposal is to replace these windows with bespoke, 12mm thick, 'Eco-lite Slim Range Heritage and Conservation' double-glazed, painted timber units. All of the glazing would be individual glazed units sat within slim glazing beads with putty applied surrounds and the existing stone surrounds would remain unaltered.
15. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have clear and convincing justification.
16. The existing windows are key architectural features on the façades of the building. The appeal proposal would result in the irrevocable and detrimental loss of 6 historic Yorkshire sliding sash windows. It would also result in the loss of 8 modern windows that are of no historic value, but are of some aesthetic value, in that they are of a construction, design and material which reflect the age and character of the property. The basement casement is of no historic or aesthetic merit.
17. I note the appellants' contention that all of the single-glazed windows are in very poor condition causing them to be no longer fit for purpose. However, no detailed condition survey of the windows has been submitted which supports this claim. From the window schedule provided and my observations on site, the windows appear to be generally in good order and well maintained with some being openable. In this respect, clear and convincing justification has not been provided for the loss of important historic fabric, the alteration to the character of the property and the consequent harm to the identified significance of this designated heritage asset.
18. Reference is also made to the thermal inefficiency of the single-glazed windows. I recognise the appellants' desire to improve the energy efficiency of the building, and I am cognisant of the Energy Statement⁵ which outlines the limitations of improving the building's thermal performance by other means, including the lack of scope to install secondary glazing in some rooms. However, the thermal performance of traditional single-glazed windows can be improved by draught-proofing and further benefits can be gained simply by hanging and closing thick curtains. From the evidence before me, I am not convinced that significant improvements to the energy efficiency of the windows and the house could not be achieved through benign alterations such as those referred to above.
19. The appeal proposal declares that the double-glazed windows would be a like-for-like replacement with frames, glazing bars and profiles based on templates taken from the existing units. The only difference would be the addition of slim-line double-glazed units. Having regard to the comparative

⁵ Supporting Energy Statement July 2019 2477-3.01.

details of the existing and proposed windows as shown on the revised drawings, which I note omit details of windows WC01, WG05 and WG06⁶, it is apparent that the proposed box frames, sills and glazing bars would be slightly wider than the existing. Consequently, the proposed windows would not truly replicate the traditional joinery details of the existing units or allow them to sit as deep within the stone surrounds. Furthermore, even though the separation of the panes would be minimal, in my opinion, the proposed windows would still appear visually different to a single pane of glass in terms of their reflective qualities.

20. I have had regard to the appellants' assertion that, given the building's location at some distance from public routes, the double glazing would only be apparent on close inspection and not in wider views. Nevertheless, although the highlighted differences are seemingly subtle, I consider that when taken together and across the original building as a whole, they would be legible in long range views. Moreover, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not close public views of the building can be gained.
21. Therefore, I find that the proposed works would have a harmful effect on the special interest of the Grade II listed building known as Hackfall Farmhouse. In doing so, they would harm the significance of this designated heritage asset with no clear and convincing justification.
22. With reference to Paragraphs 195 and 196 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the relatively localised and limited extent of the proposed works, I find the harm to the listed building to be 'less than substantial' in this instance, but nevertheless of considerable importance and weight. Under such circumstances, Paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimal viable use of the building.
23. It is asserted that the replacement of the windows would result in energy efficiency improvements to the property which would lead to energy savings and reduced carbon dioxide emissions. Even so, any improvements to the building's thermal efficiency have not been quantified. More importantly, any benefits would primarily be of a private nature, with any environmental public benefits being limited given that it is a single property. Therefore, this public benefit carries limited weight in support of the appeal.
24. The appellants also consider that the proposed works would 'future proof' the building and ensure that it would remain a preserved part of the historic landscape, to be enjoyed by the public accessing Hackfall. However, no evidence has been provided which verifies that the optimum viable use of the building as a residential dwelling would be jeopardised or would cease if the proposed works were not implemented.
25. I therefore find that insufficient public benefits have been identified that would outweigh the harm I have found to the significance of this designated heritage asset.

⁶ Drawing Ref: 2477 (PL) 20 Window Key.

26. Taking the above into account, I conclude that, on balance, the proposed works would have a harmful effect on the special interest of the Grade II listed building known as Hackfall Farmhouse. In doing so, it would cause 'less than substantial' harm to the significance of this designated heritage asset. In the absence of any defined substantiated public benefit that would outweigh the substantial weight which is given to this harm, it would fail to satisfy the requirements of the Act and Paragraph 192 of the Framework.
27. I am mindful that the appeal property is located within the HCA and that I am required to have regard to this matter when determining the appeal. The character and appearance of the HCA is derived, in part, by vernacular and architecturally designed buildings with traditional features and of local materials which are strategically located within a historic designed landscape. Given the prominence of the Farmhouse along with the detailing of the proposed windows, I consider that the harm to the listed building which I have set out above, would also detract from the high quality of the HCA.
28. Whilst the magnitude of this harm would be modest and certainly 'less than substantial', in the context of the HCA as a whole, it would nevertheless fail to preserve or enhance its identified character and appearance. I consider that the public benefits of the scheme, which I have set out above, do not outweigh that harm. This would also fail to satisfy the requirements of the Act and Paragraph 192 of the Framework and compounds the harm which I have identified in respect of the listed building.
29. The proposed works would also conflict with Policies HP2 and HP3 of the HDLP, insofar as they seek to protect or enhance heritage assets and to protect, enhance or reinforce local distinctiveness. They would also not be in accordance with Section 8.20 of the Harrogate District Heritage Management Guidance – Supplementary Planning Document 2014 with regard to the replacement of windows in listed buildings. As a result, the proposal would not be in accordance with the development plan.

Other Matters

30. The Council has raised no issues in its delegated report or reason for refusal regarding the impact of the proposed works on the AONB or the setting of the HRP&G. Notwithstanding the identified harm to the special interest of the listed building and the HCA, given the scope of the proposed works, I find that they would have a neutral effect on the AONB and the setting of the HRP&G.
31. In these respects, the appeal proposal would comply with Policies HP2 and GS6 insofar as they seek to protect the setting of registered parks and gardens and conserve and enhance the natural beauty and special qualities of the AONB. It would also accord with provisions within the Framework which seek to protect the setting of designated heritage assets and conserve and enhance the natural environment. Nevertheless, the avoidance of harm in these regards weighs neutrally and does not amount to a consideration in support of the appeal.
32. My attention has been drawn to a previous appeal decision⁷ where the Inspector concluded that, due to the distance of the appeal building from a public right of way, 'any slight difference in outward appearance or light reflectivity of double-glazed units compared with single-glazed would be

⁷ Linked Appeal Refs: APP/E2734/A/11/2149334 and APP/E2734/E/11/2149303 Park Cottage, Slensingford Park, North Stainley, Ripon, HG4 3J dated 22 July 2011.

unlikely to be discernible.’ The Inspector also referred to the improved thermal efficiency of the units which would contribute to energy savings, reduced carbon dioxide emissions and a reduced risk of thermal bridging and condensation. Nonetheless, I note that, unlike the appeal before me, none of the windows in this case were original and the principle of their replacement had been accepted by the Council. Moreover, due to the limited information provided, I am unable to draw any detailed comparisons between the contexts of the appeal sites and the units proposed. As such, it is a matter to which I can attach only limited weight in my consideration of the appeal before me.

33. The appellant has also highlighted several applications within the Borough where the Council has granted listed building consent for the installation of double-glazed windows within listed buildings⁸. I have not been given the full details or particular circumstances of these cases, although I note that the appellants state that these were where ‘the windows were beyond repair’ and ‘where the glazing bars replicated the thickness and profile of the original glazing bars’, which is not the case in this appeal. In any event, I have determined the appeal before me on its own merits and the specific context of the appeal site and found harm.
34. I note that the Council approved double-glazed windows and doors in the existing extension⁹ and the proposed extension¹⁰. However, the 20th century extension was approved prior to the building being listed and the proposed fenestration and doors do not physically affect the historic fabric of the original Farmhouse. As such, they do not set a precedent against which this appeal should be judged.
35. It is asserted that the installation of double-glazed units would also reduce the noise of traffic from the nearby road and that replacement with single glazed frames would potentially cause condensation, leading to decay and damage to the timber frames and the surrounding building fabric. However, no substantive evidence regarding either of these claims has been provided which limits the weight I can attach to them.
36. Reference has been made by the appellants to part of Policy H2 in the HDLP which states that, ‘schemes that help to ensure a sustainable future for the district’s heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported.’ However, I am not persuaded that improvements in the energy efficiency of the Farmhouse could not be achieved by other, less harmful, means, or that the sustainable future of this heritage asset would be in doubt if the appeal were to fail.
37. I am aware that no objections were raised by Grewelthorpe Parish Council and York Georgian Society. I also note that Yorkshire Gardens Trust and Natural England had no comments to make on the application. Nevertheless, these are neutral considerations in the balance and do not outweigh the harm that I have found.

⁸ Application Ref: 18/03855/LB - The Carriage House, Plompton - Grade II*;
Application Ref: 18/02594/LB - 97 High Street, Knaresborough - Grade II;
Application Ref: 18/03180/LB - Claro Chambers, 42 High Street, Knaresborough - Grade II;
Application Ref: 18/03838/LB - Joiners Barn, High Street, Markington - Grade II; and
Application Ref: 17/04962/LB - The Old Barn, Lund House Green, Harrogate - Grade I.

⁹ Application Ref: 83/00511/FUL.

¹⁰ Application Refs: 17/02325/FUL and 17/02326/LB.

Conclusion

38. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR