The Planning Inspectorate

Appeal Decision

Site visit made on 8 July 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2020

Appeal Ref: APP/C2741/Y/20/3245848
294 Tadcaster Road, York YO24 1ET

- 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 Malcolm Walker against the decision of City of York Council.
- The application Ref 19/00857/LBC, dated 25 April 2019, was refused by notice dated 31 July 2019.
- The works proposed are replacement of existing single glazed timber sash windows with double glazed timber sash windows.

Decision

1. In respect of windows W7, W8, W9, W10, W12, W13, W14, W15, W18, W19a, W20a, W21a only, the appeal is allowed and listed building consent is granted for replacement of existing single glazed timber sash windows with double glazed timber sash windows in accordance with the terms of the application Ref 19/00857/LBC dated 25 April 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 is for windows W7, W8, W9, W10, W12, W13, W14, W15, W18, W19a, W20a, W21a only.

    3) The development hereby permitted shall be carried out in accordance with the following plans, the aforementioned condition 2 and other submitted details: Dwg. No. 1/201902; Dwg. No. 2/201902; Dwg. No. 3/201902; Dwg. No. 5/201902; Dwg. No. 6/201902; Dwg. No. 7/201902 – titled Proposed Rear Elevation; Dwg. No. 7/201902 – titled Proposed Side Elevation; Dwg. No. 8/201902; Drawing, computer drawn, titled Box sash window detail and sections by Andy Whiteside Carpentry; Drawing, hand drawn, no title.

    4) Notwithstanding the approved plans listed above, large scale sectional drawings of each replacement window should be submitted to and approved in writing by the local planning authority prior to the commencement of development. The works shall be in accordance with the approved details.

2. In respect of windows W2, W3, W4, W5, W6, W16, W17, W19, W20, W21, W22, W23, W24 and W25 the appeal is dismissed.

Procedural Matters

3. The Council has requested that no weight is given to a window assessment submitted with the appeal statement. However, the Council has seen this assessment and has had time to submit a response in line with standard appeal procedure. As such, I see no reason why the assessment should not be taken into consideration in my reasoning.

4. The evidence before me suggests that three painted glass windows[1], although included in the assessment, do not form part of the appeal. I am satisfied that it would not be prejudicial to the Council if my reasoning is confined to windows W2, W3, W4, W5, W6, W7, W8, W9, W10, W12, W13, W14, W15, W16, W17, W18, W19, W19a, W20, W20a, W21, W21a, W22, W23, W24 and W25 as labelled on the drawings.

5. Section 72(1) of the Planning (Listed Building and Conservation Areas) (England) Act 1990 (the Act) confers on the decision maker a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This duty applies to listed building appeals. As such, although the harm to the conservation area is not mentioned in the Council's evidence, I have considered it appropriate to consider this in my reasoning.

Main Issues

6. The main issues are whether the proposed works would preserve the Grade II listed building known as 294 Tadcaster Road (No 294), or any special architectural or historic interest that it possesses; and whether the development would preserve or enhance the character or appearance of the Tadcaster Road Conservation Area (TCA).

Reasons

Listed Building

7. Number 294 is a substantial yellow brick mid 19th century detached villa with ground floor bay windows on each side of a central gabled projection which has paired pilasters on each side of a panelled entrance door. The large windows at ground and first floor level dominate this elevation.

8. The villa is slightly elevated and set back from the road. This together with the front elevation's rigid geometry and use of stone features in chamfered quoins, and window and door surrounds, gives No 294 a prominent and impressive principal elevation. The impact of this elevation on the Tadcaster Road frontage is reinforced by buildings of a very similar architectural style on each side. Number 292 Tadcaster Road (No 292), to the north, is also a Grade II listed building.

9. Number 294 appears to have retained its original window and door openings, and there is a high degree of consistency in detailing. However, the use of details and materials demonstrates a subtle hierarchy. The strong symmetry of the principal elevation is ornamented with sandstone reliefs, but on the side elevations the string courses and window surrounds are formed in yellow facing brick rather than stone. To the rear, the windows are generally smaller,

[1] W1, W11 and the Yorkshire sash

arranged in a more random fashion and set in flat elevations built in rough red brick.

10. The underlying geometry and size of window openings appears to reflect public visibility as well as the function and importance of individual rooms. Number 294's northern flank wall is set back from the plot boundary, alongside the access to the rear garden. Windows on this and the principal elevation are generally the largest to be found at No 294. These are the elevations are those that would have been, and still are, the most prominent in views from the public domain.

11. About one third of the original windows have been replaced with new frames, and other retained frames have been repaired. However, although this is a good proportion of the building's windows, this figure also shows that the majority of windows have at least some original fabric. Even where replacements have been installed, their design has continued the vertical sliding sash style found throughout.

12. If the three windows with painted glass are taken into account, about one third of all windows have retained all or some of their original glazing. The differences in reflectivity and clarity of the original glass compared to the modern glazing are quite subtle when viewing No 294 from the outside. However, the combination of original glass and frames, where it exists, makes a highly positive contribution to the overall appreciation of No 294.

13. On balance, I conclude that No 294 has retained much of its original external fabric and detailing. That external fabric also demonstrates a carefully calibrated hierarchy with its variations in design, materials and detailing being clearly linked to public prominence and visibility, reflective of the social and cultural context at the time of building.

14. Number 294's significance is therefore derived from its intact historic fabric and period styling, its spatial relationship with Tadcaster Road and the racecourse. It is also derived to a lesser extent from its consistency and similarity with the period buildings on each side.

15. The works would comprise the replacement of 26 clear glazed windows with bespoke timber sliding sashes and slimline double glazed units, incorporating reproduction crown glass. This is largely for reasons of thermal insulation and to create a harmonious appearance, particularly when viewed internally.

16. Although there are drawings of the existing elevations, they are too small a scale to assess the differences between existing and proposed window frames. My observations led me to conclude that the proposed frames would be likely to be noticeably thicker and chunkier than the original 19th century frames. Moreover, it appears there would be a greater lateral separation between the outer face of the upper and lower sashes than at present. Although reproduction crown glass is proposed, I have no details of its reflectivity or any other objective comparison. Consequently, there is insufficient information before me to conclude that the proposed frames would be like for like replacements in all cases.

17. In addition, the evidence before me provides a fairly generalised account of window condition. Where frames have been repaired the assessment does not

always identify the extent or location of the repairs and this is not necessarily apparent from the level of investigation appropriate at a site visit.

18. Moreover, each elevation has different windows sizes, surround details, a different mix of original and replacement windows, and quantum of original glass. Each has a distinct appearance and each makes its own unique contribution to the overall significance of the building.

19. As such, I have based my reasoning on a consideration of the extent of historic fabric in each elevation, based on the assessment provided and my observations at the visit. Where there has already been a significant loss of historic fabric I have undertaken a balancing exercise. This takes into account my concerns in relation to the dimensions of the proposed double glazed frames and modern glazing, and weighs this against the harm to the contribution each elevation makes to No 294's significance.

Front elevation – windows W2, W3, W4, W5 and W6

20. Windows W5 and W6 are ground floor bays on No 294's principal elevation. Both have internal timber shutters within the reveal. They also have modern glazing and repaired frames, with extensive intervention in the case of W5. However, apart from a cracked pane of glass, neither appeared to be in particularly poor condition now.

21. On the first floor, three sashes with vertical glazing bars have all or part original glazing. It is recorded that all the frames have been repaired.

22. This is No 294's principal elevation and is highly visible from Tadcaster Road. There is also an underlying architectural consistency with other villas along the Tadcaster Road frontage. This elevation has the highest proportion of original glass of any at No 294 and the dulled reflectivity is evident. These front windows, together with the painted window W1, make a highly positive contribution to No 294's principal elevation. The proximity and geometry of these windows also make a considerable contribution to No 294's original historic fabric and features.

23. For the reasons set out above I am not satisfied that the proposed windows would result in a like for like replacement. In any case it would remain that a substantial proportion of original features on No 294's principal elevation would be lost. This would fail to preserve or enhance the listed building and would be highly detrimental to its significance.

Northern side elevation – Windows W19, W20, W21, W22, W23, 24 and W25.

24. This side elevation has a range of window openings on the ground and first floors. All have original and repaired frames, one window has retained all its original glass and two windows are partially glazed in original glass. All the windows with original glazing are primary windows, and three have the distinctive brick relief surrounds and curved heads noted on the southern side elevation.

25. These windows face the main vehicular access to the rear garden, and are visible from the road. Externally there is consistency in the detailing and dimensions of the timber frames. Although windows W24 and W25 appear to be missing a glazing bar in the lower sash, this is not detrimental to the

appreciation of these windows either individually or collectively on this elevation.

26. The window assessment does not enable me to ascertain how much of each individual frame has been replaced or repaired. Even where glass has been replaced and glazing bars removed, the outer frames appeared to be largely intact. Window W19 appeared to be a slightly worse condition than the others but I did not see anything that led me to conclude that it required complete replacement, or that the frame was beyond further repair.

27. As such, on this elevation the windows have retained much of their original historic fabric, and their design and hierarchy reflect the original use of the rooms behind, as well as visibility from the public realm. Moreover, the prevalence of original glass heightens the appreciation of original features. I conclude that on this elevation the windows are integral to the overall appreciation and significance of No 294.

28. It also appeared that much of the fenestration on the opposing flank elevation of No 292 has retained its original fabric, and has windows of similar form and design. This reinforces the importance I attach to this side elevation as the building of No 294 sits within the same visual envelope as No 292 and provides part of its setting. Conformity of detailing and materials between No 294 and its neighbours is a defining feature of No 294, as outlined above.

29. The replacement of these windows would remove a significant proportion of historic fabric. Secondary glazing could provide the energy efficiencies sought. There are plantation style shutters fixed to the window reveals in some cases which would obscure views of secondary glazed units from inside the house. At first floor level the units would be visible but as reasoned above, a balance has to be struck between conserving the building's features and internal aesthetics. The works on this elevation would fail to preserve or enhance the listed building and would be detrimental to its significance.

Rear elevation -Windows W7, W8, W9, W10, W12, 13, W14, W15, W16 and W17.

30. The window arrangement on the rear elevation is notably more random than on the front and side elevations. Apart from one large arched painted glass window which illuminates the stairwell and a pair of almost full height ground floor windows, the windows are of a size consistent with secondary windows or windows that serve minor rooms within the dwelling. Of the ten windows included in the application on the rear, five are replacements.

31. Moreover, at first floor level it appears from the brickwork and eaves treatment that the wall containing windows W12, W13 and W14 has been rebuilt. Although these are not shown as replacements, they appear to be identical to those windows that are. The apparent rebuilding of the wall where they are located leads me to conclude even if they are partly original, they have retained very little original fabric. Replacement of these frames as proposed would not result in the loss of significant historic fabric and the windows would appear much as they do now. A condition requiring further details would also ensure that new window mouldings and dimensions are appropriate in this context.

32. However, the pair of near full height ground floor windows, W16 and W17, appear to be more finely proportioned and the external horns have a slightly

different profile to the replacement or repaired windows. These windows appear to have retained a high proportion of their original fabric, including internal shutters. They are also, in the context of a more random arrangement and/or smaller windows on this elevation, something of a feature at the rear of the house. I also noted that the existing sashes are not equal in height, contrary to what is shown on the drawing of existing windows.

33. Given the importance of this pair of windows in the rear elevation's window hierarchy, their replacement would be detrimental to the character and appearance of this elevation and would diminish the significance of No 294.

34. The guidance from Historic England[2] indicates that slimline secondary glazing can be affixed to staff beads to avoid conflict with shutters. For these windows I see no reason why slimline secondary glazing could not be so used. It is argued that secondary glazing is unsightly but a balance has to be struck between conserving original features and internal aesthetics. In any case, in my experience it can be fairly unobtrusive.

35. It is also argued that secondary glazing can cause mould growth but this is unsupported by evidence.

Southern side elevation - Windows W18, W19a, W20a, W21a

36. There are two pairs of near identical and small secondary sliding sash windows, on this elevation, with one pair on each floor. Each window is set within brick reliefs with curved heads. Three windows have both replacement glass and timber frames, and the fourth has a repaired frame and replacement glass. All four windows are in different rooms and even internally it was difficult to discern much difference between the replacements and the repaired window.

37. The windows are subservient to the scale and extent of No 294's flank wall, and external visibility is limited by the proximity of 296 Tadcaster Road as well as the prominence of the brick surrounds and the depth of the rebate. The original window fabric has largely been lost on this elevation, and consequently I see no reason why new double glazed units, using appropriately sized frames and glazing bars which would be conditioned, should be detrimental to the character or appearance of No 294, or diminish its overall significance.

Listed Building - Conclusions

38. I have reached different conclusions in respect of each elevation. I have also concluded that given the nature of the works, they would be severable. As such, it would be appropriate to issue a split decision.

39. On two elevations the historic fabric has been lost to such an extent that replacements for all or some of the windows would have a neutral effect and in those cases, the special interest of the listed building would be preserved. Accordingly, the appeal is allowed, subject to conditions, for all the windows on the southern side elevation and for all windows except W16 and W17 on the rear elevation. These works would preserve the Grade II listed building or any special architectural or historic interest that it possesses. They would not be contrary to Policy D5 of the 2018 Draft Local Plan[3] which requires proposals affecting a listed building to preserve, enhance or better reveal those elements

[2] Energy Efficiency and Historic Buildings, Historic England March 2012
[3] City of York Local Plan - February 2018

which contribute to the significance of the building or its setting or Policy HE4 of the 2005 Draft Local Plan which seeks to safeguard the character and appearance of listed buildings. Nor would the works fail to accord with Section 16 of the Act.

40. However, on the principal and northern side elevation the combination of intact original fabric on elevations clearly designed and built to impress, and the importance of the those elevations to the overall significance of No 294 leads me to conclude that replacement windows would be detrimental to the significance of No 294. This would amount to less than substantial harm as set out in Paragraph 193 of the National Planning Policy Framework (the Framework).

41. Paragraph 194 of the Framework states that any harm to the significance of a heritage asset should require clear and convincing justification. Whilst I appreciate the arguments with regard to energy efficiency, secondary glazing, in whatever form, would address those concerns. The arguments against secondary glazing appear to be largely cosmetic. Although I appreciate those arguments, they do not outweigh the imperative to preserve and enhance heritage assets as set out in the Act. In any case, No 294's listing is for its exterior only.

42. Where there is less than substantial harm to heritage assets it is required by Paragraph 195 of the Framework that the harm should be weighed against public benefits, including securing the asset's optimum viable use. Energy efficiencies arising from one dwelling would could not realistically be ascribed more than limited weight in the overall balance. With regard to optimum use, energy efficiency does not require the removal of original windows and the internal aesthetic benefits are entirely private.

43. Historic England states that in historic buildings there should be a strong preference for repair rather than replacement as the use of double glazing can lead to a loss of historic fabric[4]. It is not the case that replacing original window frames and glass would improve the architectural and historic interest of the building, as stated in the appeal statement. This suggestion suggests a failure to understand the contribution and significance of intact details and original fabric.

44. The current fenestration enhances appreciation of No 294 as a consequence of its historic fabric. Even if the works were allowed the painted windows and others not labelled on the drawings would not be replaced. The fact that only eight out of the 26 windows under consideration have original glass does not justify its removal. As such I give the arguments relating to a patchwork effect limited weight. Moreover, it is not necessary to replace an entire window to replace a cracked pane.

45. Furthermore, although I appreciate that the timber frames have required repair, there is nothing before me to indicate that any of the windows are now beyond repair. Dampness is also advanced as an argument but there is nothing before me to demonstrate that the current windows are causing damp or that replacement windows would provide a remedy.

[4] Energy Efficiency and Historic Buildings, Historic England March 2012

46. I have noted the examples of similar windows. However, the heritage significance of each example is unclear and I am unable to discern if the situations are directly comparable. The photograph of St Martins House reinforces my concerns in respect of the reflectivity of modern glazing and its inappropriateness in some circumstances.

47. In the light of the above, and in relation to the front elevation, northern side elevation and windows W16 and W17 on the rear elevation, the works would fail to preserve the Grade II listed building known as 294 Tadcaster Road, or any special architectural or historic interest that it possesses. This would be contrary to Policy D5 of the 2018 Draft Local Plan and Policy HE4 of the 2005 Draft Local Plan as set out above. It would also be contrary to Section 16 of the Act.

Conservation Area

48. The TCA includes a long stretch of the tree lined Tadcaster Road and adjoining open space abutting the racecourse to the east. On the western side of the road, the TCA includes some frontage development, within which is a short series of similar Victorian villas, including No 294. These have an underlying architectural coherence, with similar detailing and use of materials. Their historic fabric appears to be largely intact and this reinforces their visual impact when viewed from the street scene.

49. The period villas and their relationship with the racecourse and its associated open space appear to be a key characteristic of the TCA, and reflective of York's social and economic evolution. The significance of the TCA lies therefore in the historic fabric and design of period buildings fronting Tadcaster Road and their spatial relationship with the racecourse. Number 294 is set back from the road and this, together with its elevation, reinforces its presence and importance. As such, as a grand Victorian villa No 294 makes a highly important contribution both individually and collectively to the TCA.

50. The proposed works would result in subtle changes to No 294's appearance. The spatial relationship between No 294 and the road, as well as to the adjacent dwellings would remain unchanged. However, insofar as the works would remove original fabric, they would fail to preserve or enhance the TCA, which would amount to less than substantial harm as set out above.

51. Consequently, the works would fail to preserve or enhance the character or appearance of the TCA which would be contrary to Section 72 of the Act.

Conditions

52. For those windows which I have allowed, I have considered the Council's suggested conditions. In addition to the standard time condition I have imposed a condition identifying the approved drawings for the avoidance of doubt as a split decision. The Council has also suggested that a condition be imposed requiring the further submission and approval of detailed drawings to ensure the replication mouldings and dimensions. This is also required as there are dimensional inconsistencies between the hand drawn and computer generated section drawings and it is unclear which would be used. This condition is necessary to make the works allowed acceptable.

53. The Council has suggested that drawings of existing windows should also be submitted for approval. However, as I have not allowed the replacement of

windows other than those where historic fabric has largely been lost, this would not be necessary.

Conclusion

54. In relation to W2, W3, W4, W5, W6, W16, W17, W19, W20, W21, W22, W23, W24 and W25 the works would be contrary to Sections 16 and 72(1) of the Act, the relevant draft local policies, and national guidance. The appeal should be dismissed.

55. Works in relation to the replacement of windows W7, W8, W9, W10, W12, W13, W14, W15, W18, W19a, W20a, W21a works would not be contrary to Sections 16 and 72(1) of the Act, the relevant draft local policies, or national guidance and the appeal should be allowed.

A Blicq

INSPECTOR