



Appeal Decision

Site Visit made on 12 October 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2021

Appeal Ref: APP/E2734/W/21/3280843

The Farthings, Main Street, Staveley HG5 9LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Paul Smith against the decision of Harrogate Borough Council.
 - The application Ref 21/02185/DVCON, dated 19 May 2021, was refused by notice dated 2 August 2021.
 - The application sought planning permission for conversion of barn to form additional living accommodation without complying with a condition attached to planning permission Ref 97/01016/FUL, dated 17 June 1997.
 - The condition in dispute is No 4 which states that: The window frames of the development hereby permitted shall be constructed in timber and no other materials shall be used without the prior written consent of the Local Planning Authority.
 - The reason given for the condition is: In the interests of visual amenity.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is necessary and reasonable in the interests of the character and appearance of the host building and to preserve or enhance the character or appearance of the Staveley Conservation Area.

Reasons

3. The appeal site lies within the Staveley Conservation Area (SCA), which is focused on the historic core of the village along Main Street. The majority of the buildings in the SCA, including some traditional agricultural buildings, are of a vernacular style using a palette of traditional local materials. Therefore, in so far as it relates to this appeal, the SCA derives some of its significance from the high quality and traditional architectural style and materials of the buildings within it which give it a distinctive historic character. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the SCA.
4. The appeal building is a converted barn located to the rear of The Farthings on Main Street. I saw that despite its existing residential use, the building is little altered externally and remains a good example of a vernacular brick barn with distinctive qualities that evidence the agricultural origins of the village and contribute positively to the essential character and significance of the SCA.

5. Furthermore, the vernacular form of the building, combined with the use of traditional construction techniques and materials, has sufficient aesthetic and evidential value to merit its consideration by the Council as a non-designated heritage asset. Indeed, it is identified in the SCA Character Appraisal as a building of local interest, which further supports this view. The fenestration is a key architectural feature on the front façade of the building, and whilst not original to the building, it is of a traditional material and finish which is appropriate to the age and character of the building and to the surrounding historic environment.
6. The appellant explains that the timber in the central feature opening has been repaired several times due to water ingress and that the doors have become difficult to open. It may therefore be that their age and condition is such that repairs are no longer cost effective and replacement is necessary. However, the Council's Heritage Management Guidance Supplementary Planning Document (2014) (the SPD) advises that timber, whether in windows, doors or decorative joinery, should be retained, or replaced for a like for like basis when in a state that is beyond repair. It further emphatically advises that uPVC should never be considered for historic buildings.
7. While I recognise the appellant's efforts to source a high quality uPVC product that seeks to mimic the design and appearance of timber windows, on the very limited brochure details before me, and from my own experience, I cannot agree that the result would be 'almost indistinguishable' from the visual qualities or method of construction and finish associated with good quality traditional timber joinery. The pictures within the brochure only serve to confirm my view that the finish of modern uPVC is discernibly different to the texture of painted wood. Even if a good visual match could be achieved, uPVC is fundamentally a non-authentic material for a building of this age and character. As such, the loss of a traditional material and introduction of a non-authentic modern material would, in itself, erode the traditional characteristics and historic integrity of the appeal building. This would, in turn, harmfully diminish its significance as a non-designated heritage asset, as well as its contribution to the significance of the SCA as a whole.
8. In reasoning the above, I have taken into account that the windows are only partially visible above the boundary wall when viewed from Main Road and from the adjacent driveway. Nevertheless, heritage assets should be safeguarded irrespective of whether or not close public views can be gained. A lack of visual prominence from public vantage points is therefore not justification for harmful development to heritage assets.
9. I have also had regard to the presence of other uPVC windows and doors within the SCA, but these are not so prevalent that they are a defining characteristic of the area. Furthermore, the majority of these are unlikely to have been subject to planning control so do not set any precedent. In any case, I am required to determine the appeal on its own merits and have found that the proposal would be harmful for its own specific reasons.
10. In the language of the National Planning Policy Framework (the Framework) the harm to the SCA would be 'less than substantial', but that is nevertheless a matter of considerable importance and weight. I can fully understand the appellant's desire to improve the quality of their living environment and have the maintenance benefits that would be afforded by modern windows, but

these are private rather than public benefits. In addition, there is no substantive evidence before me that suitably designed timber windows would be less energy efficient than UPVC alternatives. I therefore give the suggested benefits arising from the use of uPVC windows no more than limited weight in favour of the proposal. Consequently, the benefits identified do not outweigh the harm.

11. I conclude that the condition is reasonable and necessary in the interests of the character and appearance of the host building, a non-designated heritage asset, and to preserve or enhance the character or appearance of the SCA. The removal or variation of the condition to enable the use of materials other than timber for the fenestration would conflict with Policies HP2 and HP3 of the Harrogate District Local Plan (2020), as well as the SPD. These seek to protect or enhance the district's heritage assets; and enhance or reinforce local distinctiveness, amongst other things. The proposal would also be contrary to the Framework in respect of harm to heritage assets.

Conclusion

12. For the reasons set out above, the proposal conflicts with the development plan and the Framework taken as a whole, and there are no considerations that outweigh that conflict. Accordingly, the appeal is dismissed.

A Caines

INSPECTOR