



Appeal Decision

Site visit made on 22 February 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/G2713/D/22/3292020

12 Topcliffe Road, Thirsk YO7 1QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Sharples against the decision of Hambleton District Council.
 - The application Ref 21/02138/FUL, dated 26 August 2021, was refused by notice dated 29 November 2021.
 - The development proposed is to replace sash windows with new PVC sash windows. 1x bay, 3x sliding sash (bedroom 1st Floor).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development has been taken from the application form which does not mention that the windows are to the front elevation. Based on the evidence before me, it is clear that the application is for replacement windows to the front elevation's ground floor bay and first-floor.
3. In July 2021, a revised National Planning Policy Framework (the Framework) was published. The Council refer to an earlier version of the Framework. I have determined the appeal within the context of the revised Framework and consider that there would be no prejudice to the parties.
4. The Hambleton Local Plan ('the Local Plan') was adopted in February 2022 and replaces the Hambleton Local Development Framework Core Strategy 2007 and Development Policies 2008. The adopted policies referred to in the submissions have now been superseded by policies in the new Local Plan. The parties' views were sought on implications arising from the Local Plan's adoption, and the comments received have been taken into account in my decision. The appeal has been assessed on the basis of the new Local Plan.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Thirsk and Sowerby Conservation Area.

Reasons

6. The site lies in the Thirsk and Sowerby Conservation Area (CA), which encompasses the historic centres of both Thirsk and Sowerby and some adjoining countryside. The CA's significance is derived from its incremental development from Norman times onwards, with surviving examples of buildings

from across the centuries, and from the juxtaposition of different uses and open spaces. The CA's streets are varied in size, design and use of buildings.

7. Dating from the late 19th century, the appeal property is part of a terrace with brick frontage, tiled pitched roof and small front paved/garden areas. The terrace is located very close to Topcliffe Road, making it a very prominent feature in the streetscene of the area. The appeal property has timber sash windows to the ground floor bay, three first floor windows and a small window in the front roof gable. The ground floor bay has decorative top and vertical edge timber mouldings. The proposal would replace the existing bay and first floor windows with white uPVC wood effect ones.
8. The appeal property is situated within character area 6 for Sowerby Town End as set out within the Thirsk and Sowerby Conservation Area Appraisal Supplementary Planning Document 2010 (SPD). The SPD recognises that this section of the street frontage is closer to the road and town which gives it a more urban feel. It also notes how maintenance and alteration of properties are changing the character of the area by removing parts of the historic detailing. As an example of this, it cites the use of poor-quality replacement of timber sliding sash windows with uPVC items. To reduce this effect, the SPD, amongst other matters, recommends that wherever possible more appropriate historic designs and materials should be used when considering window replacement.
9. In 2003, an Article 4 (1) Direction was made to the area where the appeal property is located. This Direction restricts development that would otherwise be permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Consequently, planning consent is required for, amongst other things, the installation of windows.
10. Within the terrace, the majority of the windows have been replaced with uPVC windows and this has resulted in many of the decorative top and vertical timber edge mouldings to the bay windows being partially or totally removed. The appeal property is therefore a rare example of this historical detailing and consequently it positively contributes to the character and significance of the CA.
11. The appellant advises that they submitted incorrect proposal details and that high quality heritage style windows, which would retain the features, would be used. However, no details of this have been provided and therefore, I can only assess the proposal on the basis of the information before me and which was before the Council when it made its decision.
12. While the proposal would represent a similar design and material finish of windows to other nearby properties, it would result in the loss of the historic detailing on the appeal property's windows, and this would harm the character of the CA.
13. As the appeal property sits within a CA, any development must be considered within the context of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that I pay particular attention to the desirability of preserving or enhancing the character or appearance of the CA.
14. Paragraph 199 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such

as a CA, great weight should be given to the asset's conservation. That is still so, irrespective of whether the potential harm is 'less than substantial'. The appeal property's window detailing makes a positive contribution to the character and appearance of the designated heritage asset and the harm this proposal would have to the significance of the CA would be 'less than substantial'. In accordance with paragraph 202 of the Framework, the public benefits must be balanced against any harm found.

15. The proposal would be expected to improve the thermal performance, soundproofing quality, and condition of the windows, but these would be a private benefit for the appellant. Therefore, in accordance with paragraph 202 of the Framework, there would be no public benefits, and this would not outweigh the harm to the CA.
16. In conclusion, the proposal would not preserve or enhance the character of the Thirsk and Sowerby Conservation Area. It would be contrary to policies S1, S7, E1 and E5 of the Local Plan, the SPD, and Section 16 of the Framework. These policies and guidance, amongst other matters, seek to ensure proposals are to a high standard of design and protect, conserve and enhance the distinctive character of the area, including heritage assets and their settings. I have not found the proposal contrary to policy E2 as it is not relevant given it deals with living conditions.

Conclusion

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

J Symmons

INSPECTOR