



Appeal Decision

Site visit made on 7 June 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/H2733/D/21/3288875

97 Queen Street, Filey, North Yorkshire YO14 9HE

- 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 Mrs Helen Barlow against the decision of Scarborough Borough Council.
 - The application Ref: 21/01122/HS, dated 23 May 2021, was refused by notice dated 29 September 2021.
 - The development proposed was originally described as 'the replacement and enlargement of an existing first floor timber sash window to east elevation. The window head will remain at the same height and the existing cill will be lowered to the same height as the existing window on the south elevation (refer to photograph submitted with the application). The new timber sash window will match those on the south elevation.'
-

Decision

1. The appeal is allowed and planning permission is granted for the replacement and enlargement of a first floor side window at 97 Queen Street, Filey, North Yorkshire YO14 9HE in accordance with the terms of the application, Ref: 21/01122/HS, dated 23 May 2021, 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 shall be carried out in accordance with the following approved plans: Site Location Plan Scale 1:1250, Existing & Proposed East Elevation ref: 600_SK_002 RevA dated 03.05.21, Helen Barlow sash window drawing.dwg ref: Sheet A1 dated 13/07/21.
 - 3) Where present, the external face of the frame to the new window shall be set in reveals to match those of the existing windows of the building on the site.
 - 4) The external surfaces and colour finish of the development hereby permitted shall be constructed as is shown on the plan named Helen Barlow sash window drawing.dwg ref: Sheet A1 dated 13/07/21.

Procedural Matter

2. The description of development in the banner heading above is taken from the planning application form. The description on the Council's decision notice more precisely describes the proposal and excludes matters which do not relate

to the act of development. Hence, I have utilised this description in my decision paragraph.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Filey Conservation Area.

Reasons

4. The appeal property comprises a large 3 storey end of terrace dwelling that is located at the end of Queen Street. Land to the east of the property falls away significantly and so it appears in an elevated position in this direction. On this side elevation, the property contains a secondary doorway entrance and a small window at ground floor level, an 8 over 8 pane first floor window and then a smaller 6 over 6 pane second floor window. On the front elevation, there is an arrangement of larger 8 over 8 pane windows at ground and first floor level, the property's main entrance and 2 dormer roof extensions.
5. The site lies in the original part of Filey and part of the historic core of the settlement, as is identified by the Council's Filey Conservation Area Character Appraisal & Management Proposals (2012) (CAMP). This document refers to that alterations to windows in this character area have tended to detract somewhat from the original character. This is evident in the vicinity of the site, especially with a number of UPVC casement windows. Windows would have been traditionally of a sliding sash type and constructed of wood. As the proposed window would have a wooden sash form, it would positively contribute towards the traditional character in this regard.
6. Based on the submitted evidence, the appeal property has been significantly altered since its late 18th century origins, whilst continuing to contribute favourably to the significance of the conservation area. There is evidence that it has been lowered and, as well as the insertion of dormers, a first floor balcony accessed by a door on the side elevation was removed. The first floor window opening on the side elevation that would be the subject of the proposal is therefore unlikely to be original. Therefore, the degree to which this window can be considered traditional needs to be viewed within this context.
7. The proposed enlargement of the window opening would involve reducing the level of the cill. The overall size and positioning of the larger opening would be similar to that found on the front elevation and so it would not fail to be traditional in this respect. The hierarchy of window sizes on the side elevation is appreciable in as far as the first and second floor windows, but less in relation to the ground floor doors and small window. Such a hierarchy would be maintained because the proposed window would be larger than the smaller window found at second floor level.
8. When the alterations to the property that have already taken place are considered, the enlargement would not detract from the visual character of the host property. Hence, it would not distort the historical appearance, nor its aesthetic value to the wider historic environment.
9. The use of double glazing would not depreciate from that it would appear as a sash wooden window. It would therefore still result in a traditional appearance, even with this more modern glazing arrangement. Glazing bars are also a feature of sash windows and whilst what is proposed would not be of the

traditional Georgian type, in these varied surroundings as regards fenestration, they would not appear out of keeping. The proposal would thus not be at odds with the prevailing historic character and so would not evoke an alien contemporary visual appearance.

10. With regard to the proposal creating a precedent, its design reflects the historic fenestration in this part of the conservation area more than many of the more incongruous styles found in its vicinity. As a consequence, this fairly minor change would not result in the gradual erosion of the character and appearance, especially as it would bear some resemblance to the historical fenestration on the front elevation of this property.
11. I conclude that the proposal would preserve or enhance the character or appearance of the conservation area. As such, it would accord with the statutory duty that is set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also comply with Policies DEC1 and DEC5 of the Scarborough Borough Local Plan (2017) where they are concerned with, amongst other considerations, that good design will be expected in order to create attractive and desirable places where people want to live, work and invest; that historic urban and coastal environments will be conserved; and, that proposals affecting a Conservation Area should preserve or enhance its character or appearance especially those elements identified in any Conservation Area Appraisal.
12. The proposal would also comply with Sections 12 and 16 of the National Planning Policy Framework where it concerns achieving well-designed places and the desirability of sustaining and enhancing the significance of heritage assets. It would also comply with the CAMP, including with regard to how principles will be applied within the Conservation Area, to ensure its character is maintained and enhanced, including by way of windows.

Conditions

13. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purpose of certainty. This excludes an annotated photograph as it is indicative. I have included conditions concerning the setting of the external face of the frame to the new window, and the proposed external surfaces and the colour finish as is shown on the relevant plan. This is in the interests of the appearance and character of the host property and the conservation area.

Conclusion

14. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR