



Appeal Decision

Site visit made on 7 February 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/C2741/D/22/3304581

6 The Village, Strensall, York YO32 5XS

- 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 Richard Barrass against the decision of City of York Council.
 - The application Ref 22/00116/FUL, dated 19 January 2022, was refused by notice dated 4 August 2022.
 - The development proposed is rear single storey extension, changing windows colour and brick wall side boundaries in front garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The Council's reason for refusal refers to the City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (2005) (DCLP) and the emerging Local Plan (the emerging LP) which is currently undergoing examination. Although the DCLP does not form part of the statutory development plan for the purposes of S38(6) of the Planning and Compensation Act 2004, it is a material consideration in determining planning applications. I have given both the DCLP and the emerging LP weight only in so far as they are consistent with the National Planning Policy Framework (the Framework).
3. At the time of my visit, works had been carried out to replace the existing roof and windows within the appeal property. The proposal is therefore partially retrospective.
4. The Council advises that it has no objection to the proposed side and rear single storey extension. Based on all that I have seen and read, I see no reason to disagree with this view. Hence the main issue of the appeal is whether the replacement windows and roofing material would preserve or enhance the character or appearance of the Strensall Conservation Area (CA).

Reasons

5. The appeal site comprises a detached 2-storey dwellinghouse located on The Village, the main road running through Strensall. It lies within the Strensall CA. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. The significance of the CA in so far as it relates to this appeal arises from a consistent scale of development, in a predominantly linear layout. Despite there being some variety in the styles and ages of buildings and their positions

- relative to the road, the use of traditional building materials including pink/brown brickwork with pantile or natural slate roofing and white window frames provides a unity to the character and appearance of the CA.
7. The dwelling is relatively prominent within the street scene of The Village, particularly when viewed from the north-east given the straight alignment of The Village and the gap between it and the adjacent dwelling of 12 The Sycamores.
 8. The roof of a building is an important and prominent element of its design. I observed that pantiles and natural slate are the principal choice of roofing material within the CA. Pantiles have an undulating form and many have the distinctive red colour that is common to the area. Slates are typically thin and are laid such that they have a generally smooth appearance overall. Being a natural material however, there is some variety in the colour within each slate.
 9. Concrete Marley modern tiles in contrast, are thick and heavy with a high profile of very straight machined edges. Being man-made their colour is more uniform between tiles. I am satisfied that they cannot be considered to be like-for-like replacements of natural slates. Whether or not there may be similar roofing tiles at 16 Strensall Road, from my observations the pervasiveness of pantiles and natural slates is readily apparent within the street scene of The Village, and within the wider CA. The roofing tiles are therefore visually discordant and do not reflect the specific context of the appeal site. Consequently, they do not preserve the character or appearance of the CA.
 10. With regard to the fascias, I observed that although constructed from plastic they are of a dark colour in mock-timber style. This renders them matt and largely undiscernible as UPVC when viewed from ground level. I note the appellant's advice that the previous fascias were constructed of timber and painted a dark colour. As such I consider that in themselves, the renewed fascias would have a neutral effect on the appearance of the CA.
 11. I observed that there is some variety to fenestration patterns within the CA and that UPVC is widely found. Neither party has provided detailed evidence demonstrating what the previous windows looked like and therefore, I have relied on the submitted plans to indicate the previous situation. The Council advises that the previous windows were not historic, also being constructed of UPVC. Be that as it may, it seems to me that the previous windows despite being UPVC, had relatively slender and equal mullions such that the framing did not dominate the window opening. In contrast, the proportions of the front window frames particularly the corner posts and the deep fascias to the first floor openings are bulky, causing the framing to dominate the opening and draw the eye to a negative degree.
 12. The appellant contends that there are multiple properties within the vicinity of the appeal site with different coloured windows. I have not been provided with specific property addresses to consider. Nevertheless, I saw that whilst other colour treatments do exist, white is the dominant colour of window framing within the CA. The chosen grey colour is very dark and accentuated by the chunky proportions of the framing and the paleness of the external render. The replacement windows therefore stand out in stark contrast to the prevalent and unifying white colour treatment of windows within the CA. In this regard, they do not preserve the character or appearance of the CA.
 13. Reference is made to the installation of blinds to add the traditional mullion feel back to the replacement windows. The venetian blinds include several vertical

straps of fabric. However, they are not particularly wide nor located in the centre of the window such they could ever be considered as a replacement for a mullion within the window frame. Internal window coverings could also be changed in future. The blinds do not therefore mitigate the harm caused by the proportions and colour of the window framing.

14. The appellant suggests that the windows were installed to enable the property to be made liveable. I acknowledge the importance of a secure, warm home. However, no compelling evidence has been put to me to demonstrate that the condition of the previous windows prevented the dwelling from being liveable. Even if that was the case, it does not justify carrying out development that does not preserve or enhance the character of the CA.
15. Whilst I have found that the fascias have a neutral effect, the replacement roof and windows fail to preserve the character or appearance of the CA. The proposal is therefore contrary to Policies D1, D4 and HP3 of the DCLP and policies GP1 and HE3 of the emerging Local Plan. Collectively, these policies seek to ensure that the special character and appearance of CA's is preserved or enhanced, that development responds positively to local context and appropriate building materials are used. Conflict also arises with the statutory test and paragraph 197 of the National Planning Policy Framework (the Framework), which indicates that development should sustain and enhance the significance of heritage assets.
16. The Framework at paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The impact of the replacement windows and roofing material is relatively localised. The harm to the CA would be less than substantial but nonetheless important, given the negative effect of these works on the character or appearance of the CA. Changes such as this, if repeated, can erode the positive aspects of a CA when they occur over time. Accordingly, they should be resisted to prevent incremental harm to the CA. Paragraph 202 of the Framework therefore directs me to weigh the identified harm against the public benefits of the proposal.
17. The replacement windows and re-roofing works have contributed to the renovation of an existing dwelling. This would be of obvious benefit to the appellant in providing a warm and safe dwelling. However, it is a private rather than public benefit. An upgraded property that is more energy efficient would have some public benefit but there is limited evidence before me to the degree that the works have contributed to energy efficiency. Only very limited weight can be ascribed to this benefit as a result.
18. In giving considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA, I find that the harm that arises from the proposal would not be outweighed by the very limited public benefit. Accordingly, as the harm to a designated heritage asset would not have clear and convincing justification there would be conflict with Paragraph 200 of the Framework.

Other Matters

19. The appeal site is of sentimental value to the appellant, and they have good relationships with their neighbours. These are neutral matters that weigh neither for, nor against allowing the appeal. Likewise, the Building Regulations

is a separate regulatory process that has no bearing on the outcome of this appeal.

20. I acknowledge that the appellant made a pre-application enquiry to the Council. The advice received appears to have been limited to whether the proposed works required planning permission. Despite specific details of the proposal being provided, the Council's response stopped short of giving an opinion as to whether it was likely to be considered acceptable. Nonetheless, this is a matter for the parties and does not affect my findings.

Conclusion

21. The proposal fails to preserve the character or appearance of the CA and there are no other considerations that outweigh this harm. The proposal therefore fails to satisfy the requirements of the Act, the Framework and the development plan. Accordingly for the reasons given, the appeal is dismissed.

M Clowes

INSPECTOR