



Appeal Decisions

Site visit made on 29 January 2024

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 February 2024

Appeal A: APP/E2001/W/23/3328728

49 Flemingate, East Riding of Yorkshire, Beverley, HU17 0NT

- 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 Ms Kate Williams against the decision of East Riding of Yorkshire Council.
 - The application Ref 23/01092/PLF, dated 5 April 2023, was refused by notice dated 15 June 2023.
 - The development proposed is described as 'erection of single storey extension to the rear and installation of replacement windows and doors'.
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Appeal B: APP/E2001/Y/23/3328729

49 Flemingate, East Riding of Yorkshire, Beverley, HU17 0NT

- 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 Ms Kate Williams against the decision of East Riding of Yorkshire Council.
 - The application Ref 23/01093/PLB, dated 5 April 2023, was refused by notice dated 15 June 2023.
 - The works proposed are described as 'erection of single storey extension to the rear and installation of replacement windows and doors'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters and Background

3. The appeal scheme is a revision to a previously approved similar scheme¹ for an extension, replacement windows and door to the front elevation and other internal alterations. The development/works have already been carried out but are not entirely the same as those which were applied for under the appeal scheme and shown on the submitted plans.
4. I saw at my site inspection that the rear door to the extension is a single fully glazed UPVC door rather than the UPVC French doors shown on the plans. Additionally, the extension's UPVC window has different proportions and a different relationship with the downpipe, and the rooflight is not in the same

¹ Approved under references 22/02843/PLF and 22/02844/PLB

position as that shown on the plans. In the absence of any explanation regarding these matters, and given the importance of these details in the context of the listed status of the building of which the appeal property forms a part, I confirm that I have considered the proposed development and works as shown on the plans rather than what has actually been built.

5. Since the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
6. On 19 December 2023 the government published its revised National Planning Policy Framework (the Framework). Whilst this post-dates the evidence provided by the main parties in relation to these appeals, since the revised Framework's approach to the main issue in this case has not altered significantly, I confirm that all references to the Framework in this decision are to the updated 2023 version.

Main Issue

7. The main issue is whether the proposal would preserve a Grade II listed building, 47-53, Flemingate (Ref: 1084095) and any of the features of special architectural or historic interest that it possesses.

Reasons

The listed building and the conservation area

8. The appeal property is a mid-terrace two storey cottage which forms part of the single listed building entry which includes Nos 47 to 53. These are a short row of 18th century cottages. Re-fronted in the early 19th century with a white brick front elevation, they are constructed of red brick to the other elevations and have a clay pantile roof.
9. The front of the terrace is located hard up to the back edge of the pavement in Flemingate and there are a variety of single storey extensions to the rear, some of them modern, and many of the windows and doors have been replaced with UPVC. Despite these alterations, the appeal property and its neighbours in the group for the most part retain their modest built form incorporating uncomplicated detailing and traditional materials.
10. This being so, I find the special interest of the listed building, insofar as it relates to these appeals, to comprise its modest form and proportions, as well as its low key architectural character including the remaining traditional features and historic fabric which are typical of the local vernacular. All these elements are important overall to the special interest of the building in terms of these appeals.
11. The appeal property is also within the Beverley Town Centre Conservation Area which covers much of the central area of the town. It is within Area 9 Flemingate and Becksides which takes in the town's historic industrial area and its associated housing for workers. Its significance in so far as relating to these appeals is derived for the most part from the simple architecture and traditional materials associated with the buildings there and the unpretentious character of the historic townscape.

12. The appeal building is prominent in Flemingate, and as a traditional terrace contributes positively the character and appearance of the conservation area and its significance as a heritage asset in relation to these appeals.

The development and works

13. The appeal scheme includes a number of elements. The previously unauthorised UPVC windows and door to the front elevation of the appeal property have been replaced with a six panel timber door and timber sash windows. The Council accepts that these help to restore the historic/traditional appearance of the listed building and contribute positively to the character of the conservation area.
14. I also find that the timber windows and door to the front elevation have served to reinforce the building's vernacular appearance and enhance its historic legibility and significance. This improvement has also strengthened its contribution to the traditional townscape. Accordingly, as well as preserving the listed building and its features of special architectural and historic interest, the replacement timber windows and door have enhanced the character and appearance of the conservation area.
15. The scheme also includes internal alterations. The Council raises no objections to the removal of a stud wall enclosing the staircase and its replacement with a Georgian timber style balustrade. The opening of the layout of the ground floor by forming a new opening in the existing wall between the two downstairs rooms and installing a lintel over is also proposed. The Council's statement confirms that these elements which make up the remainder of the works were considered appropriate (as detailed in the officer reports).
16. Turning to the single storey rear extension element of the scheme, the proposal includes the use of concrete pantiles for the roof and a UPVC window and door. These are instead of the previously approved clay pantile roof and timber window and door frames. Whilst no objections are raised to the scale or form of the extension in principle (or to the brickwork or rooflight), the Council objects to the use of these alternative modern materials.
17. The appellant indicates that the originally proposed Marley Lincoln clay pantiles have been discontinued, and it has not been possible to source an alternative traditional clay tile for a pitch as low as that proposed in the appeal scheme. Alternative concrete pantiles are proposed, and are in place. These to some extent align with the colour and the distinctive rolls and troughs of the building's existing traditional roof tiles.
18. Nevertheless, the concrete tiles have a thicker heavier profile and lack the same tone and individuality of clay. They would also weather differently. Whilst the appellant argues that concrete is not a modern material, its use for roof tiles post-dates the appeal building which was built in the 18th century. Having regard to these factors, I find that the proposed use of concrete pantiles would jar with the traditional materials palette of the listed building and detract from its historic character.
19. Ways to increase the extension's roof pitch to accommodate alternative clay tiles (including raising the ridge of the roof and reducing the spanning width of the extension) have been considered by the appellant but ruled out. I

appreciate that the second option in particular was discounted as the construction of the extension had begun when the issue of the availability of the tiles came to light. No alternative options or solutions have been put forward by the Council. Be that as it may, these are not reasons to allow development or works that would be harmful.

20. The appellant indicates that it was always the intention to use UPVC at the rear of the building and that the UPVC door and window were installed under a genuine misapprehension that they had been previously approved. The appellant regards UPVC to provide better insulation in line with the Building Regulations and to save on installation and maintenance costs. It is also argued that UPVC would match the existing doors and windows on the terrace.
21. I accept that the use of modern materials including UPVC windows and doors is prevalent on the rear of the terrace. However, I saw at my visit that these unsatisfactory existing development and works have already served to undermine the historic interest and legibility of the rear of the terrace. The variety of existing UPVC windows and doors there appear as unsympathetic modern additions at odds with the historic character and traditional materials of the host building. The Council confirms that the existing UPVC windows and doors on the terrace are unauthorised.
22. The proposed French doors would have a generally traditional design, and the proposed window would be relatively modest in size and have the proportions of a traditional window with a vertical emphasis. However, in my experience typical UPVC doors and windows tend to be bulkier than timber and appear as clumsy modern additions in historic buildings. This is because they do not replicate the features, proportions or refinement of traditional windows and their associated joinery techniques. Although they are not before me for consideration, the UPVC units that have been installed on site serve to confirm my views in this regard.
23. I have seen no details as to the particular type, specification, dimensions, profile or finish of the proposed UPVC units shown on the submitted plans. In the absence of these, or any scaled and cross sectional drawings of the units, or elevational drawings to show how they would be fitted, I share the Council's concerns as to the generic use of UPVC in the appeal scheme.
24. This being so, for the reasons set out above, I find that the proposed UPVC window and door would be appreciated as unduly modern and incongruous features. Their introduction would further erode and diminish the historic character and legibility of the listed building and exacerbate the harm that has already been caused by the existing unsatisfactory modern works and development there.
25. Bringing matters together, I appreciate the extension is to the rear of the building and is not widely visible. I also acknowledge that the Council raises no objections to the extension in terms of its impact on the conservation area. However, this does not affect my conclusions. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.

26. Thus, notwithstanding my findings on the other elements of the overall scheme which are considered further below, I find that the extension's use of concrete pantiles for the roof and UPVC for the window and door, would further undermine the building's historic legibility and fail to preserve its special interest. I give this harm considerable importance and weight in the balance of these appeals.

Heritage balance

27. The Framework advises at paragraph 205 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I find the harm to the heritage asset to be less than substantial in this instance, but nevertheless of considerable importance and weight. Paragraph 208 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
28. The scheme as a whole would affect the listed building in different ways, some beneficial and some harmful. Those that would improve the heritage asset are public benefits. As set out above, the replacement timber windows and door to the front elevation would improve the historic legibility of the listed building and contribute positively to the ability to appreciate its significance. They would also make a positive contribution to the character and appearance of the conservation area. Thus they would better affirm the significance of those heritage assets. This would accord with paragraph 212 of the Framework which requires local planning authorities to look for opportunities within conservation areas to enhance or better reveal their significance.
29. As considered above, the scheme also includes works to open up and reveal the staircase. Additionally gas fires have been removed with a Georgian fire grate restored upstairs and replacement Victorian fireplaces provided downstairs. Modern facings have also been removed from the internal doors. The appellant also indicates that further improvements are being made to the front of the property in repointing the brickwork and chimney, removing the gas fire flue, and providing new guttering. Furthermore, central heating has been installed, insulation provided, and rewiring undertaken. The appellant also refers to improvements to the property's layout such that the bathroom and kitchen now meet modern living standards.
30. These improvements to the property which help to better reveal the building's significance, reduce risks to it, ensure its ongoing use as a dwelling, and support its long term conservation, are also public benefits of the proposal. That said, I have seen no evidence to suggest that the works to the front elevation or the inside of the property are necessarily dependant on the extension. As such they could be undertaken in its absence. I am also mindful that the improvements to the property's layout arising from the extension, would also be realised if traditional materials were used in its construction. This tempers the weight that I afford to the public benefits that would arise in these regards.

31. Taking into account all these factors, I find that on balance, even when considered together, the public benefits of the proposal would fail to outweigh the harm to the listed building that I have identified, and the considerable importance that this carries.
32. For these reasons, the proposed development and works would fail to satisfy the requirements of the Act and paragraph 197 of the Framework. They would also be in conflict with Policy ENV3 of the East Riding Local Plan Strategy Document (LP) which states that development that is likely to cause harm to the significance of a heritage asset will only be granted permission where the public benefits of the proposal outweigh the potential harm. Additionally the scheme would be contrary to LP Policy ENV1 which seeks to integrate high quality design and is supportive of development where it has an appropriate scale, density, massing, height and material.
33. Whilst I note the appellant's reference to the presumption in favour of sustainable development set out in the Framework, since I have found the proposal to be contrary to the development plan, and with footnote 7 to paragraph 11 of the Framework in mind, I do not regard the tilted balance to be engaged in this instance.

Other matters

34. The appellant raises concerns about the Council's handling of the applications, and it is clear that there has been some misunderstanding and miscommunication between the appellant, their agent/architect and the Council during the Council's consideration of both the appeal scheme and the previous scheme. The appellant also questions the need for planning permission and listed building consent for the revised scheme (and suggests that it should have been considered as a minor modification of the previous approval). Furthermore the appellant refers to the Council's timeliness in considering the applications and suggests that the decisions on the applications were 'out of time'. However, these are matters between the appellant and the Council. I confirm that I have considered the appeal scheme on its individual merits and made my own assessment as to its impacts.
35. Although I acknowledge that the scheme was submitted in response to an increase in the cost of both materials and labour, this is not a reason to allow development or works that would be harmful.

Conclusion

36. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be dismissed.

E Worthington

INSPECTOR