



Appeal Decision

Site visit made on 2 July 2024

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/C2741/W/24/3338708

Mount Court, Holgate Road, York YO24 4AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mount Court Management Ltd against the decision of City of York Council.
 - The application Ref is 23/01353/FUL.
 - The development proposed is described as "change the existing timber top hung windows to UPVC casement windows and timber doors to UPVC doors".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal on the appearance of Mount Court and whether or not this would preserve or enhance the character or appearance of the York Central Historic Core Conservation Area.

Reasons

3. The appeal site is a contemporary 2 storey apartment block with a third floor in its roof. The frontage of this block immediately bounds a main vehicular and pedestrian thoroughfare through the City of York. Although this part of York is interspersed with some commercial properties, it has a predominantly residential character and appearance.
4. The appeal proposal is for the replacement of all of the existing timber framed windows, including the dormer window frames and the external doors. The replacement windows would be double glazed PVCu. It is unclear from the details before me what the materiality and design of the replacement doors would be.
5. By virtue of its roadside location and the surrounding concentration of built heritage, the appeal site is prominently positioned within the Central Historic Core Conservation Area of the City. The significance of this conservation area includes its historical and architectural interests, including the characteristic timber sash window design of the street. More recent developments, including the appeal building have been designed to reflect and so harmonise with the well-established character and appearance of this Area. This extends to the treatment of fenestration.
6. During my site visit I observed that there is a high concentration of traditionally designed door and window features within this conservation area,

whether they be historic to the buildings or more recent additions. I also observed the simple palette of materials and window treatments used in the northern side of Holgate Road which provides unity to that side of the street. The side of Holgate Road on which the appeal site stands is not so intact in those regards. Nonetheless, the existing appearance of the appeal building does not currently serve to erode the cohesion that remains along the street when experienced as a whole. Rather, it currently has a neutral impact on the important historic character and appearance of the Area.

7. The existing external doors are a mixture of modern and more traditional designs. Given their more discreet placement on Mount Court, they have a neutral effect on both the character and appearance of the Area. The existing painted, timber framed windows mimic some of the attributes of traditional sash windows in that their 2 on 2 almost square window panes are separated by narrow glazing bars and a stronger horizontal rail. Their proportions, frame design, materiality and concentration on the main elevation of Mount Court reflect the mainly domestic Victorian context. All of these features enable the more recently constructed Mount Court to successfully integrate with its important historic context.
8. As the precise replacement door treatment is not before me, I am unable to make an assessment of the effect that part of the proposal would have on either the character or appearance of the host building or the Conservation Area.
9. By virtue of their particular casement design and materiality, the proposed replacement windows would present as 3 or 4 side hung, narrow rectangular window panes running the full height of each window opening. Consequently, they would have a strong vertical emphasis. Given the increased frame to glazing ratio, they would appear overly bulky within their openings and also in comparison to the existing fenestration treatment. This would be exacerbated further by the design of the storm proof casement frame which, unlike a traditionally constructed casement window, would not be flush fitting. There is insufficient information before me to assess whether the proposed glazing units themselves would further exacerbate the visual effects of these attributes.
10. Moreover, from my site observations and the submitted evidence it is clear that the proposed casement window design is not a traditional form of window for this sensitive historic Area. They would represent a deviation from the historic window form that helps to positively define the historic character and appearance of this Area.
11. Consequently, the proposed window treatment would significantly undermine the ability for Mount Court to continue to adequately acknowledge and resonate with its wider predominantly Victorian historic context.
12. The existence of other PVCu windows in this conservation area does not diminish or justify the identified harm. The appeal proposal would only serve to further erode the prevailing character and appearance of this important designated heritage asset.
13. The National Planning Policy Framework (the Framework) places great importance on good design and beauty. It states that development that is not well designed should be refused especially where it fails to reflect local design policies and national design guidance. In this instance, the appeal scheme

would undermine an element of good design that was previously secured for this prominent site. I do not find that the proposed window treatment would represent a good design solution for this particular building and its wider sensitive historic context.

14. In paying special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, I find that the appeal proposal would be harmful. Consequently, the appeal proposal would not meet the provisions of the Act. I attach considerable importance and weight to the avoidance of such harm.
15. The Framework states that great weight should be given to the conservation of a designated heritage asset and in terms of paragraph 203(a), the appeal scheme would not sustain or enhance the significance of the Conservation Area. The identified harm would be less than substantial. Moreover, there are no public benefits to weigh with the harm that I have identified. Consequently, the harm arising from this proposal would not be justified in line with the requirements of paragraph 208 of the Framework.
16. In overall conclusion to this main issue, the appeal scheme would have a harmful effect on the appearance of Mount Court and would not preserve or enhance the character or appearance of the York Central Historic Core Conservation Area.
17. Policy D1 of the submission draft City of York Council Draft Local Plan 2018 (the draft Local Plan) states that proposals will be supported where they improve poor existing urban environments, enhance the special qualities of York and better reveal the significances of the historic environment. This includes ensuring that proposals are not a pale imitation of past architectural styles and appropriate building materials are used and use of best practice in contemporary design is demonstrated. Policy D4 of the draft Local Plan states that that support will be given where proposals are designed to conserve or enhance the special character and appearance of conservation areas. Furthermore, Policy D11 of that Plan states support will be given where the design responds positively to its immediate architectural context, local character and history in terms of matters including materials, scale and proportion.
18. In view of my findings, the appeal proposal would not accord with any of those policies. Although yet to be adopted, the local plan examination has reached an advanced stage. These policies are generally consistent with the national policy approach to heritage. As such, the conflict with them and the emerging development plan as a whole weighs heavily against the appeal proposal.

Other Matters

19. My attention has been drawn to several neighbouring listed buildings. The effect on the setting of these does not form part of the Council's case. In view of the heritage harm that I have found, it is of no useful purpose to undertake a detailed assessment of the effect of the appeal proposal on their special interest features.
20. The private benefits that would arise from the proposed replacement windows in terms of the limited maintenance burden carries limited favourable weight.

The differential in the energy efficiency qualities of the existing and proposed windows is not before me and, as such, carries limited favourable weight.

Conclusion

21. In the context of the identified unjustified heritage harm and paragraph 11 of the Framework, as the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, then permission should not be granted.
22. Overall, those matters before me weighing in favour of the appeal proposal do not outweigh the heritage harm that gives rise to conflict with the emerging development plan as a whole and the Framework.
23. For the reasons given above and having had regard to all matters raised, the appeal should be dismissed.

C Dillon

INSPECTOR