



Appeal Decision

Site visit made on 6 August 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/N4720/W/24/3344441

Yew Trees, Main Street, Aberford, Leeds, LS25 3AA

- 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 Mr S Best (R&S Services Ltd) against the decision of Leeds City Council.
 - The application Ref is 23/04532/FU.
 - The development is the installation of UPVC framed double glazed windows and doors to office.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development given on the decision notice and appeal form in the banner header above, as it is clear from the appellant's submissions that they wish for consideration of the development to encompass the replacement doors as well as the windows. I have not however included the full description of development given as it makes reference to the development being retrospective and that is not in itself development. However, I was able to see on my site visit that the windows and doors have been installed.
3. The reason for refusal refers to the effect of the development on the grade II listed building Jessamine House. However, the main parties are now in agreement that the building that is listed (which is attached to Jessamine House) is actually called Jessamine. I am satisfied that no prejudice has been caused to any party who may have an interest in this appeal as a result of this matter and I proceed on that basis.
4. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given special regard to the desirability of preserving Jessamine or its setting or any features of special architectural or historic interest which it possesses.
5. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Aberford Conservation Area (CA).

Main Issue

6. The main issue is the effect of the development on the character and appearance of the CA and on the setting of the grade II listed Jessamine.

Reasons

7. The appeal property is located on Main Street, which as its name suggests is the main thoroughfare through the settlement of Aberford. Whilst it is well screened from public view on the approach from the south owing to the presence of boundary trees and vegetation, its north and east elevations appear prominently in views taken from the public domain directly outside of the appeal site, from further along Main Street and from views down Field Lane. The appeal property is an attractive building of a traditional design, faced in stone with stone cills and a pantiled roof. It is denoted as a positive building in the Aberford Conservation Area Appraisal and Management Plan 2011 (CAAMP).
8. The significance of the CA lies in the arrangement of the historic settlement in a mainly linear form along Great North Road, which the CAAMP states was a historically important north-south route. The CAAMP also sets out the variation in architectural character between high status buildings and those associated with the rural community such as farm complexes and estate workers cottages. There is clear evidence of this variation in the vicinity of the appeal site, and it makes a positive contribution to the character and appearance of the CA in the locality. The traditional windows and doors that are found on buildings are also positive contributors to the character and appearance of the CA, and the CAAMP seeks to resist their replacement with inappropriate materials, colours and designs.
9. Jessamine is a building originating from the 18th Century which sits in a prominent position opposite the junction of Field Lane with Main Street. From views in particular down Field Lane the appeal property appears clearly in its backdrop, albeit as a less dominant building because of its lower height and it being further set back from the road. Nonetheless, the appeal property is seen in important views of the listed building. Due to this relationship, I am satisfied that the appeal property falls within the setting of Jessamine.
10. The windows that have been installed are uPVC units, finished in a white colour. On the basis of the information provided it would appear that the previous windows consisted predominately of timber sliding sashes and timber bays. The replacement windows generally have top hung openings with a chunky section of frame separating their upper and lower sections, with some of the units also having side openings. Although they appear split into small squares by glazing bars, those bars are in fact positioned within the glass itself and this is readily evident in closer views. Coupled with the use of the modern material, the bulk of the mid-frames and the methods of opening, the resultant visual impact is unsympathetic to the character and appearance of the host building and its traditional form, and to that of the CA. This has led to harm to both the host building and the CA.
11. In the main views in which Jessamine and the appeal property are seen together, the uPVC windows visually jar with the traditional windows found on the listed building. Because of its lower height and as it is set back further from the road, the appeal property is not a building which in itself draws attention away from Jessamine. However, the appeal windows do, for the reasons I have set out, detract from the host building. In so far as they appear clearly in views alongside Jessamine, they have because of this harm also caused harm to the

- setting of the listed building. Neither the degree of separation provided by the two driveways, nor the stone boundary wall serve to reduce this harm.
12. The doors on the south and west elevations are white uPVC units in the same style as the windows. To that extent, they have the same negative impact on the character and appearance of the host building, although they have a lesser impact on the CA by virtue of not being readily visible from the public domain. The door on the north elevation too has a lesser impact for the same reason but it remains that it is constructed from a non-traditional material. The doors on the east elevation also contribute to the harm to the character and appearance of the host building because of their material, and they are visible from public views within the CA. As there are only two doors they individually have a lesser impact than the windows, but still they contribute to the collective harm that has been caused.
 13. My attention has been drawn to other examples of uPVC windows and doors near to the site, which I was able to view at my site visit. The closest example is found at Jessamine House, an unlisted building attached to the rear of Jessamine. Whilst I do not have any details before me as to how those windows came to be in place and whether planning permission was required, they too in my view are unsympathetic to their host building, to the CA and to the setting of the adjoining listed building. As such, they do not justify the retention of what I have found to be a harmful development nor should they set a precedent for it. The other windows are further from the appeal site and for the most part do not appear in any of the same views. It is also the case that although there are indeed examples of uPVC windows in the CA, as the CAAMP highlights there are many examples of windows of a more traditional material and appearance.
 14. Given the nature of the development and because the harm is localised, I consider that less than substantial harm to the CA has been caused. The harm to the setting of Jessamine is also less than substantial as the appeal development has changed only the windows and doors of the appeal building and not any other aspects of its built form. This being the case, it is necessary to weigh the public benefits of the development against the harm that would arise to the CA, in accordance with Paragraph 208 of the National Planning Policy Framework (the Framework). However, the appellant has not advanced any matters which might be considered to be public benefits of the development that has been undertaken.
 15. For these reasons, I conclude that the development has caused harm to the character and appearance of the host building and the CA, and harm to the setting of Jessamine. Consequently, the development fails to accord with Policies P10 and P11 of the Core Strategy 2019, Saved Policies N14, N20, BD6 and BC7 of the Unitary Development Plan 2006 and Policy BH1 of the Aberford Neighbourhood Plan 2018-2028 where they collectively seek to protect character and appearance and designated heritage assets. There is a conflict with the CAAMP in the same regard, and with the Framework where it seeks to achieve well-designed and beautiful places and because the harm to the CA is not outweighed by public benefits. The development also does not meet the statutory duties set out in Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

16. The appellant suggests that planning permission would not have been required if the appeal property was in residential use. Although its former use was as a dwelling, that appears to have been some time ago. This position is however disputed by the Council but in any event, the current use is not residential and thus permitted development rights applicable to dwellings are not available for works to the appeal property. This consideration does not therefore offer weight in support of the appeal development.

Conclusion

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

Graham Wraight

INSPECTOR