



Appeal Decision

Site visit made on 26 November 2024

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

Appeal Ref: APP/W9500/Y/24/3349775

The Old Vicarage, 40 North End, Osmotherley, North Yorkshire, DL6 3BB

- 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 Mr Duncan Ross Russell, against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2023/0607, dated 13 September 2023, was refused by notice dated 9 February 2024.
 - The works proposed are described as 'to install replacement traditional weighted vacuum sealed sliding sash windows, for window location W07, 08, 09, 10, 12, 13 & 18 and Yorkshire sliding sash vacuum sealed windows for window location W11 and W19'.
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Decision

1. The appeal is allowed and listed building consent is granted to install replacement traditional weighted vacuum sealed sliding sash windows, for window location W07, 08, 09, 10, 12, 13 & 18 and Yorkshire sliding sash vacuum sealed windows for window location W11 and W19, at The Old Vicarage, 40 North End, Osmotherley, North Yorkshire, DL6 3BB, in accordance with the terms of the application Ref NYM/2023/0607, dated 13 September 2023, subject to the conditions in Annex A.

Procedural Matters

2. Whilst not a reason for refusal, I am aware that the appeal property is within the Osmotherley Conservation Area. Since the works are in a conservation area and relate 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).
3. On 12 December 2024 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 this appeal, 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 2024 version.

Main Issue

4. The main issue is whether the works would preserve a grade II listed building The Vicarage (Ref: 1294700) and any features of special architectural or historic interest that it possesses.
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Reasons

The listed building

5. The appeal building is an early 19th century house built in ashlar with a Welsh slate roof over two storeys and three bays. The Authority advises that it was built in 1810 as a private dwelling and bequeathed to the church in 1873 for use as a vicarage. It is now in use as a private dwelling but maintains its appearance as a higher status dwelling in a central location within the village. The listing description refers to the windows as being four pane sashes with stone sills and flat stone lintels with incised voussoirs.
6. Most of the building's windows have already been replaced and are not historic. The existing windows are a mix of Georgian and Victorian style timber windows (three of which are historic and identified as numbers 15,16 and 22 on the submitted plans and photographs). The single glazed Georgian style windows to the south and east elevations (including numbers 7,8,9,10,11,12,13, 18 and 19 which are the subject of this appeal) were inserted in the 1990s. The Victorian style double glazed vacuum sealed windows to the north and west elevations are replacements provided in 2023 (numbers 1,2,3,4,5,6 and 14).
7. Whilst they are not historic, these replacement windows are of a traditional design and timber construction and the building retains its attractive character and traditional design, including the elegant form and pattern of its openings. It also maintains a consistent use of traditional materials, such as the use of timber for the windows and doors. Thus it retains its authenticity and still reads as an attractive higher order residential building in the context of the rural village.
8. From the evidence before me, insofar as it relates to this appeal, I find that the special interest of the listed building is drawn from its traditional appearance as a fine higher status dwelling, as well as from its remaining historic fabric and architectural features and openings, along with its use of traditional materials. All these elements are important overall to the special interest of the building in terms of this appeal.
9. The appeal building is within the Osmotherley Conservation Area. The Conservation Area Character Appraisal and Management Plan describes Osmotherley as an attractive village built on undulating ground. It retains many of the small historic features often lost in less historic places, including traditional windows and doors which collectively provide a strong historic character. I consider that the significance of the conservation area, in so far as it relates to this appeal, is mainly derived from the quality and variety of the historic buildings and the traditional historic townscape of the rural settlement.
10. The appeal property occupies an elevated position set back from North End behind a boundary wall and trees and is not prominent in the street scene there. Nevertheless, the building is visible in some views from North End particularly when the trees are not in leaf, and from the rear in Back Lane. Accordingly I find that the appeal property contributes positively to the historic character and appearance of the conservation area and its significance as a heritage asset in relation to this appeal.

The effect of the proposed works

11. The appeal scheme seeks to replace seven windows on the building's south facing elevation (numbers 7,8,9,10,11,12 and 13) and two windows on the ground floor of the north elevation (numbers 18 and 19). New timber vertical horizontal sliding sashes would be provided to match the style of the existing windows. They would be vacuum sealed double glazing with 22mm timber and putty face applied 'plant on' glazing bars and would be lead weighted operating on sash cords. They are sought in order to improve the thermal efficiency of the building.
12. As set out above, the existing windows which would be replaced are themselves later insertions. They are nevertheless of a traditional design and construction, single glazed and weighted and have structural glazing bars. As such, whilst they are not of historic interest, their design replicates the building's historic windows and follows their historic pattern. Accordingly they are of some aesthetic value and are generally sympathetic to the listed building thereby making a positive contribution to its significance.
13. Historic England's guidance¹ outlines the general approach when alteration or replacement requires listed building consent. This states in Section 6.1 paragraph 2, that where historic windows have already been replaced with windows whose design follows historic patterns, these usually make a positive contribution to the significance of listed buildings. When they do, they should therefore be retained and repaired where possible. If beyond repair, they should be replaced with accurate copies.
14. In terms of repair, the appellant advises that the poor quality timber used in the existing windows has failed. Their modern softwood construction has a limited life expectancy and they have been compromised due to lack of maintenance by the previous owners as well as subsequent repair works, and are now in need of further repair. Whilst the Authority indicates that the windows could be repaired, overhauled or retrofitted to improve thermal efficiency, I am aware that consent has been granted to install vacuum sealed units (VSUs) into the existing window sashes.
15. Although that consent has not been implemented, in approving those retrofitting works the Authority appears to have accepted that the windows do not need to be retained as existing, and that the works required to them go beyond simple repair. Whilst at the time of that consent it was considered that retrofitting VSUs would be achievable at the appeal property, the appellant has provided further technical evidence which indicates that this is not the case.
16. The survey report advises that the approved retrofitting works would compromise the existing frames of the windows in question. As set out above, the poor quality timber has failed and the majority of the window frames have been repaired previously. The survey report explains that these previous repair works include instances where full sections of timber have been re-installed, and others where splices have been used. These have weakened the frames and as a result of expansion and contraction and movement between the different timber sections water ingress has caused the windows to be compromised. The survey report finds that the installation of VSUs is not practicable in these circumstances.

¹ Traditional Windows: their care, repair and upgrading, Historic England, 8 February 2017

17. Accordingly, the implementation of the retrofit consent has been ruled out by the appellant. Whilst the Authority refers to recent examples in the village where windows with similar glazing bars have been successfully retrofitted, I cannot be sure that the circumstances that led to those works are the same as in the case before me and have seen no substantiated evidence from the Authority that would lead me to question the validity of the appellant's technical findings on this matter.
18. Turning to the proposed replacement windows, whilst no concerns are raised as to the principle of slimline double glazing, the Authority objects to the use of the 'plant on' glazing bars (as opposed to structural glazing bars). I appreciate that the units approved for the retrofitting scheme have structural glazing bars, as do the more recently approved double glazed windows.
19. Historic England's Advice Note 18 (HEAN 18)² outlines approaches to improving energy efficiency and supporting carbon reduction of historic buildings. Paragraph 82 indicates that in the case of windows which contribute positively to the building's special interest these should not be replaced, although their panes could be replaced within the existing frames. It continues to advise that stuck-on or applied glazing bars rarely replicate the character of historic windows and are unlikely to be acceptable.
20. That said, the glazing bars proposed in this case would not be applied in the same way as all timber glazing bars would be to a modern window. The internal glazing bars would be rebated into the sash frame in the same way as a traditional sash window. The timber glazing bars on the external side of the window would be face applied and sealed using a specialist heritage putty compound and painted white. They would be securely fitted and appear as traditional putty pointed glazing bars displaying the same minor imperfections. The minimal void between the inner and outer panes of glass within the 7.7mm VSUs would be so narrow as to be virtually undetectable.
21. This being so, I am not persuaded that the glazing bars would give the impression of being tacked on, or appear to be floating on the glass surface. Nor would they appear as if they could easily come off, or have the effect of making the windows look 'cheap' as suggested by the Authority. Although they would lack the subtle variations in reflection and tone associated with multiple singular glazed panes, the proposed windows would nevertheless give the appearance of separate panes of glass and be appreciated as high quality workmanship. The sample window unit which was considered by the Authority was available at my site visit, where I was able to compare it directly to the existing windows. I observed that there was no readily discernible difference between the two.
22. I accept that the proposed works would not reflect the traditional craftsmanship or joinery details of the existing multi-paned windows. They would also result in further incremental changes to the windows at the appeal property. Nevertheless, I find that in practical terms the proposed windows would effectively appear the same as those they would replace. Accordingly, I consider that they would be an accurate copy and am satisfied that the glazing bars in this instance would replicate the character of the windows which they would replace.

² Adapting Historic Buildings for Energy and Carbon Efficiency July 2024

23. The Authority is also concerned about the design of the replacement units which include window horns. It considers that these are not traditional features of multi-paned windows, or of the three remaining historic windows at the appeal property. That said, the appellant indicates that the sash horns are for technical rather than cosmetic reasons. They offer the tenon joins in the lower rails of the upper sash additional strength, and are necessary due to the additional weight of the VSUs compared to the single glazing they would replace. I am also conscious that sash horns are a feature of some of the existing windows at the appeal property. As such, I see no reason why these should not be replicated in the appeal scheme.
24. I have also considered the Authority's concern that the proposed windows would present issues for future repair and maintenance. I appreciate that if one pane in the proposed windows breaks the whole unit would have to be replaced (where as multiple separate glazed units could be repaired individually). However, the appellant confirms that the repair and maintenance of a full VSU as opposed to individual units is not problematic. The proposal would result in fewer units overall and it would be easier and more cost effective to repair a sash that is a single unit. Thus, I see no reason to resist the proposed works on this basis.
25. The appellant indicates that cost has also been a factor in determining the proposed works. The submitted cost options breakdowns show an option with rebated glazing bars to me more expensive than the face applied bars included in the appeal scheme. The Authority refers to the option to retrofit the VSUs into the existing frames with structural glazing bars, which would cost less than the replacement windows as sought. The availability of grant funding towards the overhaul of traditional windows is also highlighted. Nevertheless, as set out above, this option has been ruled out by the appellant.
26. Paragraph 167 of the Framework is clear that local authorities should give significant weight to supporting energy efficiency and low carbon heating improvements to existing buildings including listed buildings. The proposed works would support energy efficiency and would provide enhanced draft proofing and thermal efficiency in comparison to retrofitting.
27. Having regard to all these factors, and taking a pragmatic approach given the particular circumstances of this case, I am satisfied that the listed building's traditional appearance and materials, along with its architectural form, features and proportions, as well as its remaining historic fabric, would not be diminished as a result of the appeal scheme. I therefore conclude on the main issue that, on balance, the proposed windows would preserve the listed building and the features of special architectural or historic interest that it possesses.
28. Since there would be no harm to the listed building, which also contributes positively to the significance of the conservation area as described above, I am satisfied that the proposed works would not detrimentally affect how the conservation area is experienced. Thus, with my statutory duty in mind, I am content that the proposed works would also preserve the significance of the conservation area and its character and appearance.
29. In coming to this view I have had regard to an appeal that was dismissed at Demesne Farm (APP/W9500/Y/22/3305119). That scheme was for timber windows with applied glazing bars. However, I am not aware of the full

circumstances that led to that decision and so cannot be sure that they are the same as in the case before me. I note for example that that scheme was for modern 24mm double glazed units with timber face applied glazing bars (rather than for vacuum sealed 7.7mm units sealed with putty as in this case) and featured sandwiched dividers evident behind the applied glazing bars. In contrast to that scheme, for the reasons given above, I am not persuaded that the windows in this case would be clearly identifiable as non-traditional modern fixtures.

30. Overall, I find that the proposed works would satisfy the requirements of the Act and the Framework. They would also accord with Policy ENV11 of the North York Moors Local Plan (LP) which states that proposals should reinforce historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction methods with high standards of design to conserve and enhance the built heritage. Nor would they undermine this policy's requirement that adapting assets for climate change mitigation should not harm the heritage value of any asset.
31. Furthermore there would be no conflict with LP Strategic Policy I which indicates that all developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate enhancement of the historic environment. Whilst I am mindful that listed building appeals are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and so do not need to be determined in accordance with the development plan, I have had regard to these matters as a material consideration.
32. I have also considered the purposes of the North York Moors National Park to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks and to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public, and am satisfied that the proposed works would have no adverse effect on these.

Conclusion and Conditions

33. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be allowed.
34. The Authority has suggested conditions which I have considered in light of the advice in the Framework. I have amended the Authority's wording in the interests of precision and brevity. The standard time limit condition is necessary in the interests of clarity. To ensure certainty, I have attached a condition which requires the works to be carried out in accordance with the plans and details. Further conditions are also required to ensure that trickle vents are not inserted to the windows and that suitable reveals are provided. Conditions to ensure the windows are painted to match the existing windows and that appropriate pointing is provided to the reveals are also imposed. These conditions are all necessary in order to preserve the special interest of the listed building.

E Worthington

INSPECTOR

Annex A

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans/details: Location Plan, Existing South Side Elevation Photo, Existing North Side Elevation Photo, Section Drawing A for windows 7,8,9,10,12,13 and 18 Existing and Proposed, Section Drawing B for windows 7,8,9,10,12,13 and 18 Existing and Proposed, Section Drawing A for windows 11 and 19 Existing and Proposed, Section Drawing B for windows 11 and 19 Existing and Proposed, W07 Existing and Proposed Window Drawing, W08 Existing and Proposed Window Drawing, W09 Existing and Proposed Window Drawing, W10 and W18 Existing and Proposed Window Drawing, W11 Existing and Proposed Window Drawing, W12 and W13 Existing and Proposed Window Drawing, W19 Existing and Proposed Window Drawing, Document 5 dated 20 November 2023 Overview of Various Glazing Bars, and Document C-C Sash Section Drawing.
- 3) External trickle vents shall not be incorporated into the windows hereby permitted.
- 4) The external face of the frame of the windows hereby permitted shall be set in with a reveal of a minimum of 50 mm from the front face of the adjacent walling and shall be retained as such thereafter.
- 5) The frames of the windows hereby permitted shall be painted to match the existing windows and maintained as such thereafter.
- 6) The reveals of the windows hereby permitted shall be pointed in burnt sand mastic or lime mortar (not cement) leaving stone reveals clean of mortar. Any mortar mix used should be based on a typical mix of a non-hydraulic quicklime mortar mixed at a ratio of 1:3 (dry non-hydraulic quicklime: sand). Expandable foam must not be used. The pointing shall be maintained as such thereafter.