



Appeal Decision

Site visit made on 4 March 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2025

Appeal Ref: APP/U2750/D/25/3358527

28 Grosvenor Road, Scarborough, North Yorkshire. YO11 2NA

- 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. Robert Michael Gareth Jones, against the decision of North Yorkshire Council.
 - The application Ref ZF24/01239/HS, was refused by notice dated 16 Oct 2024.
 - The development proposed is 'replacement of timber windows with upvc'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as detailed on the decision notice issued by the Council refusing permission for the proposed development. This more concisely and accurately describes the proposed development.

Main Issue

3. Whether the proposed replacement windows would preserve or enhance the character or appearance of the Scarborough Conservation Area (CA).

Reasons

4. The appeal site is a large, detached dwelling that has been subdivided to also incorporate a self-contained holiday apartment. It presents pleasing features of the arts and crafts architectural movement. It is located in a prominent location at the entrance to Grosvenor Road. It includes many original features to the front and side elevations, with the result that it is a very good example of the style. Together with the properties to the east extending along the southern side of Grosvenor Road, the building is part of an important composition of large dwellings, which makes a significant contribution to the character and appearance of the CA.
5. The CA in this location is characterised by large, detached dwellings. Many are grand in appearance and reflect the prominence and significance of this part of Scarborough, a leading holiday resort destination at the time of their construction. There are examples of significant unsympathetic alterations and additions to buildings in the area. This includes many incorporating uPVC windows. These to a significant degree are now a feature which detracts from the character and appearance of the CA. This is further negatively impacted by other visual clutter including signage, outbuildings and other evidence of deterioration in urban fabric.

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6. The appeal site, as it presents its key elevations to the street scene, retains many of its original features, including original timber fenestration. This is notwithstanding that several windows in less visible rear elevations have been replaced with uPVC. There is a pleasing architectural coherence to the property. Notable is the timber detailing to the entrance porch and its relationship to window detailing which are ornate, distinctive and typical of the architectural style of the building. This makes a positive contribution to the character and appearance of the CA.
 7. The loss of the timber mid-rail detailing on windows five (the eyebrow window in the roof), six (the utility room front), and eight (the lounge side window) would significantly diminish the character and appearance of the existing building and, by extension, the character and appearance of the CA. Window five, in particular, is striking, and its removal would cause notable harm to the character and appearance of the CA. Replacement uPVC windows would fail to replicate the intricate and delicate detailing fundamental to the value these windows bring to the CA and replace these with less delicate windows. Replacing several of the larger timber sash windows with suitable uPVC could be acceptable. While their defining feature is the highlighted arched window heads. Their replacement with uPVC would be more in keeping with the original design and proportions of the windows they are replacing. As such, their loss would be less evident. Fundamentally, the arched feature of these windows contributes less to the character and appearance of the CA compared to the intricate mid-rail detailing of those windows with this feature.
 8. Many properties in the area have lost original fenestration which has been replaced by uPVC. This includes properties at 18, 22 and 24 Grosvenor Road to the immediate east of the appeal property. Several of these examples, including a number of those identified by the appellant in the wider area, are very unsympathetic and cause notable harm to the character and appearance of the CA.
 9. Rather than a justification for replacement of windows five, six and eight at the appeal site, my view is that this renders their retention more important as their loss would cause further dilution of original form by removing an original feature and would therefore harm the character and appearance of the CA. This harm would be exacerbated in the case of the appeal property due to its prominent location at the entrance to Grosvenor Road, meaning it is visually prominent in the street scene and a key building in the CA defining character.
 10. In any event, planning decisions are made on their respective merits as assessed against policies in the development plan rather than following a system of precedent. Hence, whilst these examples attract limited favourable weight, they do not, either individually or cumulatively, lead me to a different view on this main issue.
 11. For these reasons, I consider that the development would fail to preserve or enhance the character or appearance of the CA, and thus its significance. Whilst I consider this harm would be less than substantial as it would only affect a small part of the CA, as per the National Planning Policy Framework, great weight must be attributed to any harm to a heritage asset (in this case the CA), irrespective of whether such harm is “less than substantial” or otherwise.

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12. Set against this harm, the proposal would improve the property's thermal and energy efficiency. Linked to this is the benefit identified by the appellant to the management of damp in the building and potential health benefits for occupants that installation of uPVC would provide. However, it has not been demonstrated that such improvements necessitate the current uPVC design before me as it relates to all thirteen windows it is proposed to replace. I also note the additional cost of replacement with timber windows of a similar design as identified by the appellant. This is compared to uPVC replacements and again this is a private benefit to the appellant. I attach modest weight to these benefits, which would not be sufficient to outweigh the great weight that must be attributed to the less than substantial harm I have identified to the CA.
13. Accordingly, despite my feelings regarding the larger sash windows, I conclude that the proposal would neither preserve nor enhance the character or appearance of the CA. The development would therefore conflict with Policies DEC1 and DEC5 of the Scarborough Borough Local Plan (2017). These identify that the detailed design of proposals should respond positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing. Also, that proposals affecting a designated heritage asset (the CA) should conserve those elements which contribute to its significance and harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal. Proposals affecting a CA should preserve or enhance its character or appearance.

Conclusion

14. The development conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

F P Tinsley

INSPECTOR