



Appeal Decision

Site visit made on 12 March 2025

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2025

Appeal Ref: APP/C2741/Y/24/3356526

Holgate Homes, 139 Holgate Road, York YO24 4DF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Milewood Healthcare Ltd against the decision of City of York Council.
 - The application Ref is 24/00598/LBC.
 - The works proposed are described as: 'Repairs to window frames and replacement of existing timber sashes with double glazed heritage timber sashes'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The City of York Local Plan (2025) (the LP) has been adopted since the submission of the appeal. I have determined the appeal on the basis of the most up to date policies
3. The appeal property, 139 Holgate Road, is a Grade II listed building¹. The appeal relates to the refusal of listed building consent for works to a listed building. I have therefore had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is the effect of the proposed works on heritage assets, including whether the proposed works would preserve the Grade II listed building, 139 Holgate Road, or any special architectural or historic features which it possesses.

Reasons

Special Interest and Significance

5. 139 Holgate Road is a detached, mid to late nineteenth century villa that was listed in 1997 and is now in use as a care home. The property is constructed of a buff brick with a hipped slate roof. It features large ground floor canted bay windows to either side of the main entrance door on the front elevation. These have sashes without glazing bars, with rounded upper corners, set within moulded surrounds. The 3 first floor windows comprise of 2 over 2 pane sliding sash windows laid out in a symmetrical arrangement. These have raised brick surrounds, incorporating a segmented brick arch with a hood formed by a brick string course

¹ List Entry Number: 1257577

that extends across this elevation. A single storey wing to the right of the front elevation includes a single window that is reflective of the design of the sashes within the bay windows.

6. Both parties are in agreement that these are likely to be its original windows. In that regard, it was evident on my site visit that much of the glass present in the windows has the uneven and varied surface indicative of historic glass. Such glass is reflective of the glass producing technology and craftsmanship present at that time. Its presence adds to the evidential value of the listed building.
7. The significance of the listed building is primarily associated with its architectural and historic interest as a grand Victorian house in an urban setting. Important contributors in these regards, which are pertinent to the appeal, are the clear symmetry across the front elevation, the intricate brick detailing, surviving historic fabric and the traditional materials and authentic construction techniques that are evident in its distinctive sash windows.

Proposals and Effects

8. It is proposed to replace all of the existing sashes with new timber sashes in a matching painted timber design with 'heritage double glazing'. The existing frames would be retained and repaired.
9. The loss of all of the sashes would result in a significant loss of historic fabric comprising of the timber sashes themselves and their embodied craftsmanship as well as the historic glass contained within them. This would compromise the architectural integrity of the building and impair its historic legibility and authenticity, to the detriment of its special interest and significance.
10. Whilst it is proposed to replace the sashes with matching replacements, these would not precisely replicate those that would be removed, given that they would incorporate 12 mm thick double glazing. The glass itself would be readily apparent as a new addition, owing to its consistent modern finish that would fail to replicate the varied appearance of the existing glass or its evidential value, to the detriment of the special interest and significance of the listed building.
11. For these reasons I do not share the views of the appellant that the proposed windows would not harm the listed building. Moreover, the changes to the appearance of the windows and the loss of historic fabric would detrimentally undermine its heritage merit. As such, the proposal would not conserve this designated heritage asset in a manner appropriate to its significance.
12. The appellant has provided a Window Survey² in support of their proposal. Whilst the Survey considers each individual window, it is limited in detail, particularly with regard to the condition of the sashes, and the justification for their total replacement. Each sash is identified as having expired decoration and glazing putty, which, in my experience, constitutes routine maintenance of such windows. The Survey goes on to assess that this has led to instances of rot and the failure of mortice and tenon joints or individual sashes. On this basis, the Survey concludes that replacement of each sash is 'advised'. The exception for this is the first floor right hand window, for which replacement is 'required' and the central first floor

² Window Survey by Frontier NW Ltd, dated 2 January 2024.

window for which no replacement is recommended. Moreover, for the first floor left and right hand windows, only the replacement of the lower sash is discussed.

13. As such, the proposed replacement of every sash goes well beyond what is recommended in the Survey, which, itself, is lacking in detail, given that specific affected mortice and tenon joints are not identified or photographed. I am therefore not convinced that total replacement of all the sashes is necessary nor am I persuaded that at least some of the sashes are not capable of being repaired.
14. On this basis, the proposal would fail to preserve the Grade II listed building 139 Holgate Road, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of section 16(2) of the Act. For the same reasons the proposal would cause harm to the significance of this designated heritage asset.
15. The appeal property lies within the St Paul's Square/Holgate Road Conservation Area (the CA). The CA encompasses much of Holgate Road and St Paul's Square to the north. The appeal property is one of several large detached and semi-detached villas which line Holgate Road. The majority of the properties in the CA date from the mid nineteenth century and grew up on the road linking York with the hamlet of Holgate, and the village of Acomb. The prevalence of these formal urban properties with their distinctive, imposing and detailed facades and surviving timber sliding sash windows with few glazing bars are reflective of the area's origins as a linear Victorian residential development. Pertinent to the appeal, these are elements that contribute to the character and appearance of the CA.
16. As a grand Victorian villa with distinctive architecture and surviving historic windows, the appeal property contributes positively to, and reinforces, the character and appearance of the CA. The listed building is set back from the road behind vegetation which limits detailed views of its fenestration. Nonetheless, whilst not widely publicly visible, the significant loss of historic fabric and resulting harm to the listed building, an important component of the CA, would, in a small way, incrementally erode the character of the CA.
17. Whilst the effect on the character and appearance of the CA did not form part of the Council's reasons for refusal, an assessment was included in the appellant's statement. I have a statutory duty under section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The proposal would fail to preserve the character and appearance of the CA. My findings add to the harm to the heritage assets I have described above.

Public Benefits and Balance

18. Paragraph 212 of the National Planning Policy Framework (the Framework) sets out 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. Any harm should require clear and convincing justification. Given the extent and nature of the proposed works, I find that the harm in this instance is 'less than substantial' but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.

19. The appellant has provided correspondence from a specialist consultant setting out the energy efficiency benefits of the proposal. This sets out that the energy rating for the building overall is already good with there being relatively few areas for improvement. The replacement of all of the windows is stated by the consultant as resulting in a marginal improvement to the Energy Performance Certificate (EPC). Nonetheless, there would likely be a reduction in carbon emissions, reduced heating costs and improved comfort for the occupiers and users of the rooms served by the windows. This would constitute a public benefit.
20. In that regard I acknowledge the requirement to give significant weight to support energy efficiency and low carbon heating improvements to existing buildings. Nonetheless, the Framework highlights that the policies that relate to the historic environment should also be applied, which includes the need to give great weight to the conservation of heritage assets.
21. There is nothing before me to suggest that the building's future is not secure however, the proposal would involve the repair of the window frames and their redecoration which would be in the interests of the long term maintenance of the building. This would constitute a public benefit. Social benefits would arise in terms of ensuring the long term maintenance of a care home for vulnerable people. Benefits in that regard, however, would be limited by the small area of the building affected.
22. Paragraph 213 of the Framework is explicit in its requirement that any harm to the significance of designated heritage assets should require clear and convincing justification, which, in all of the respects outlined above, I find not to be the case in the appeal before me. Cumulatively, therefore, whilst the public benefits arising from the appeal scheme are significant, they would not outweigh the harm to designated heritage assets, to which I must give considerable importance and weight.
23. Overall, the proposal would result in harm to heritage assets. It would fail to preserve the Grade II listed building, 139 Holgate Road, or any features of special architectural or historic interest which it possesses. It would also fail to preserve the character or appearance of the CA. This would be contrary to the requirements of sections 16(2) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. The harmful impact would also be contrary to Policy D5 of the LP.

Other Matters

24. I acknowledge that no objections were received from Holgate Parish Council, however I would note that a lack of objection is not the same as a lack of harm.

Conclusion

25. For the reasons given above, I dismiss the appeal.

Paul Martinson

INSPECTOR