



Appeal Decision

Site visit made on 22 April 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/U2750/D/25/3361378

29 Lyons Road, Richmond, North Yorkshire DL10 4UA

- 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 Cyril Green against the decision of North Yorkshire Council.
 - The application Ref is ZD24/00371/FULL.
 - The development proposed is to replace all 5 sash windows to the front elevation of the property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Richmond Hill Conservation Area (CA).

Reasons

3. The site comprises a mid-terrace 2-storey house located in the northern part of the CA, centred around Richmond Garden Village, a small enclave developed as Richmond Barracks in the late 19th century. The appeal dwelling sits within a block of similar stone houses of the same age and style. This is one of 2 blocks that form part of a housing development on the site of the former parade ground.
4. Though more recent additions, these blocks remain distinctive, formally arranged in symmetrical squares, with a high degree of consistency in their form, materials and traditional appearance. This is analogous of the older development in the CA. Accordingly, these dwellings positively contribute to the established character of the original development and the setting of the historic buildings. The significance of the CA, in so far as it relates to this appeal, is therefore derived from the uniformity in its appearance, including the traditional design and consistent materials used throughout, and the structure and regularity of its layout.
5. The CA Appraisal and Management Plan September 2012 highlights that it is critically important great care is exercised when seeking to replace windows on any buildings in the CA, given its character is heavily reliant on the established uniformity and regularity of design. It advises that the best approach is to replicate exactly the form, material and design of the original window, as this will retain the valuable character of the feature and continue to contribute to the site's character.
6. The Council's Richmond Hill Conservation Area A Guide to Design document (the Design Guide) states that, on important elevations which form an essential part of the character of the CA, replacement windows should accurately replicate both the

general design of the windows and the detailed sections of the timberwork. It concludes that the use of UPVC in visually prominent positions is not acceptable.

7. While there is no vehicular access to the front of the appeal site, there is a public footpath, and the site can be seen from Seagram Crescent. As a constituent part of a public facing elevation of the block, windows in the north facing front elevation of the appeal dwelling are an essential part of the character of the CA, and this is reflected in the Design Guide and the CA Adopted Appraisal Map January 2013.
8. The proposal would replace all 5 of the existing timber sliding sash windows to the front of the dwelling with UPVC sliding sash windows of similar style. The submitted details in respect of the proposed windows are imprecise, comprising a brochure for the window manufacturer and associated plans for a typical vertical sliding window. No detailed plans specific to the appeal site have been provided.
9. Based on the evidence before me and my own observations, the use of UPVC would not respect the style, form, proportions, operation or material of the original historic or later designed windows. It has not been demonstrated that the texture of the frames would replicate that of correctly maintained timber. Moreover, in the absence of more detailed plans, it is unclear whether applied detailing on the UPVC units would be accurate and appropriately proportioned, or if the position at which the windows are set within the wall would respect the original design.
10. This would detract from the prevailing character and appearance of the appeal building and wider area by disrupting the uniformity and regularity of design. It would thus harm the character and appearance of the CA, the preservation or enhancement of which I apportion great weight to. It would therefore not accord with the clear expectations of statute in this respect¹.
11. I recognise that there are other post-1990 buildings within the CA that have UPVC windows, including within the cul-de-sac in the northeast corner. However, this cul-de-sac overall is not as uniform in its layout or appearance, and so is less attuned to the characteristics of the CA. It thus does not contribute to its character and appearance in the same way as the appeal site. I did not observe UPVC windows in visually important frontages, nor have any been brought to my attention.
12. In conclusion, the proposal would fail to preserve or enhance the character or appearance of the Richmond Hill Conservation Area. It would conflict with Policy CP12 of the Richmondshire Local Plan 2021-2028 Core Strategy Adopted 9 December 2014 (the Local Plan). This policy, among other provisions, seeks to ensure that those elements which contribute to the significance of a heritage asset will be conserved and, where appropriate, enhanced.
13. With respect to paragraph 215 of the National Planning Policy Framework, less than substantial harm would be caused to the significance of the CA, which is a designated heritage asset. The proposal would provide benefits including better thermal efficiency that may limit health risks associated with mould and damp and reduce energy bills for the appellant. It may also provide environmental benefits by reducing the dwelling's overall energy consumption, though this must be balanced against the environmental impact of manufacturing new UPVC windows rather than repairing or replacing the existing timber frames.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

14. The extent of such benefits arising from the proposed windows compared to the existing has not been clearly articulated in the evidence. Moreover, it is not clear that there are no alternative means of providing these benefits and thermally upgrading the dwelling, that could avoid harm to the significance of the CA. It has therefore not been demonstrated that there are public benefits sufficient to outweigh the identified harm.

Other Matters

15. My attention has been drawn to examples of UPVC windows installed in historic properties in Wensleydale and Swaledale. Very limited details of these cases or the circumstances that led to those decisions are before me and therefore it is difficult to draw any meaningful comparisons to the appeal scheme. Nevertheless, they are within a different local planning authority area, and thus considered in a different local policy environment. Ultimately, each application must be considered on its own merits, based on the site context and the circumstances of the case. This does not therefore lead me to a different conclusion on the main issue.

Conclusion

16. The proposal would conflict with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR