



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: 03 June 2025

Appeal Ref: APP/U2750/D/25/3360362

Bank Cottage, Kirkgate, Middleham, North Yorkshire DL8 4PF

- 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 Miss Rebecca Yates against the decision of North Yorkshire Council.
 - The application Ref is ZD24/00568/FULL.
 - The development proposed is replace 4 existing windows which are in a very poor state of repair and replace with a high grade PVC sash windows in sympathy with existing style and guidance under the Article 4 Directive - Middleham Conservation Area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, I saw that 4 uPVC windows have been fitted in the front elevation of the appeal building. The appeal is thus considered retrospectively.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the appeal site and surrounding area, including the Middleham Conservation Area (CA) and the setting of nearby listed buildings (LBs).

Reasons

4. The appeal site comprises a mid-terrace 2-storey dwelling located centrally within the CA. It sits in a row of similar stone buildings, in a relatively prominent position, close to the road on the approach to the Market Place. The surrounding area is characterised by a mix of 2 and 3 storey traditional buildings of varying scale.
5. The CA Appraisal and Management Plan adopted 20 September 2007 (CAAMP) highlights that timber is the traditional material used for doors, windows, shop fronts and often gutters on older properties. Window styles vary from multi-paned vertical sashes to single paned vertical sashes. Where early details survive, they contribute greatly to the integrity of the built form and the quality of the CA.
6. I saw that timber sliding sash windows, occasionally with integral vertical glazing bars, are common in the immediate vicinity of the appeal site. Though the size of openings varies, the finish, design and thickness of the traditional frames, their opening mechanism, and the position at which they are set within the wall is largely consistent.

7. In so far as it relates to this appeal, the significance of the CA is thus derived from the traditional appearance and details of the buildings, their relationships to one another, and the contribution this makes to the unique and attractive character and appearance of the town.
8. The Middleham Conservation Area Article 4 Directions and Design Guide Adopted July 24 2018 (the Design Guide) contends that, in general, timber is the only material that can accurately replicate traditional window details, and that plastic modern designs are out of keeping with the character of the CA. Nevertheless, the Design Guide acknowledges that in cases where inappropriate windows already exist, a high-quality replacement in uPVC which enhances the character and appearance of the building might be acceptable. It also recognises that, in recent years, uPVC windows have improved in the way they can replicate traditional timber and its detailing.
9. The appeal building previously featured 4 timber windows of a traditional sliding sash design with integral vertical glazing bars. The evidence before me indicates that these windows were in a relatively poor state of repair. The appellant states that they were rotting and would not open. Nevertheless, they were appropriately recessed into the wall and in keeping with the prevailing character and appearance of the CA in terms of proportions, materiality, design and opening mechanism.
10. In contrast, the replacement windows are made of uPVC with shallow reveals. They feature top hung opening panes that project forward of the outer frame. The frame itself is much bulkier than that of the previous windows, and of other traditional windows in the CA. Vertical glazing bars appear set within the glass, rather than an integral part of the frame. The decorative horns do not convincingly replicate the design and thickness of the original features, while trickle vents at the top of each window are an incongruous addition. The relationship between the modern engineered straight uPVC edges and the natural edges of the exterior stone wall, heads and sills is irregular, with plastic filler used to close gaps, and provides a stark contrast between old and new. Overall, the windows appear visually discordant and unsympathetic to the style and age of the building.
11. There are examples of properties elsewhere in the CA, including on North Road, Back Lane and East Witton Road, that feature uPVC windows in various finishes, styles and colours. The planning status and history of each of these are not before me. Notably, the Design Guide states that a number of properties changed their windows to unsuitable modern designs before the Article 4 Direction was approved. Nevertheless, they are situated in different contexts to the appeal site. Moreover, they do not contribute to the integrity of the built form and the quality of the CA, with the CAAMP highlighting that the accumulative effect of uPVC windows can be visually and structurally detrimental. This does not therefore provide justification for additional harm to be caused through the appeal scheme.
12. Ultimately, the development does not respect the style, form, operation or materiality of the previous windows, or other traditional windows within the CA. This detracts from the prevailing character and appearance of the appeal site and the CA. Permitting the development would thus conflict with the expectations of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) which, with respect to planning decisions affecting any buildings or other land in a conservation area, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

13. There are several listed buildings in the CA, including the grade II listed buildings known as the White Swan Hotel and Post Office on Market Place adjacent to the appeal site, and Waterford House on the opposite side of Kirkgate. Sections 66(1) of the 1990 Act requires special regard to be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
14. In so far as it relates to this appeal, the significance of the LBs is derived from their historic form and appearance, including slate roofs, render or stone exteriors, traditional proportions and timber sash windows. The preserved historic buildings and traditional features of the CA positively contribute to the setting of the LBs. While the appeal building itself is not listed, it is viewed in the same setting as the nearby LBs. Given the harm that the development has on the character and appearance of the area, it also has a deleterious effect on the setting of the LBs.
15. In conclusion, the development has a harmful effect on the character and appearance of the appeal site and surrounding area, including the CA and the setting of nearby LBs. It conflicts with Policies CP12 and CP13 of the Richmondshire Local Plan 2021-2028 Core Strategy Adopted 9 December 2014 (the Local Plan). These policies, among other provisions, seek to promote high quality design through development that respects and enhances the local context and its special qualities, including design features and the historic environment, and ensure that those elements which contribute to the significance of a heritage asset will be conserved and enhanced.
16. Paragraph 212 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of heritage assets. Less than substantial harm has been caused to the significance of the CA and the setting of the LBs, which are all designated heritage assets. Paragraph 215 of the Framework indicates that this harm should be weighed against the public benefits.
17. The development provides benefits including better thermal performance and energy efficiency. Nevertheless, the extent of any thermal or energy performance gain for the building has not been articulated in the evidence, nor is it clear that this could only be achieved through the appeal scheme.
18. The appellant contends the hinged opening mechanism allows for easier exit in the event of a fire, which is particularly important as the property has no rear door exits. Detailed plans of the windows have not been provided. From the evidence and my own observations, they feature a single openable top pane. It is not clear that this would be easier to escape through than a sliding sash window, nor that it is the only design that would meet the building regulations requirements.
19. I recognise that the appellant has carried out significant renovations to the property, bringing it back into residential use. However, it has not been demonstrated that reuse of the property could only have occurred with installation of the specific windows that are the subject of this appeal.
20. It has thus not been demonstrated that there are public benefits sufficient to outweigh the identified harm.

Other Matters

21. The application did not receive objections from local residents, though a comment was received stating that is in clear contravention of Article 4. The absence of formal objections does not in itself demonstrate that the development is acceptable in respect of the main issue. Moreover, objections were received from the local Parish Council and Civic Society.
22. The Planning Practice Guidance and the Framework encourage local planning authorities to take a positive approach and work proactively with applicants. While the appellant's frustrations with the level of engagement offered by the Council during the application process is noted, this does not lead me to a different conclusion on the main issues.

Conclusion

23. The development conflicts 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