



Appeal Decision

Site visit made on 19 June 2025

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/U2750/W/25/3363770

Corner Spa House, Scarborough, North Yorkshire YO11 2BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr G Lowde of Corner Spa Properties Ltd against North Yorkshire Council.
 - The application Ref is ZF24/01672/FUL.
 - The development proposed is replacement of timber and uPVC windows with uPVC sliding sash windows.
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Decision

1. The appeal is dismissed and planning permission for replacement of timber and uPVC windows with uPVC sliding sash windows is refused.

Background and Main Issue

2. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. In its Statement of Case, the Council has set out its concerns on the appeal proposal.
3. Having regard to the Council's Statement of Case, the main issue is whether the proposal would preserve or enhance the character and appearance of the Scarborough Conservation Area (CA).

Reasons

4. The CA covers a large part of the historic coastal town of Scarborough. Its character reflects the town's history and evolution, but it is heavily influenced by its development as a spa and seaside resort. This is evidenced by the significant number of fine period buildings, an important element of which is the use of windows of a traditional design and timber construction which contribute to the significance of the CA as a designated heritage asset.
5. The appeal site is a prominent and imposing corner building of an attractive and coherent design within the CA. Its prominence is emphasised due to open views across a car park and landscaped area. At the time of my visit, significant restoration works were underway, and despite these works and associated scaffolding it was apparent that the building makes an important contribution to the character and appearance of this part of the CA due to its design and prominence. Although the building is not listed the Council identify it as a key building in the CA, and I see no reason to disagree.
6. The 2 main elevations onto Oliver Street and Albion Road include a significant number of windows of varying designs, including timber bay windows and curved

windows on the upper floor. It is common ground between the parties that the existing windows are beyond repair. However, their replacement with uPVC windows would lead to significant harm to the character and appearance of these elevations due to the use of an inappropriate modern material which cannot replicate the narrow frames and delicate glazing bars of traditional windows.

7. The appellant refers to existing casement windows on the rear elevation, and that rear windows not visible to the street scene will be replaced in a mock sash style replacing more modern casement windows. Although the rear elevation is less prominent than the 2 main elevations, any perceived lack of harm in respect of this elevation would not negate the harm arising to the 2 main elevations. The replacement of existing uPVC windows or those of an inappropriate modern design with uPVC windows of a more sympathetic design would be a benefit. However, this would not be sufficient to overcome the harm arising from the replacement of traditional timber windows.
8. My attention has been drawn to a number of buildings in the vicinity which have uPVC windows, as well as a number of approvals for windows constructed from that material. However, it has not been demonstrated that the circumstances of those buildings are a direct parallel to the appeal before me, including the form of the windows that were replaced, the number of windows affected, and the prominence of the windows. Although I observed a number of uPVC windows at nearby properties, these do not establish a prevailing context within the CA which justifies the appeal proposal. Indeed, some of those windows served to demonstrate the harm that can arise from the use of unsuitable materials. The examples referred to by the appellant do not therefore lead me to a different conclusion in respect of the harm arising from the proposal.
9. The building has previously been condemned. Works to renovate the building and bring it back into a productive use would be of significant benefit, with regards to the CA as well as wider social, environmental and economic benefits. However, it has not been demonstrated that the renovation works are reliant on the use of uPVC windows, even including the extra cost and structural issues that have been referred to. On that basis, the renovation of the building does not justify the use of uPVC windows to replace traditional timber windows.
10. I am mindful of the benefits arising from the proposal. It would add to the thermal efficiency of the building and subsequently the living conditions of residents. However, the Council refers to the use of timber replacement windows with double glazed units of a suitable design which could deliver similar benefits as those proposed. This therefore carries limited weight as a benefit of the proposal, and this benefit would primarily be of a private nature with very limited public benefit.
11. Drawing the above together, I conclude that the proposal would lead to significant harm to the character and appearance of a key building within the CA, and would therefore fail to preserve or enhance the character or appearance of the CA with commensurate harm to its significance. That harm would be localised within this part of the CA and would be less than substantial. Nevertheless, I attach great weight to that harm in accordance with paragraph 212 of the National Planning Policy Framework (the Framework). There are no public or other benefits that would outweigh that harm.

12. The proposal would therefore conflict with the design as well as historic and built environment requirements of Policies DEC1 and DEC5 of the Scarborough Local Plan 2017. The proposal would also conflict with the Framework in respect of conserving and enhancing the historic environment. The proposal would also be contrary to the advice of the Residential Design Supplementary Planning Document 2022 with regards to selecting appropriate replacement windows in conservation areas.

Conclusion

13. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR