Planning Inspectorate

Appeal Decision

Site visit made on 30 September 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 24th November 2025

Appeal Ref: APP/U2750/Y/25/3363577
41 Bridge Street, Helmsley, North Yorkshire YO62 5DX

- 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 Mr David Nicholson against the decision of North Yorkshire Council.
- The application Ref is ZE24/09882/LBC.
- The works proposed are proposed refurbishment of existing primary face sash windows. Existing sash box frames retained and new slim-lite double glazed sash timber windows installed into existing box frames.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal relates to a listed building within a conservation area. As required by sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Main Issues

3. The main issues are whether the proposal would:

    - preserve the grade II listed building, Number 41 and archway to garden[1], or its setting or any features of special architectural or historic interest which it possesses; and

    - preserve or enhance the character or appearance of the Helmsley conservation area (CA).

Reasons

Special interest and significance

4. The appeal site (No 41) is three-storeys in height and set back from the pavement with a small front garden set behind a low stone wall, with a neat hedgerow, shrubs and foliage. Constructed of sandstone rubble with ashlar dressings and a slate roof, it has been extended at the rear and has an enclosed, landscaped and verdant back garden.

[1] List entry 1149304

5. The site is within the historic centre of Helmsley which was laid out in the medieval period. It is a prominent building, highly visible, as the A170 is relatively wide at this point, and because of its height and appearance, which contrasts with the surrounding cottages. In addition, it can be seen from the nearby bridge over the River Rye, the entry to the town from the south.

6. The front elevation has three bays, with six over six sliding sash windows on the ground and first floors, and three over three sash windows on the second floor. The panelled front door, beneath a radial fanlight, is set within an open-pedimented doorcase with attached Tuscan columns. It is reached by eight steps with decorative railings.

7. Its special interest and significance arise from its historic and architectural interest. The high-quality finish in traditional materials, and dentil moulding beneath the eaves, contribute to its imposing, symmetrically designed frontage. An important component of this visual interest is the windows and doorway. As a fine 19th century property of classical proportions, it makes a positive and important contribution to the townscape. The building also has historic and communal value, being associated with the Duncombe Family and previously used as the Duncombe Park estate office.

Effect on the listed building

8. The proposed works relate to eight windows on the front elevation of the house. The appellant's evidence refers to the sash windows becoming distorted, with large gaps in the frames where the sashes do not meet. This has resulted in water ingress and a lack of a thermal seal. Traffic passing on the adjoining A170, particularly that generated by heavy goods vehicles using this primary route network, cause noise and window vibration. This has resulted in the reception rooms at the front of the house becoming uncomfortable and rarely used.

9. Four of the lower sashes are modern; those on the first floor and the central one of three on the second floor. I saw that all the windows have narrow glazing bars, sash cords and traditional style window fasteners. Windows on the ground and first floors have working shutters and panelling, and windows A and B on the ground floor have window seats. Whilst I could see no evidence of rot within the windows, the sashes that have been replaced may have suffered from this. Even if the existing glazing is not hand-blown glass, I have no compelling evidence to suggest that there is no historic glass within the existing windows. Certainly, the glazing on the ground floor did not appear to be modern. The presence of historic glass adds to the significance of the windows.

10. The windows were inspected by a local joinery, experienced in sash window renovation. They concluded that it is not possible to fit slim-lite double glazing into the existing beading; the glazing is likely holding the top sashes together so a repair is not possible; and secondary glazing would be too interventionist and would harm the historic internal joinery. However, there is no window schedule that has assessed each window in turn and documented what aspects of the window require repair, and why that is not attainable. Although the appellant appreciates that it would be preferable to leave the existing windows in place, they require a liveable solution. Therefore, they propose to repair and retain the box sashes and install new sash windows with traditional weights and slim-lite double-glazed units held in with linseed putty.

11. Proposed window sections at 1:10 show that the glazing would be 12mm in depth overall, whereas historic single glazing can range from 2mm, and modern single glazing is normally 4-6mm thick. The windows would have thin profile hardwood sections 20mm across, compared to the 18mm bars at present. Consequently, despite a difference of only 2mm, the window joinery would appear less refined than at present.

12. It is evident that the windows require maintenance, and there is also a need to reduce noise penetration and draughts. Traditional secondary glazing, which would prevent the shutters operating and harm historic joinery, has been disregarded by the appellant as unattractive and too visible. However, there are no shutters on the second floor, but all the front windows on the ground and first floors have shutters, which research has found to be almost as effective as some forms of secondary glazing. In addition, curtains over shutters are also known to create an effective way of improving thermal efficiency.

13. Draught proofing, which has similarly been disregarded, has been shown through research by Historic England[2], to be highly effective in improving the comfort of residents by reducing noise, the rattling of windows, and keeping dust out, as well as reducing heat loss. Moreover, other forms of secondary glazing are also possible by fixing it to the existing window glass.

14. Whilst I could see and hear vehicles regularly passing the building, there is limited substantive evidence of the noise levels that are received within the property, and there has been no evaluative report provided which illustrates what the reduction in noise levels would be once new sash windows are in place.

15. The appellant contends that replacing the sash windows would result in a 100-year lifespan for the new windows. Whilst the existing historic windows may have been in place for over 100 years, timber of that period was sourced and seasoned differently. I have not been provided with any substantive evidence that replacement windows would have a similar duration.

16. Unlike single glazing, double glazed units are highly reflective and have a different sheen and visibility. Additionally, wider glazing bars would alter the proportions of the windowpanes. Therefore, even though No 41 is set back from the pavement, because of the numbers of panes and windows on the front elevation, the change would make new sashes and glazing highly visible. Although Historic England[3] states that slim-profile double glazing will generally be acceptable in listed buildings, this refers to installation within existing window frames, which is not applicable to this appeal. Moreover, they say that windows should not be replaced where they contribute positively to a building's special interest.

17. Historic windows on the principal elevation of a listed building ordinarily make an important contribution to the significance of a building. Indeed, this property, because of its size and architectural details, position within the town, and location on a main road, means that the windows are highly visible and make a positive and important contribution to the special interest of the building. That is whether they are viewed internally, or externally.

[2] Traditional Windows: their care, repair and upgrading, 2017
[3] Adapting Historic Buildings for Energy and Carbon Efficiency, HEAN 18

18. Notwithstanding that some of the sash windows have already been replaced by modern windows, their design compares favourably with the historic windows, and the replacements have enabled the windows to function. Whilst I could see that the windows require maintenance and repair, I have found no compelling evidence that all avenues have been explored, and that replacing the windows with double-glazed sliding sash is the only way to overcome the issues and concerns that the appellant has expressed.

19. Given the above, I find that the proposed works would fail to preserve the listed building and its setting and any features of special architectural or historic interest which it possesses. This would harm the significance of the heritage asset which I must give considerable importance and weight.

Effect on the conservation area

20. Although Helmsley may have had earlier origins, it grew in the medieval period when the castle, of 12th century, or earlier date, was constructed, and the planned town, dating to around 1190, was built, with long, narrow, burgage plots, still evident in places. By the early 18th century, weaving was the predominant cottage industry, although this ended following the introduction of machine-driven looms elsewhere in west Yorkshire. The town recovered economically in the mid-19th century when several civic buildings were constructed. Agriculture was always an important part of the local economy.

21. The special interest and significance of the CA derive from its historic and architectural interest, as a well-preserved market town retaining much of its 18th and 19th century character. It has a sense of openness because of a central marketplace and relatively wide streets. Architecturally, it is attractive, with most of the buildings in the CA being modest in scale and built of a local honey coloured stone, with pantile roofs, although some larger town houses are built of ashlar stone and slate. Buildings are constructed up to the pavement edge which gives a clear definition to streets and building lines.

22. Whilst No 41 occupies only a small part of the CA, it is a prominent building, located on a main road. Therefore, replacing the sash windows with double glazed units would appear highly reflective and visible, which would lead to some harm through the erosion of historic and architectural detail. Consequently, the proposal would fail to preserve or enhance the character and appearance of the CA.

Other Matters

23. The appellant refers to slimline, double-glazed units having been used in many grade II listed buildings in conservation areas; and in buildings close to No 41 because of similar issues to the appeal site. Notwithstanding this, I have limited substantive evidence of these buildings, their date, and the condition of windows prior to the installation of new ones. In any case, the circumstances in each proposal are likely to be different, and as I am required to do, I have determined the appeal on its own merits, based on the evidence before me.

Public Benefits and Balance

24. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that

significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have clear and convincing justification. I find the harm to the listed building to be less than substantial, and whilst this is moderate in scale, it is, nevertheless, of considerable importance and weight. The harm to the CA is also less than substantial, but in this case the level of harm is minimal.

25. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

26. The Planning Practice Guidance[4] sets out what may be regarded as public benefits, such as works to a listed private dwelling which secures its future as a designated heritage asset. Although replacing the sash windows would have some economic benefits from the proposed building works, the property already has an optimum viable use as a dwelling. Therefore, this would be a limited public benefit.

27. I appreciate that the appellant is seeking to sympathetically improve and renovate the property in line with best practice principles in order to secure the building for future generations and improve thermal efficiency and the well-being of its inhabitants. However, in the absence of any substantive evidence, I am not convinced that the proposed works to replace all the front sash windows is the only and best solution to the existing problems. Therefore, as there are no significant public benefits, the proposed works would not outweigh the harm that I have identified, and the proposed works would fail to preserve the special historic interest of the grade II listed building and the character and appearance of the CA.

28. Consequently, I consider that the proposal would fail to satisfy the requirements of the Act and paragraph 212 of the Framework. Additionally, it would conflict with Policy SP12 of The Ryedale Plan, 2013, which states that designated heritage assets and their settings, including listed buildings and conservation areas, will be conserved and where appropriate, enhanced.

Conclusion

29. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M J Francis

INSPECTOR

[4] Paragraph: 020 Reference ID: 18a-020-20190723, 23 July 2019