



Appeal Decision

Site visit made on 12 December 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Appeal Ref: APP/W4705/W/25/3374083

Regency Court, Ilkley, West Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Paul Davies against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 25/02024/FUL was approved on 25 July 2025 and planning permission was granted subject to conditions.
 - The development permitted is replacement of timber windows in all apartments with upvc.
 - The condition in dispute is No 3, which states that:
The frames to all new and replacement windows hereby permitted shall be recessed into the reveals by approximately 100-125mm, and shall be retained in this form thereafter.
 - The reason given for the condition is:
In the interests of visual amenity and the character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.
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Decision

1. The appeal is allowed and the planning permission Ref 25/02024/FUL, for replacement of timber windows in all apartments with upvc, at Regency Court, Ilkley, West Yorkshire, granted on 25 July 2025 by City of Bradford Metropolitan District Council, is varied by deleting condition No 3 and substituting for it the following condition:
 - 1) The replacement windows hereby permitted shall be installed so that each window frame is recessed into its existing reveal to a depth no less than that of the window it replaces, measured from the external face of the reveal. The recess depth shall be retained thereafter.

Preliminary Matters

2. The site addresses given on the original planning application form, the Council's decision notice, and the appeal form, are all slightly different. To ensure consistency with the planning permission, the site address in the banner heading above has been taken from the Council's decision notice.
3. The Ilkley Conservation Area (the CA) lies immediately to the north of the appeal site. The CA covers an expansive area including Ilkley town centre and many of its outlying areas to the south and east. Insofar as is relevant to the appeal, the significance of the CA is derived from the hillside setting of its residential neighbourhoods, characterised by an abundance of trees and greenery, as well as the presence of large Victorian dwellings set within spacious grounds. These are complemented by later, higher density developments that nonetheless sit sympathetically within the established landscape and architectural character.

4. Due to the site's proximity to the CA, I have had special regard to the statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA.

Main Issue

5. The main issue is whether the condition is reasonable and necessary in the interests of visual amenity and the character of heritage assets.

Reasons

6. Condition 3 requires the replacement windows to be recessed into the reveals by approximately 100–125 mm. During my site visit I observed that most of the existing windows are recessed, though generally only to a depth of around 20 to 30 mm. There is some variation to these figures, including examples on upper-floor dormer windows where the frames are almost flush with the external wall. Nonetheless, the existing pattern of recesses contributes positively to the appearance of the buildings and the wider area, including the setting of the CA, helping to articulate the elevations and maintain an appropriate level of visual interest.
7. The National Planning Policy Framework and Planning Practice Guidance require planning conditions to be necessary and reasonable, as well as enforceable and precise. A condition should only be imposed where it meets all of those tests.
8. The evidence before me, and my site observations, indicate that the recess of 100–125 mm specified by the condition would be far greater than that of any existing window in the development. Achieving such a depth would necessitate extensive reconstruction of both internal and external reveals, resulting in disturbance to finishes and additional works that would be disproportionate to the scale and nature of the proposal. Accordingly, I am not persuaded that the condition, as imposed, is either reasonable or necessary to make the development acceptable. Furthermore, the inclusion of the term “approximately” introduces a degree of ambiguity that would undermine clarity and enforceability.
9. However, as observed on site, many of the existing windows do have some recess. Although some are modest, this pattern of recesses contributes positively to the character and appearance of the buildings and their surroundings, including the setting of the CA. If the condition was simply removed, there would be a risk that windows could be installed flush with the wall, or with significantly lesser recesses than those currently present, which could erode the visual qualities of the elevations and the contribution they make to the wider area, potentially resulting in harm to the significance of the CA.
10. Given this, and having regard to the tests for conditions, it is necessary and proportionate to impose an alternative condition that secures the retention of recesses no shallower than those currently existing.
11. Alternative wording for the condition was put to the main parties. The appellant noted that the replacement window frames may be up to 10mm thicker than those existing, and suggested a tolerance of up to 10mm should be included within the condition wording. However, the original condition related to the recess depth of the windows relative to the external reveal, not the thickness of the frames

themselves. Although increasing frame thickness while retaining the existing recess depth may result in a modest encroachment into the internal space, this would be minimal, and nothing observed during my visit suggested that this would be unachievable. Moreover, no technical evidence has been provided to demonstrate that compliance with the condition as drafted would be impracticable.

12. Introducing an explicit tolerance would also reduce the clarity and precision of the condition, making it more difficult to enforce and opening the potential for incremental reductions in recess depth that would undermine the visual contribution the existing reveals make to the character and appearance of the buildings and the area. For these reasons, I do not consider that the appellant's proposed amendment would meet the relevant tests for conditions, and I have instead imposed the clearer and more precise condition set out in my formal decision.
13. This condition would be reasonable, relevant to the development, enforceable and precise. It would ensure that the beneficial visual characteristics of the existing recesses would be preserved without requiring deeper reveals that have not historically formed part of the buildings' design and would be impracticable to achieve.
14. Accordingly, I conclude that Condition 3, as currently worded, does not meet the tests of necessity or reasonableness. A revised condition is required to ensure that the depth of the window reveals is not reduced below that of the existing frames.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed and the planning permission varied, as set out in my formal decision.

P Storey

INSPECTOR