

North York Moors National Park Authority

Town and Country Planning Act 1990

Appeal by: Mr Alan Bancroft

Against: Refusal of planning permission for Listed Building consent for installation of replacement double glazed timber windows

Location: Demesne Farm Holiday Cottages, Fylingdales

Statement by Local Planning Authority For Written Representations Appeal

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1.0 Introduction

- 1.1 This statement refers to the refusal of Listed Building Consent for installation of replacement double glazed timber windows and door at Demesne Farm Holiday Cottages, Fylingdales by the North York Moors National Park Authority (NPA) as the Local Planning Authority (LPA). The decision notice was dated 12 August 2022 and a copy was included with the NPA appeal questionnaire.

2.0 Appeal Site and the Surrounding Area

- 2.1 Demesne farm is sited in an isolated and prominent location on a hillside over 1km south of Fylingthorpe and approximately 8km south of Whitby. There are no other residential properties in close proximity.
- 2.2 The farm complex contains a number of 18th Century buildings arranged around a long rectangular courtyard to the rear of the farmhouse, together with a small, detached stone and slate building and modern large timber agricultural storage building to the west of the main courtyard. The courtyard is entered through an attractive arch. The 18th Century buildings are constructed from herringbone tooled sandstone with ashlar dressings and slate roofs.
- 2.3 The farmhouse and courtyard buildings fall within the Grade II listing which states that they are a very fine example of a planned estate farmhouse and attached farm buildings built at the beginning of the C19, when new ideas and farming techniques were revolutionising the planning and design of the farm. A copy of the listing description was included with the NPA's questionnaire.
- 2.4 The existing windows are white painted casement or fixed timber units with structural glazing bars and single glazing. Two large timber framed arched doorways are located to the north elevation of the courtyard.

3.0 Relevant Site History

- 3.1 The farmhouse is in residential use, and various Planning Permissions and Listed Building consents have been granted for this building since 1998. These include but are not limited to internal works to bathrooms, replacement fireplace and chimney, reroofing works and the installation of rooflights and works to the door openings and fenestration.
- 3.2 The detached outbuilding located to the west of the courtyard, now known as Keepers Cottage was granted Planning Permission and Listed Building Consent in 2004 (NYM/2004/0851/FL & NYM/2004/0852/LB) to be converted to form managers accommodation. This was renewed in 2020 (NYM/2020/0915/FL) to allow continued use as managers accommodation and/or a holiday letting unit.
- 3.3 Planning permission and Listed Building Consent was granted initially for the conversion of the courtyard outbuildings into four holiday letting units in 1990

(NYM/40290338) and renewed in 2000 (NYM/40290338E). This was amended to provide five holiday letting units in 2002 (NYM/40290338H). These units are known as Dove-Cote, Bay View, Forge Cottage, Byre Cottage and Wheel House.

- 3.4 On 06 December 2021 (NYM/2021/0985) a further application was submitted, which as originally received, proposed to replace many of the existing windows and doors of the holiday letting units with timber 24mm double glazed units with applied glazing bars. However, following concerns from the Authority's Building Conservation team regarding the dimensions of the 24mm double glazing and the integrity of the applied glazing bars, amended plans were received to omit the window replacements and the door to Forge Cottage from the application. Listed Building Consent was granted for the installation of replacement double glazed doors with 16mm units in the arched doorways to Bay View Cottage lounge and Dove Cote Cottage lounge on the northern external elevation of the courtyard.
- 3.5 Subsequent to the Listed Building application, a revised application was submitted for the replacement of some of the existing timber windows and door (NYM/2022/0442) with timber framed single sash with 24mm double glazing and applied timber glazing bars to the holiday letting units. This application was refused on 12 August 2022 and is now the subject of this appeal.

4.0 Proposed Development and the Decision

- 4.1 The application to which this appeal relates was received on 07 June 2022 and was validated by the NPA on 17 June 2022.
- 4.2 The development description was given as Listed Building consent for installation of replacement double glazed casement timber windows. The windows would be constructed from timber with 24mm double glazing and applied glazing bars. 20 no. windows are proposed to Bay View Cottage, Byre Cottage, Dove-Cote Cottage and Forge Cottage together with a door set comprising 2 no. windows and 1 no. half glazed door with applied glazing bars to Forge Cottage.
- 4.3 The Local Parish Council submitted no objections to the application.
- 4.4 A response was also received from Mr Chris Bancroft which supported the application. These comments were included with the NPA questionnaire.
- 4.5 The NPA's own Building Conservation team objected to the application; a copy of this response is included with the NPA questionnaire.
- 4.6 This application was refused under the NPA scheme of delegation, and the notice was issued on the 12 August 2022 with the following reasons for refusal:

- 4.7 *The Local Planning Authority considers that the proposal would compromise the aesthetic qualities of the remaining traditional windows and doors seen on the main farmhouse and undermine the integrity of this historic building and overall setting. Furthermore, insufficient justification has been provided to indicate that the alterations are necessary to achieve public benefit which would offset the harm caused. The proposal is therefore contrary to paragraphs 199 and 200 of the NPPF; and to the NYMNP Local Plan 2020 Strategic Policy I which requires that alterations to listed buildings conserve the building and its setting in a manner appropriate to its significance.*
- 4.8 *The Local Planning Authority considers that the proposed replacement windows, being of standard double glazing units using float glass and applied glazing bars, fail to replicate the joinery details of the existing multi-paned single glazed windows and consequently would detract from the special architectural and historic character of the listed building contrary to Policy ENV11 of the NYMNP Local Plan 2022.*
- 4.9 *The Local Planning Authority considers that the proposed replacement door, being of a framed panel design with standard double glazing unit using float glass and applied glazing bars, fails to replicate the joinery details of the existing multi-paned single glazed doors and consequently would detract from the special architectural and historic character of the listed building contrary to Policy ENV11 of the NYMNP Local Plan 2020.*

5.0 Planning Policy and Guidance

This section covers both the statutory Development Plan and the general implications of the location of the appeal site within a National Park.

At the time of decision, the Development Plan for the area formally consisted of the **North York Moors Local Plan** which was adopted by the NPA on 27 July 2020. (The Development Plan also consists of the Whitby Business Park Area Action Plan (2014), Helmsley Local Plan (2015) and the Joint Minerals and Waste Plan (2022) though these do not contain policies relevant to this appeal). The most relevant policies in the determination of this appeal are considered to be:

Strategic Policy I states that developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment. It is stated that harm to an element which contributes to the significance of a designated heritage asset will require clear and convincing justification and will only be permitted where this is outweighed by the public benefits of the proposal.

Policy ENV11 states that development affecting the built heritage of the North York Moors should reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction. Development proposals will be supported where they reinforce the distinctive qualities

of settlements through the consideration of scale, height massing, alignment; design detailing, materials and finishes.

The National Planning Policy Framework - Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. **The National Planning Policy Framework (NPPF)** does not change the statutory status of the Development Plan as the starting point for decision making but is an important material consideration in the determination of an application. Development that accords with an up-to-date Local Plan should be approved, and conversely development that conflicts should be refused unless other material considerations indicate otherwise. The North York Moors Local Plan (NYMLP) was adopted on 27 July 2020 under the provisions of the Town and Country Planning (Local Planning)(England) Regulations 2012 and does not conflict with national policies in the NPPF. It is therefore up-to-date and should be the starting point for any planning decision making in the North York Moors National Park.

The Government's commitment to the protection of National Parks is clearly set out in the NPPF (July 2021). **Paragraph 176** says that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection. National policy (pp176) also states that the conservation and enhancement of cultural heritage is also an important consideration in these areas reflecting the fact this is part of the first statutory purpose of National Parks.

Furthermore, whilst at the heart of the NPPF is a presumption in favour of sustainable development, **Paragraph 176** also confirms that the scale and extent of development within these designated areas should be limited. It is clear therefore that the NPPF expects a different approach to be taken in National Parks both to plan making and decision taking compared with other areas outside of designated National Parks.

Under Section 16 'Conserving and enhancing the historic environment' of the NPPF, **Paragraph 195** requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 197 advises that 'in determining planning applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.'

When considering the impact of a proposed development on the significance of a designated heritage asset, **Paragraph 199** confirms that 'great weight should be given

to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Paragraph 200 requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, **Paragraph 202** states that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The **North York Moors National Park** was formally designated in 1952 under the National Parks and Access to the Countryside Act 1949. The two key purposes are to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks and to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public. When it appears that there is conflict between these purposes the 'Sandford principle' confirms that greater weight should be given to the first purpose, the conservation of the landscape (English National Parks and the Broads Circular 2010), 'Environment Act 1995, part III: 'National Parks' DoE, 11 September 1996.

Historic England's technical advice (2017) relating to '**Traditional Windows: their care, repair and upgrading**' outlines the general approach when alteration or replacement requires Listed Building Consent:

1. Where historic windows, whether original or later insertions, make a positive contribution to the significance of a listed building they should be retained and repaired where possible. If beyond repair, they should be replaced with accurate copies.
2. Where historic windows have already been replaced with windows whose design follows historic patterns, these usually make a positive contribution to the significance of listed buildings. When they do, they should therefore be retained and repaired where possible. If beyond repair, they should be replaced with accurate copies.
3. Where historic windows or replacement windows of historic pattern survive without historic glass it may be possible to introduce slim-profile double-glazing without harming the significance of the listed building. There are compatibility issues to consider as the

introduction of double-glazing can require the renewal of the window frame to accommodate thicker glazing, thereby harming significance.

4. Where historic windows have been replaced with ones whose design does not follow historic patterns, these are unlikely to contribute to the significance of listed buildings. Replacing such windows with new windows of a sympathetic historic pattern, whether single-glazed or incorporating slim-profile double-glazing, may cause no additional harm. It also provides an opportunity to enhance the significance of the building, which is the desired outcome under national policy.
5. Where a new window or re-glazing is agreed, the reflective properties of secondary and double-glazing as compared to modern, polished single-glazing, do not usually harm the significance of the building. But when new multi-paned windows are proposed, the desirability of reproducing broken reflections by individually glazing each pane should be considered. Where the aesthetic value of the building is high, then the impact on the whole of the relevant elevation should be considered, including the desirability of accurately matching other windows.

6.0 Local Planning Authority's (NPA) Case

- 6.1 The NPA considers the main issues in considering this appeal to be whether the works would cause harm to the historic character of the building as one of special architectural or historic interest and whether that harm can be justified.
- 6.2 The NPA recognises that whilst the existing windows and doors are not original nor historic and were installed during the conversion of the courtyard outbuildings to holiday lets, it is considered that they reflect a traditional style window and have a traditional construction consisting of structural glazing bars and single glazing. The existing windows therefore conserve the character of the building and its special architectural and historic interest.
- 6.3 The submitted Design and Access Statement outlines that the proposed window and door replacements would be sympathetic to the farm buildings and will have little visual impact on the character of the Listed Buildings. The NPA does not agree with this statement on the basis that the proposed frame sizes, mouldings, glazing bars and glass will not replace the existing features and would compromise the aesthetic quality of the site and undermine the integrity of the designated asset and overall setting.
- 6.4 The use of applied glazing bars in particular would have a harmful cumulative effect on the character, integrity and special interest of the buildings as they are a modern window construction technique. Applied glazing bars are not a traditional feature of period buildings and are not supported by the NPA in Listed Buildings even where the principle of double glazing is accepted. They are a poor mock architectural detail that would undermine the quality of the craftsmanship shown elsewhere in the property. This stance was communicated to the applicant throughout all correspondence to which this appeal relates. It was also communicated throughout correspondence sent for the

previous application that was amended to approve the arched doorways only, on the basis that applied glazing bars were not required and the double glazing would be 16mm thick (NYM/2021/0985).

- 6.5 The Design and Access Statement also outlines that it is considered that the replacement windows would provide better thermal efficiency than those in situ on the basis that they will be double glazed and constructed from accoya timber. It is considered by the NPA that insufficient evidence has been submitted to demonstrate that repair of the windows or alternative draught proofing measures such as draught seals, secondary glazing, the installation of double-glazed panes into the existing bars or the installation of replica windows including double glazed panes within the structural bars cannot be utilised. The NPA recognises that vacuum sealed units (VSU) may be the only option due to the combined weight of 16mm or 12mm double glazed units and the impact this would have on the structural bars, however VSU have the highest thermal performance.
- 6.6 An alternative option that was offered to the applicant is the introduction of deadlight (picture windows) with 16mm double glazing, which could offer an enhancement to the existing fenestration and would complement the agricultural past of the buildings whilst avoiding the use of applied glazing bars. This would accord with point 4 of the Historic England guidance to windows as detailed and quoted in Section 5 above.
- 6.7 Further to this, it is considered that cost is not considered to be an appropriate justification for harmful works to a designated asset such as a Grade II Listed Building.
- 6.8 Amended plans were not received by the applicant and therefore the application was refused.
- 6.9 The NPA finds that the harm to the windows and doors, which are important features relating to the materials, technology, craftsmanship and overall historical integrity to be less than substantial in this instance, yet nevertheless of considerable importance and weight. Paragraph 199 of the NPPF and Strategic Policy I of the NYM Local Plan also state that great weight should be given to the asset's conservation, irrespective of the amount of potential harm and that any harm requires clear and convincing justification.

7.0 Conclusion

- 7.1 The NPA therefore concludes that on the basis that alternative measures to thermally upgrade the Grade II Listed buildings have not been utilised and in the absence of clear and convincing justification or public benefit of the proposal, the proposed works would have a harmful effect on the character and special architectural and historic interest of the designated asset and would fail to replicate the constructional details and traditional craftsmanship of the existing features. This would fail to satisfy the requirements of the NPPF and would be contrary to Strategic Policy I and Policy ENV11 of the NYM Local Plan and indeed part of the first statutory purpose of National Parks.

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Local Planning Authority Reference:

- 7.2 As such, the NPA respectfully request that the Inspector dismisses the appeal. However, should the Inspector be mindful to allow the appeal, a list of conditions which the NPA would wish to see imposed are attached at Appendix 1.

APPENDIX 1

Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

2. The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.

11. External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.

12. The external face of the frame to all new windows shall be set in a reveal of a minimum of 50mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity.

APPENDIX 2



This photograph shows the external east elevation of the courtyard and holiday letting units.



This photograph shows the internal northern aspect of the courtyard and the entrance archway.



This is the internal east elevation of the courtyard.