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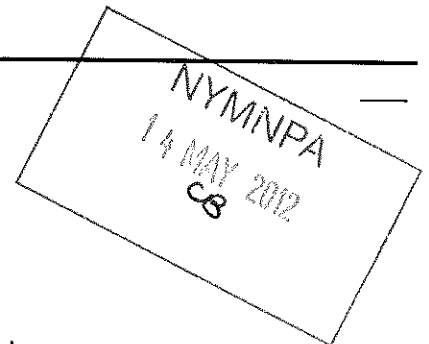
Direct Line:
Customer Services:

Mrs F Farnell
North York Moors National Park
Authority
Development Control Support
Officer
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref: NYM/2011/0642/FL
Our Ref: APP/W9500/D/12/2171952
Date: 14 May 2012

Dear Mrs Farnell

Town and Country Planning Act 1990
Appeal by Mr P A Hare
Site at Flockton House, Egton, Whitby, YO21 1TX



I enclose a copy of our Inspector's decision on the above appeal.

If this appeal is subject to an application for costs, a decision on any application will follow separately, as soon as possible.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on [redacted] or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on [redacted]

If you have made an application for costs and have any queries about it you should contact: [redacted]



Costs and Decision Team
The Planning Inspectorate
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Yours sincerely

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You can use the Internet to submit and view documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -

<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>

You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

NYMNPA
14 MAY 2012



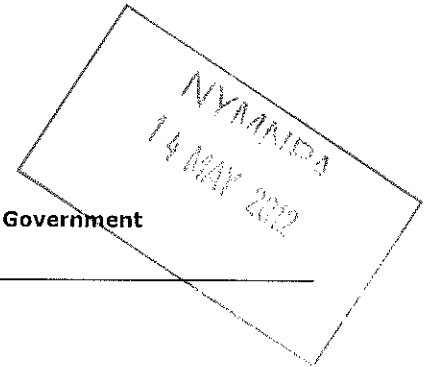
Appeal Decision

Site visit made on 1 May 2012

by **Malcolm Rivett BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 May 2012



Appeal Ref: APP/W9500/D/12/2171952

Flockton House, Egton, Whitby, YO21 1TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Philip Hare against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2011/0642/FL, dated 18 September 2011, was refused by notice dated 13 February 2012.
 - The development proposed is removal of wood windows and replacement with uPVC.
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Decision

1. The appeal is allowed and planning permission is granted for removal of wood windows and replacement with uPVC at Flockton House, Egton, Whitby, YO21 1TX in accordance with the terms of the application, Ref NYM/2011/0642/FL, dated 18 September 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with details of the dimensions, profiles and glazing bars of the windows which shall have been previously submitted to, and approved in writing by, the Local Planning Authority.

Main Issue

2. The main issue of the appeal is the effect of the proposal on the character and appearance of the Egton Conservation Area (CA).

Reasons

3. The Egton CA is primarily characterised by the form of the village, extending a good length along its main road, and the attractive juxtaposition of its buildings. Whilst I recognise that they may have been installed prior to the implementation of the Article 4 direction, many properties near Flockton House feature uPVC framed windows, either in whole or in part. Whilst timber framed windows of traditional style are an attractive feature of some individual buildings they are not, to my mind, a key element of the character or appearance of the part of the CA in which the appeal property is situated. However, white window frames, of whatever material, are an important characteristic of the village.
4. Flockton House is a modern dwelling and whilst the form (in terms of the frames and transoms) of its windows suit it, they are not of traditional style. As

indicated in the submitted photographs the frames of the proposed uPVC windows would be marginally thicker than the existing timber ones and it is likely that, in common with the uPVC frames of neighbouring buildings, the new frames would reflect light somewhat differently from wood. However, the format of the windows and their white frames, which are key to the appearance of the property, would be unchanged.

5. I therefore conclude that the new windows would preserve the character of the Conservation Area and they thus have no conflict with Development Policies 3 or 4 of the adopted *North York Moors National Park Authority Local Development Framework Core Strategy and Development Policies*. These policies indicate that development should be of a design and material which is compatible with surrounding buildings and should preserve or enhance the character/appearance of Conservation Areas. I also find there to be no conflict with the guidance of the *National Planning Policy Framework* (paras 114 and 115) in respect of conserving National Parks. It is suggested that allowing the appeal would set an undesirable precedent although I am satisfied that where demonstrable harm would be caused the Authority would be able to successfully resist proposals for uPVC windows.
6. For the above reasons, and having regard to all other matters raised, including the Authority's *Design Guide*, I conclude that the appeal should be allowed. In addition to the standard implementation condition it is necessary, to ensure the satisfactory appearance of the development, that the windows accord with precise details to be approved by the Authority.

Malcolm Rivett

INSPECTOR

