

TOWN AND COUNTRY PLANNING ACT 1990
YORKSHIRE DALES NATIONAL PARK AUTHORITY
(Local Planning Authority)

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR:
PERMISSION TO CARRY OUT DEVELOPMENT**

To: **Mrs S Winterburn**

Decision No: **C/26/714C**

The above named Authority being the Local Planning Authority for the purposes of your application received on 19/12/2016 for full planning permission to replace timber windows with uPVC materials to supersede condition 11 of outline planning permission C/26/714 at Old Co Cottage, (1 Main Street), Embsay, SE009538 have considered the said application and have GRANTED permission for the proposal subject to the following Conditions:

1. The replacement windows at Old Co Cottage, Embsay hereby approved shall match in terms of the external materials, colour and finish the submitted sample panel and the details of the window style and cross-section as shown on the drawings by Warmlife (scale 1:10) as received by the Yorkshire Dales National Park Authority on the 10th February 2017. The works shall be carried out in accordance with the approved details and retained as such thereafter.

Reason(s):

1. To ensure that the character of Embsay Conservation Area is maintained and to ensure that any replacement windows are of an appropriate appearance and external finish, having regard to policies SP1, SP4 and L1 of the adopted Yorkshire Dales Local Plan (2015).

Notes to Applicant:

The Local Planning Authority has acted positively and proactively in determining this application by providing constructive advice and guidance. The proposal has been assessed against all material considerations, including planning policies and any representations that may have been received. Planning permission has been granted, subject to the conditions listed above, in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework.

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

Date: **13 FEB 2017**

DC:PermitRnt
Redacted by YDNPA

Designation

HEAD OF DEVELOPMENT MANAGEMENT

FOR NOTES AND RIGHTS OF APPEAL SEE OVERLEAF

RW

RIGHTS OF APPEAL

1. If an applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State for the Environment (The Planning Inspectorate) in accordance with Section 78 of the Town and Country Planning Act 1990, within 6 months of the date of this notice. **NB this reduces to within 12 weeks of the date of this notice if it is a refusal of a Householder or Minor Commercial application (this would be shown at the top of the notice).** The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring the Council to purchase their interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her. The circumstances in which such compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

NOTE:

If you wish to exercise your right of appeal as mentioned above, you can do so online at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal> or on the appropriate form obtainable from:

The Planning Inspectorate
Customer Support Team
Room 3/13 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0303 444 5000 Fax: 0117 372 8782

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

(approval/refusal)

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Application No:	C/26/714C	
District:	Craven	
Parish:	Embsay with Eastby	
Applicant's Name:	Mrs S Winterburn,	
Grid Ref:	SE00915381	
Received by YDNP:	19/12/2016	Officer: Adam Perry

PROPOSAL: full planning permission to replace timber windows with uPVC materials to supersede condition 11 of outline planning permission C/26/714

LOCATION: Old Co Cottage, (1 Main Street), Embsay

CONSULTEES

Embsay-with-Eastby PC No objection, concerns regarding the impact upon the Conservation Area raised. Full response within report.

**Sedbergh & Kirkby
Lonsdale Ward**

PUBLIC RESPONSES

No response received.

RELEVANT PLANNING POLICIES

L1(15) - Heritage assets

SP1(15) - Presumption in favour of Sustainable Development

SP4(15) - Development Quality

OFFICERS' OBSERVATIONS

PROCEDURAL

The application has been publicised by a site notice dated 7th January 2017 and neighbours were consulted at 1, 2, 3, 6, 7, 10 and 12 Main Street, Hop Cottage and Elm Tree Inn. The description of the proposal and red site application area has been amended (reduced) from the original scheme. This is to reflect the scope of development, which relates only to Old Co Cottage and more precisely explain the proposal under consideration.

KEY ISSUES

(a) Principle of development: the proposal is for full planning permission to replace timber windows with uPVC materials to supersede condition 11 of outline planning permission C/26/714.

The original approval related to the construction of a terrace consisting of 3 properties, including two dwellings and a retail unit (planning ref: C/26/714B - approval of reserved matters for demolition of existing shop, construction of new shop with flat above and erection of 2 No. dwellings). The variation sought relates to one of the three properties which has since been constructed, known as Old Co Cottage. The use of timber for windows and doors was secured by condition, to sustain the character and appearance of Embsay Conservation Area.

The proposal to vary the materials used for windows within Old Co Cottage is acceptable in principle, subject to consideration of the impact of the change upon the character and appearance of the

building row and the wider Conservation Area, in accordance with policies SP1, SP4 and L1 of the Yorkshire Dales Local Plan (2015).

(b) Impact upon character and appearance of Conservation Area:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires a local planning authority to pay special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas when making planning decisions. In this area of Main Street the appearance of individual buildings, their orientation, scale and simple vernacular style contributes to the collective character of the Conservation Area.

The western end of Main Street is characterised by very little modern development, as shown by the limited changes compared to historic Ordnance Survey maps of the site from the mid-19th century onwards. The settlement retains a linear pattern of development, typically no more than a single building deep. The Elm Tree Inn public house and Elm Tree Square to its south form a focal point within the settlement, close to the application site.

The application relates to a relatively modern development, close to this area and adjacent to an existing car park. The terraced building is set back from the main road and is therefore not as prominent as surrounding buildings; it does however follow the linear pattern of development and has a similar scale and style to other nearby properties.

The use of timber for windows and doors has historically been the widespread means of weatherproofing window and door openings. However, an assessment of the street scene shows that a large number of surrounding properties have had uPVC windows and doors inserted. This has affected the appearance of the street scene and some are unsympathetic to the character of Main Street because of their detailing.

Although the windows in-situ are timber, the windows used are of relatively low quality and do not demonstrate a high level of craftsmanship or evidence of vernacular building traditions. Today, uPVC windows are available in a wide range of materials, craftsmanship and styles. There are many examples within the National Park of 'high' quality uPVC windows that replicate traditional styles and imitate a timber finish with a good degree of accuracy. The replacement with uPVC windows within a modern building in a conservation area where uPVC is also evident is therefore acceptable, provided the style, colour finish and external texture successfully replicates the finish and detailing historically used for timber windows within the settlement.

Details have been provided by the applicant showing the style, finish and colour of the proposed windows. These details demonstrate that the textured effect uPVC windows of an appropriate style would suitably preserve the appearance of the terrace and wider Conservation Area, in accordance with policies SP4 and L1 of the Local Plan (2015) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(c) Impact upon neighbours:

The proposals relate to a matter of building material and would have no impact upon the residential amenity of neighbouring properties.

PARISH COUNCIL COMMENTS

Embsay Parish Council has responded to the consultation request, stating that:

"The Parish Council considers the introduction of alien window frame material, into one unit of a block of 3 which occupies a prominent location within the village Conservation Area may be of locally visual detriment. Such a proposed variation would appear to be contrary to the purpose of the original planning condition requiring timber frames be retained in perpetuity. If, however the Authority is minded to approve the change in materials, it is requested that the present style and colour as controlled by condition 12 in the original consent are retained. Please note this is an observation rather than an objection."

The impact upon the Conservation Area is considered in detail elsewhere within this report. Condition 12(ii) related to the provision of a drawing to show 'the style or pattern of external windows and doors' as illustrated by a scaled drawing of a 'typical example'. Other aspects of the condition related to the (i) details of window surrounds and (iii) the colour of all external timber work. The detail relating to the replacement window frames, specifically the style, colour and materials have been provided as

described in section (b) of this report. The condition of the original approval relating to the remaining properties would still apply.

ANALYSIS AND MATERIAL CONSIDERATIONS

In consideration of the existing character of the street scene and presence of a range of window materials within the Conservation Area, the proposal to alter the materials is acceptable subject to appropriate detailed style, materials and finishes be retained. These details can be reserved by planning condition and would ensure the character of the terrace row retains a degree of uniformity. The proposal does not give rise to any undue impacts upon the amenity of neighbouring residential properties and the proposed extension therefore accords with policies SP1, SP4 and L1 of the adopted Yorkshire Dales Local Plan (2015). The proposal complies with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION

Recommendation

It is recommended that permission is granted subject to condition.

Determination of this application is within powers delegated to Officers by virtue of the Authority's Scheme of Delegation and Committee Terms of Reference January 2015 (section C7).

Redacted by YDNPA

Signed by Case Officer

Date

10/2/17

Redacted by YDNPA

Principal Planning Officer

Date

13/2/17