

COMMITTEE REPORT

Date: 16 December 2024 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 24/01140/FUL
Application at: Church House 10 - 14 Ogleforth York YO1 7JG
For: Replacement windows throughout (retrospective)
By: Mr Alexander McCallion
Application Type: Full Application
Target Date: 5 December 2024
Recommendation: Refuse

1.0 PROPOSAL

Church House sits on the southwest side of Ogleforth in the City Centre. It comprises a former commercial building, industrial in appearance and three storeys in height with attic space previously used for storage. It is roughly 'T' shape in plan, constructed from red brick to Ogleforth and pink-brown brick on side and rear elevations, with a pitched slate roof. The main part of the building was constructed in the late 19th century, and substantially altered in the 20th century, including the three storey plant extension on its south east elevation.

1.1. Church House is not listed but is within the Central Historic Core Conservation Area and Character Area 9: The Minster Precinct. It is within the City Centre Area of Archaeological Importance. The whole of the site, and area to the west is within the scheduled monument: York Minster Cathedral Precinct.

1.2. Church House is considered to be within the setting of the following listed buildings: York Minster (Grade I), St Williams College (Grade I), Listed as one entry: Nos. 5 Chapter House Street and 16, 18 and 20, Ogleforth (Grade II), Cromwell House, No. 13 Ogleforth (Grade II*) and No. 11 Ogleforth (Grade II). There are views from Ogleforth across the site's car park towards the rear of St William's College and the Minster beyond.

1.3. This is a retrospective application for replacement windows throughout.

Site History

1.4. Permission was granted, subject to conditions, in 2022 for the conversion of office to form 11no. apartments (Use Class C3) with associated external works and landscaping, including 2no. additional windows, new roof lights, new ramped access

and refuse/bicycle store, under 21/00601/FULM. Condition 12 stated that 1:10 elevation drawings and horizontal and vertical typical cross sections of all new and replacement windows and doors and method of opening for the windows (the one brick deep reveal shall be maintained and shown on the drawings) shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site. Once approved, the works shall be carried out in accordance with these details as approved.

1.5. Under application AOD/23/00280, for Condition 12 (large scale details) of 21/00601/FULM, the submitted details for the replacement windows were found to be unacceptable and were not approved. This is because the windows were found not to be in accordance with the approved plans and as proposed and installed cause harm to the character and appearance of this part of the Central Historic Core Conservation Area.

Planning Committee call-in

1.6. The application has been called in for determination by the committee by Councillor Melly to consider the impact on the Conservation Area.

2.0 PLANNING POLICY

2.1. Planning applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise.

2.2. The Minster Precinct Neighbourhood Plan is the adopted development plan relevant to the application site.

Minster Precinct Neighbourhood Plan

2.3. Neighbourhood Plan Policies relevant to the determination of this planning application are:

- Policy A4 – Design Excellence
- Policy C1 – Historic Environment

2.4. Policy A4 states that development proposals should demonstrate design excellence and be inspired by and contribute to the distinctive and historic nature of the Precinct, be resilient to climate change and extreme weather events, and reduce carbon emissions. As appropriate to their scale and nature development proposals will be supported which meet stated criteria including:

- Reinforces the importance of the distinctive character of the Neighbourhood Area, by having regard to scale, height, density, layout, appearance and materials;
- Delivers distinctive and innovative design which achieves the highest practical energy efficiency.....Where proposals relate to designated heritage assets, care will need to be taken to ensure that any proposals related to environmental performance are considered against the significance of the heritage asset and do not cause unacceptable harm to the asset's significance.

2.5. Policy C1 states that development proposals should protect, conserve and seek opportunities to enhance the internationally important historic environment of the Minster Precinct. Development proposals will be supported where they meet stated criteria, including:

- Respond positively to, protect and reinforce the significance and distinctiveness of heritage assets...;
- Conserve the significance of designated heritage assets by protecting and enhancing architectural and historic character, historical associations.....through consideration of.....design, materials...and views both from and towards the asset.
- Avoid harm to significance, and where harm cannot be avoided, reduce harm to the minimum necessary, and finally mitigate or compensate any residual harm.

Development Proposals that will result in less than substantial harm to the significance of designated heritage assets will not be supported without clear and convincing justification.

Planning (Listed Buildings and Conservation Areas) Act 1990

2.6. The application site sits adjacent to a Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

2.7. The application site sits near a number of GII listed buildings. Section 66 of the 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 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.

National Planning Policy Framework (NPPF)

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2.8. The NPPF is a material planning consideration in planning decisions. This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. The relevant sections of the NPPF for the determination of this planning application are:

- Section 12 – Achieving well-designed places.
- Section 16 – Conserving and enhancing the historic environment.

2.9. Paragraph 135 states that planning policies and decisions should ensure that developments will achieve several aims, including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

2.10. The NPPF also places great importance on good design. Paragraph 139 says development that is not well designed should be refused especially where it fails to reflect the local design policies and government guidance on design.

2.11. The policy guidance in Chapter 16 – Conserving and enhancing the historic environment – states in paragraph 201 that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should consider the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

2.12. Paragraph 203 (a) requires that when determining planning applications, local planning authorities should take account of sustaining and enhancing the significance of any heritage asset. Paragraph 207 states that where a proposed development will lead to substantial harm to or the total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

City of York Draft Local Plan (2018)

2.13. The Draft Local Plan 2018 was submitted for examination on 25 May 2018. Formal examination hearings have now taken place and a response from the Inspector is awaited. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF. Draft policies relevant to the determination of this application are:

- Policy SS3: York City Centre
- Policy D1: Placemaking
- Policy D11: Extensions and Alterations to Existing Buildings
- Policy D4: Conservation Areas
- Policy D5: Listed Buildings

2.14. Policy SS3 (York City Centre) states that the special qualities and distinctiveness of the area should be conserved and enhanced.

2.15. Policy D1 (Placemaking) seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment, and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area or the amenity of neighbours will be refused. This policy, subject to modifications, is afforded moderate weight.

2.16. Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protects and incorporates trees.

2.17. Policy D4 (Conservation Areas) aims to protect the setting of conservation areas, stating that development proposals will be supported where they conserve or enhance the special character and appearance of the conservation area and leave qualities intrinsic to the wider context unchanged.

2.18. Policy D5 (Listed buildings) states that Proposals affecting a listed building or its setting will be supported where they preserve, enhance or better reveal those

elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation.

3.0 CONSULTATION RESPONSES

INTERNAL

Design and Conservation (Conservation)

3.1. Object to the application and recommends refusal on the grounds that the proposals have a harmful impact on the conservation area.

EXTERNAL

Guildhall Planning Panel

3.2. Object to the application, noting that they regret that the application is retrospective.

York Civic Trust

3.3. Object to the application on both procedural and aesthetic grounds. The windows should not have been installed before permission was granted. Due to the heavy gauge of the window bars (they appear approximately twice as thick as their predecessors) and the white colour, the new windows resemble uPVC more so than the Crittal-style of the previous windows. Consequently, they are highly visually intrusive and negatively impact the Conservation Area and surrounding listed buildings. There are other, more appropriate double-glazed options available.

4.0 REPRESENTATIONS

4.1. Two no. representations have been received.

4.2. One no. objection to the proposals as the struts between the panes are very wide, with square edges rather than being angled towards the window. The strut widths vary between 5.2, 5.7 and 8.2cm, which makes a feature of the dividing struts.

4.3. One no. supportive comment highlighting the further steps the Minster has been taking and will take to improve the energy efficiency of the many historic buildings for which it has responsibility.

5.0 APPRAISAL

5.1. The key issues which need to be considered in the determination of this planning application are as follows:

Design and Visual Amenity

Impact on the Conservation Area

Impact on the setting of listed buildings

5.2. Church House is situated on Ogleforth, within The Central Historic Core Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to preserving or enhancing the character and appearance of that area. The area is detailed within the Central Historic Core Conservation Area Appraisal Character Area Nine: The Minster Precinct. The Precinct has a very distinctive character which sets it apart from the rest of the historic core. One of the noted strengths of the area is its superb views and charming streets.

5.3. Church House, although originally commercial in nature is still an attractive building, making a positive contribution to the conservation area. Windows and window detailing form a significant part of the character of the building, especially to the front elevation. Ogleforth is a narrow street, mostly residential in nature. It has eight listed buildings and as a street scene is highly attractive. Many of the buildings have fine elegant timber windows with narrow timber profiles. Church House presents as one of the largest buildings on the street, and its atypical nature in form and former commercial use contributes to explaining the evolution of the street and wider conservation area. However, this atypical nature does not mean that windows that look different to neighbours are by definition always good (because this building is different). The impact of their appearance as sympathetic to the design contribution made by the original windows and their visual contribution and harmony with the overall street scene are still important factors.

5.4. Prior to refurbishment, the windows were Crittall Style and had distinctive profiles in section, representational of the appearance of steel constructed windows, with very narrow sightlines on the face. They were single glazed and fixed externally with putty, giving the glazing bars a v shaped profile. The ground floor windows on the principal elevation were painted grey, with the rest being painted white. The replacement windows are white, powder coated, double-glazed and thermally broken metal windows and casements.

5.5. The windows prior to refurbishment made a positive contribution to the character and appearance of the building and the conservation area and the setting of adjacent listed buildings. The retrospective windows show a radical negative change in appearance. With the in-principle accepted addition of double glazing, change is to be expected, but the proposal lacks the visual elegance of the original slim sightlines and lacks a spirit of the complexity of steel constructed windows.

5.6. These highly multipaned windows have lots of frame components and multiple small glass areas. Therefore, small differences in face width of the window frame make a significant visual impact. Here, the new windows have wide frames making an uncharacteristic dominance of the appearance of the frame. A typical profile width on the face with opener is 80.5mm, or 51mm on the face without opener.

5.7. Modern windows are generally wider in frame profile than old metal windows especially because they need to accommodate heavier double-glazing, but use of astragals (overlaid profiles) can mimic visually slimmer profiles and minor differences in frame width would have made a significant difference to the appearance of a window.

5.8. Part of the character of the industrial nature of the original building is that it has lots of large windows to flood the industrial building with daylight. This means that negative impact of the design type of a single window design is highly replicated. Additionally, its white colour gives it the appearance of uPVC windows of low quality.

5.9. The principle of double glazing replacement windows was agreed as part of planning permission 21/00601/FULM. Given this, the suitability or not of the windows does not revolve around issues of low carbon retrofit. It revolves around issues of design quality. The NPPF places great importance on good design and beauty. It states that development that is not well designed should be refused especially where it fails to reflect local design policies and national design guidance. NPPF para 203(a) also states that great weight should be given to the conservation of a designated heritage asset. The adopted Neighbourhood Plan policy A4 states that development proposals will be supported which reinforce the importance of the distinctive character of the Neighbourhood Area, by “having regard to appearance and materials” and “delivers distinctive and innovative design which achieves the highest practical energy efficiency”, however the policy continues that “where proposals relate to designated heritage assets, care will need to be taken to ensure that any proposals related to environmental performance are considered against the significance of the heritage asset and do not cause unacceptable harm to the asset’s significance.” Neighbourhood Plan policy C1 states that development proposals should protect, conserve and seek opportunities to enhance the

internationally important historic environment of the Minster Precinct. Development proposals will be supported where they “respond positively to, protect and reinforce the significance and distinctiveness of heritage assets...; Conserve the significance of designated heritage assets by protecting and enhancing architectural and historic character, historical associations.....through consideration of.....design, materials...and views both from and towards the asset. Avoid harm to significance, and where harm cannot be avoided, reduce harm to the minimum necessary, and finally mitigate or compensate any residual harm. Development Proposals that will result in less than substantial harm to the significance of designated heritage assets will not be supported without clear and convincing justification.”

5.10. The windows that have been installed as part of this retrospective application are not the only option available that would have allowed the use of double glazing. The proposed windows of this application are at disharmony with the street scene by virtue of their crude proportions, detailing and dominant bulky frames. This distracting feature in a prominent location on the street fails to preserve or enhance the character or appearance of the Conservation Area and harms the appearance of the building. Due to these characteristics it also harms to a minor degree the setting of listed buildings- particularly those in the street scene with intervisibility. Further to this, the windows are not sympathetic or representational in character to earlier Church House windows they replaced. These earlier windows contributed both to the architectural qualities of the building and to an understanding of its former commercial nature.

5.11. The justification provided by the applicant in their Heritage Assessment (HA) for the installation of these windows is that the principle of replacement double glazed windows has already been established and is an important aspect of the fabric upgrade to maximise thermal efficiency and to minimise energy consumption and running costs. The installed windows are energy A rated. Implications of new double-glazed windows that could achieve BREEAM rating of very good was that the profiles of the glazing bars would have to change, with some additional visual impact over and above the pre-existing windows. The HA disputes that the windows resemble UPVC and state that the colour and appearance will weather over time. The applicant’s HA expresses the view that the new windows have created a subtle change in the character and appearance of Church House overall. It acknowledges a small adverse effect from the design of certain windows, but concludes that this change, in their view, “does not materially change or harm the building’s early-twentieth century industrial character, or turn Church House from a neutral feature of the conservation area to a discordant or detracting one.” In terms of the impact on townscape and the Conservation Area the HA takes the view that any impact is limited and localised and that the windows do not look incongruous or a material or noticeable change, considering that “the windows sit comfortably in a townscape

which includes a variety of window forms, including recently approved modern windows of varying types.” Continuing that the “change is very subtle and insufficient to turn Church House from a neutral feature in the Conservation Area to a detracting one.”

5.12. The applicant has asserted that a number of public benefits arise from the retrospective application including;

- The conversion of Church House, of which these windows are an integral part will now generate income for the care of the fabric of York Minster, a Grade I listed building and scheduled monument.
- The 5-year income from this property will generate 23% of the funds needed to reduce the heritage deficit.
- The energy performance of the windows is A rated thus meeting the BREEAM Very Good target and Part L of Building Control (amended 2023).
- The retrofit project, and indeed the Neighbourhood Plan forms part of a major exhibition in London showcasing York Minster’s leading work on decarbonisation in a heritage estate. This leadership approach in a climate emergency should be treated as an important public benefit.

5.13. This new windows result in less than substantial harm (in the lower half of less than substantial) to designated heritage assets. The public benefits listed above are considered to relate to a wider estate strategy that were relevant as part of the permitted planning application 21/00601/FULM and are not considered to arise from this retrospective proposal. As this application is for the retrospective installation of windows alone, the benefits are considered to be private. Any benefits of low carbon contributions are not a relevant factor because a double-glazed replacement is agreed in principle and could be achieved without the identified harms. Therefore, in attributing considerable importance and weight to the identified harm to the significance of the designated heritage assets, no public benefits have been cited which outweigh the identified harms. Consequently, the proposal does not satisfy requirements under paragraph 208 of the NPPF and is considered to be contrary to the requirements of Neighbourhood Plan policies A4 and C1 in this regard.

6.0 Conclusion

6.1. The proposal would harm the character of the building, the character and appearance of the conservation area and the setting of listed buildings. There are considered to be no public benefits that outweigh the harm to the designated heritage assets The application is contrary to Sections 72 and 66 of Planning (Listed Buildings and Conservation Areas) Act 1990, policies A4 and C1 of York Minster Precinct Neighbourhood Plan, Section 16 of the NPPF and Policy D4 of the City of

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York Draft Local Plan. For the reasons outlined above, the application is recommended for refusal.

7.0 RECOMMENDATION: Refuse

1 The windows by reason of their crude proportions, detailing and dominant bulky frames are a distracting feature in a prominent location in the street which fails to preserve or enhance the character and appearance of the Conservation Area. Due to these characteristics it also harms to a minor degree the setting of listed buildings, particularly those in the street scene with intervisibility with the application building. The windows also harm the appearance of Church House and are not sympathetic or representational in character to the building or the windows they replaced, these earlier windows contributed both to the architectural qualities of the building and to an understanding of its former commercial nature.

The proposal harms the character of the building, conservation area and setting of listed buildings. There are considered to be no public benefits that outweigh the harm to the designated heritage assets. The application is contrary to Sections 72 and 66 of Planning (Listed Buildings and Conservation Areas) Act 1990, policies A4 and C1 of the adopted York Minster Precinct Neighbourhood Plan, section 16 of the National Planning Policy Framework and Policy D4 of the City of York Draft Local Plan (2018).

8.0 INFORMATIVES:

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