
Appeal Decision

Site visit made on 6 February 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 7th April 2017

Appeal Ref: APP/Z4310/D/16/3163957

41 Fieldway, Liverpool L15 7LU

- 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 Mrs Katherine Maher against the decision of Liverpool City Council.
 - The application Ref 16H/1147, dated 28 January 2016, was refused by notice dated 31 August 2016.
 - The development proposed is the replacement of front windows.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 28 February 2017.

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit the development had already taken place. However, retrospective as referred to in the application form does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is sought for the replacement windows as reflected in my description above.

Main Issue

3. The main issue is whether the replacement windows preserve or enhance the character or appearance of the Wavertree Garden Suburb Conservation Area.

Reasons

4. The appeal property is a mid-terrace dwelling that forms part of a row of four similar terraced properties that are situated on a cul-de-sac within the Wavertree Garden Suburb Conservation Area (CA). The CA comprises short rows of terraces and pairs of semi-detached properties which are of an 'Arts and Craft' style. The original fenestration consists of small panes with timber casements fully recessed into the frame, which make a positive contribution to the character and appearance of the CA. Whilst many properties have retained these original windows, a significant number have been replaced with uPVC units.
5. The Council confirm that the use of modern uPVC windows can be acceptable providing they are of an appropriate design and standard, such as 'residence

9' windows, which have been installed elsewhere. The proposed windows have a similar pane to frame ratio as the original windows and reflect the proportions of the original windows on Fieldway. However, the casements are not recessed into the frame. As a result of them sitting on top of the frame, they appear bulkier and have greater prominence than the original windows. Furthermore, the pane to frame ratio has been achieved by internal faux glazing bars, which results in the windows lacking the same definition and profile as the original windows.

6. On the face of it the windows bare some similarity to the original window design throughout Fieldway and the wider CA. However, the lack of finer detailing fails to suitably reflect the design of the original windows and the important role they have in the overall character and appearance of the area. As a result they would detract from the appearance of the property and the heritage significance of the CA.
7. I have had regard to the numerous examples of uPVC windows that have been installed throughout the area, many of which are similar to those proposed. Whilst I fully appreciate that the presence of these windows is a cause of frustration for the appellant and agree that they detract from the character and appearance of the area, this does not justify the further harm that results from the proposal. The supporting text to saved Policy HD10 states that the existence of previous unsympathetic alterations in the area will not justify further alterations which are detrimental to its character.
8. Paragraph 134 of the National Planning Policy Framework (the 'Framework') confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. Whilst the harm to the significance of the CA would be less than substantial, there is no public benefit identified that would outweigh this harm.
9. I conclude therefore that the proposal would fail to preserve or enhance the character or appearance of the CA. As such, it would fail to comply with saved Policies HD10 and HD18 of the City of Liverpool Development Plan, which, amongst other matters, states that consent will not be granted for alterations that adversely affect the overall character and appearance of the area and development shall include characteristics of local distinctiveness. Furthermore, it would fail to accord with the design objectives of the National Planning Policy Framework.

Other Matters

10. I have had regard to the windows that were in situ prior to the installation of the windows that are the subject of this appeal. The appellant confirms that these were not the original windows for the dwelling. I note that there is no evidence of whether the previous windows were authorised. Based on the evidence before me, I accept that the previous windows bore little resemblance to the original windows. However, I do not consider that the previous windows formed part of the character and appearance of the CA. Whilst the replacement windows have less of a harmful effect on the character and appearance of the CA, they nevertheless remain harmful and fail to preserve the character and appearance of the CA, of which the original window detailing forms an important part of.

11. I note the appellant's argument with regard to potential enforcement action. However, this is a s78 appeal and therefore it is not before me to consider the consequences of any potential enforcement action the Council may or may not take. Therefore, this matter has had no bearing on my determination of the appeal.

Conclusion

12. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR