
Appeal Decisions

Site visit made on 7 July 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2020

Appeal A: APP/Q4245/W/19/3242717

High Lawn, Apartment 1, East Downs Road, Bowdon WA14 2LG

- 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 David Lee against the decision of Trafford Borough Council.
 - The application Ref 97880/HHA/19, dated 29 May 2019, was refused by notice dated 14 October 2019.
 - The development proposed is described as: 'alterations to south facing windows'.
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Appeal B: APP/Q4245/Y/19/3242718

High Lawn, Apartment 1, East Downs Road, Bowdon WA14 2LG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr David Lee against the decision of Trafford Borough Council.
 - The application Ref 97881/LBC/19, dated 29 May 2019, was refused by notice dated 14 October 2019.
 - The works proposed are described as: 'alterations to south facing windows'.
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Decision

Appeal A

1. The appeal is allowed and planning permission is granted for replacement south and west facing windows and doors, removal of existing timber panels to be infilled and rendered to match existing at High Lawn, Apartment 1, East Downs Road, Bowdon WA14 2LG in accordance with the terms of the application, Ref 97880/HHA/19, dated 29 May 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Un-numbered 1:1250 site location/red line boundary drawing; Proposed South Elevation drawing number 715.002 Revision A; Window Section drawing number 715.003; and Proposed West Elevation drawing number 715.004.

Appeal B

2. The appeal is allowed and listed building consent is granted for replacement south and west facing windows and doors, removal of existing timber panels to be infilled and rendered to match existing at High Lawn, Apartment 1, East Downs Road, Bowdon WA14 2LG in accordance with the terms of the application Ref 97881/LBC/19, dated 29 May 2019, subject to the following condition:

- 1) The works shall be carried out in accordance with the following approved plans: Un-numbered 1:1250 site location/red line boundary drawing; Proposed South Elevation drawing number 715.002 Revision A; Window Section drawing number 715.003; and Proposed West Elevation drawing number 715.004.

Preliminary Matters

3. The appeal relates to a Grade II listed building in a conservation area. I am mindful of my statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and have considered the appeals accordingly.
4. The descriptions in the banner headings are from the application forms. The Council's decisions were based on additional and amended drawings, submitted during the application to also include changes to the windows and doors in the western elevation of the property. The Council's submissions confirm that neighbours were re-notified with reference to those additional and amended drawings. Consequently, I have also considered the appeals on the basis of those drawings, as listed in the conditions above, and am satisfied that no party would be prejudiced by my doing so. In my decisions I have adopted the amended descriptions used on the Council's decision notices and the appeal forms, as they more accurately describe the proposal.
5. Both the Council and the appellant refer to the replacement windows having already been installed. Works to the windows had been carried out at the time of my visit. However, notwithstanding those works undertaken to date, I have considered the appeals solely on the basis of the proposals shown on the submitted drawings.
6. The evidence indicates that the pre-existing windows in the appeal property, and the windows in neighbouring apartments 2 and 3, were not consistent with the approved drawings for their construction in the 1980s and have been subject to further subsequent alterations, not all of which appear to have received permission or listed building consent. I cannot be certain from the evidence as to the extent to which the existing windows to apartments 2 and 3, or the pre-existing windows to the appeal property, were authorised. Therefore, I have necessarily considered the appeal on the basis of the existing windows and doors to apartments 2 and 3 as I observed them at the time of my visit, and the pre-existing windows to the appeal property as shown on Existing South Elevation drawing 715.001 Revision A and Existing West Elevation drawing 715.003, which formed part of the application to the Council.

Main Issues

7. The main issue is the effect of the proposal on the special interest of the Grade II listed building and on the character and appearance of the Bowdon Conservation Area (BCA).

Reasons

8. The appeal relates to High Lawn, a large, Italianate-style villa which was built in the early 1840s for William Nield, the owner of a calico printing firm, and was the first such mansion built in the area of Rosehill. It is one of a number of substantial properties of varying architectural style which were built to take advantage of the topography and views in this part of Bowdon as the

expectation, and subsequent provision, of a railway connection to Manchester led to its growth as a wealthy commuter settlement.

9. The building was subsequently divided into apartments and has been the subject of numerous extensions and alterations over the years, which appear to have included some replacement of historic sash windows. Later additions to the sides of the historic building, and the expanded belvedere on its roof, have some significant variety in the size and appearance of their window openings, the pattern of their glazing and the width of their frames. Consequently, whilst the listed building still retains numerous historic features, the architectural interest arising from its fenestration has been significantly diluted.
10. Therefore, insofar as it relates to this appeal, the significance of the listed building arises from its historic interest as an early building in the expansion of Bowdon as a wealthy commuter settlement in the mid-1800s, and from those elements of historic fabric and architectural detailing which it has retained.
11. The area of BCA in the vicinity of the site is characterised predominantly by the large residences along Langham Road. Those include the appeal site and its neighbours elevated above the northern side of Langham Road as well as other substantial properties built nearby as part of the Victorian expansion of the settlement. Many of those large, varied buildings have retained their historic architectural features. It is from those buildings and their mature landscaped gardens glimpsed through tall, dense boundary planting along surrounding road frontages which this part of the BCA principally draws its significance.
12. The appeal property is one of three apartments created in a garden level extension below the historic part of the building in the late 1980s. Although they are finished in similar materials and reflect some architectural elements of the historic building, their fenestration in particular differs notably from that elsewhere on the historic parts of the listed building, including in its proportions and in the patterns of its glazing. Consequently, whilst viewed against the backdrop of the historic building, these modern apartments nonetheless appear as a distinctively modern addition. Collectively, their form and fabric are of very little significance to the historic or architectural interest of the listed building or the wider conservation area.
13. The frames of the proposed windows differ in thickness and width to those in the southern elevation of the neighbouring two apartments in this modern extension. However, the frames of the south-facing windows in apartments 2 and 3 differ from one another at present. Specifically, those in apartment 2 being slightly thicker, wider and heavier in appearance, and the panes between them appearing slightly smaller and narrower, than those of apartment 3. The frames to the appeal property would appear slightly thinner again and would differ slightly in their design, having two side-opening casements, whereas those in apartments 2 and 3 seem to have 3 opening panes. However, that difference would not be readily apparent from anything other than a very close-up inspection and the widths of the proposed frames are not so notably different to those of the other garden level apartments, particularly apartment 3, that they would appear discordant in the context of the other fenestration in the modern extension of which they form part.
14. Furthermore, by filling in the panels below the windows in the southern elevation, the works would provide a significantly greater degree of consistency between the size and proportions of the appeal property's south-facing

windows and those of the two neighbouring apartments. The visual benefits in that regard would outweigh those less discernible discrepancies in the frame thicknesses and materials of the replacement windows compared to those neighbouring windows, such that their effect on the special interest of the building in the context of this modern extension would be neutral.

15. The configuration of the glazing in the wide, sliding door opening in the southern elevation of the appeal property differs from that of its counterpart in apartment 3. However, the evidence indicates that the pre-existing windows were arranged in a similar configuration to that proposed, with narrow side panels on either side of two sliding doors. They thus already differed from those in apartment 3, as well as being in black aluminium frames. With small top-hung casement windows, the narrow side panels of the proposed frames would differ from those of the pre-existing window. However, the effects of that minor change in an opening which already differed from others in this elevation of the modern extension would be limited. When the benefits of greater visual consistency arising from the replacement of the black aluminium frames with ones in the same material but coloured white to match those elsewhere in the building is taken into account, the overall effect of the replacement frames in this opening would be neutral.
16. The two sets of patio doors in the western elevation would also replace similarly-configured black aluminium patio doors, thus providing a greater consistency in appearance and a visual enhancement compared with those which existed previously. The replacement windows in the western elevation would have frame widths similar to those of the pre-existing window to be retained in that elevation, maintaining a sense of continuity and consistency to this elevation of the modern apartment extension in that regard. There would be some variety in the sill heights of the openings along the length of this elevation. However, it is a secondary rather than a principal elevation and, because of the position of the apartments below and beyond the rear of the main building, the extent to which their west-facing windows and doors are viewed in the context of the historic parts of the main building above is limited.
17. Drawing those threads together, the benefits arising from the greater consistency in the size and proportions of the openings in the southern elevation, and in the colour of the frames of several openings compared with those which existed previously, would outweigh the relatively limited inconsistencies in their design, frame widths and materials compared to those which they replaced, and those in the neighbouring garden apartments. Consequently, having regard to their context and location within this modern extension, the works would have a neutral effect and would not detract from or undermine the special interest which arises from those elements of historic fabric and form which remain to the listed building.
18. The Bowdon Conservation Area Appraisal¹ (SPD5.9) and Conservation Area Management Plan² (SPD5.9a) express a preference for replacement windows and doors to be in timber and that replacements should respect the size and form of original openings. They go on to say that replacement doors and windows should not detract from the established character of the building. Many of the historic buildings within the BCA close to the site have retained

¹ Bowdon Conservation Area – Supplementary Planning Document SPD5.9: Conservation Area Appraisal

² Bowdon Conservation Area – Supplementary Planning Document SPD5.9a: Conservation Area Management Plan

their historic timber windows or appear to have had replacement timber windows installed.

19. However, this appeal relates to a modern extension which is not an historic structure within the BCA. Furthermore, the evidence indicates that its pre-existing windows were neither of a traditional design nor entirely timber, including several aluminium framed openings. On that basis, and as the replacement windows in this modern extension would have a neutral effect and not cause harm overall to the established character or interest of the listed building for the reasons given, I conclude that they would also have a neutral effect and would not result in harm, even incrementally, to the character or appearance of the surrounding BCA compared with the windows which existed previously.
20. The proposal would not harm the special interest of the Grade II listed building or the character or appearance of the BCA, thus satisfying the requirements of the Act and Policies L7 and R1 of the Trafford Core Strategy which, amongst other things, require development to be appropriate in its context and take account of historic distinctiveness. It would also be consistent with the further detailed guidance in SPD5.9 and SPD5.9a in those regards, and would accord with the National Planning Policy Framework which requires that great weight be given to the conservation of heritage assets when considering the effect of a proposed development on their significance.

Conditions

21. As the main parties agree that the proposed works have commenced, the standard 3 year commencement condition is not necessary. For both appeals I have attached a condition specifying the approved plans, for certainty.

Conclusion

22. Subject to the conditions set out above, Appeal A and Appeal B are allowed.

Jillian Rann
INSPECTOR