



Appeal Decision

Site Visit made on 28 June 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/M4320/W/21/3270461

Chestnut House, 2A Chestnut Avenue, Crosby L23 2SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Douglas Currie against the decision of Sefton Metropolitan Borough Council.
- The application Ref DC/2020/01647, dated 7 October 2020, was approved on 22 December 2020 and planning permission was granted subject to conditions.
- The development permitted is installation of replacement UPVC windows and doors to the front, sides and rear elevations, addition of five rooflights and alterations of two windows to doors to the rear elevation including replacement gutters.
- The condition in dispute is No 3 which states that: All windows on the front elevation and the dormers on the side elevation are to be high grade quality UPVC, slim profile, butt-jointed/mortice and tenon appearance welds (rather than mitred diagonal joints) and off white timber-effect foil finish, with spacer bar colours should match that of the window colour. Full details to be submitted.
- The reason given for the condition is: To ensure an acceptable visual appearance to the development.

Decision

1. The appeal is allowed and the planning permission Ref DC/2020/01647 for the installation of replacement UPVC windows and doors to the front, sides and rear elevations, addition of five rooflights and alterations of two windows to doors to the rear elevation including replacement gutters at Chestnut House, 2A Chestnut Avenue, Crosby L23 2SZ granted on 22 December 2020 by Sefton Metropolitan Borough Council, is varied by deleting condition No 3.

Background and Main Issue

2. The point of contention between the main parties relates solely to condition No 3. The appeal seeks the removal of this condition. I have no reason to disagree with the conclusions reached by the Council in respect of all other issues relating to the determination of the planning application.
3. The main issue is whether condition 3 is necessary and reasonable in the interests of the character and appearance of the host building and to preserve or enhance the character or appearance of the Moor Park Conservation Area (CA).

Reasons

4. The appeal property is a two-storey, detached dwelling located within the CA. The appeal site is situated on the corner of Chestnut Avenue and Moor Lane. The Council state that according to historical maps, the building was built between 1927 and 1937. On my site visit I observed that extremely limited views of the property are possible from the driveway entrance and the dwelling

- is well screened from the surrounding roads due to the boundary hedge and trees.
5. Based on the evidence before me, the CA is characterised by dwellings set within relatively generous plots which are largely individually designed and tree lined streets. The majority of the development dates from the Victorian period, extending into the early part of the 20th century.
 6. Chestnut Avenue is a principal estate road and the avenue of trees is a key feature. There are minimal road markings and no formal pavements or kerbing which results in a soft, natural character. Due to the straightness of Chestnut Avenue and the trees, the eye is naturally drawn towards the end of the road, rather than towards properties.
 7. Moor Lane adjoins the CA and is a busy road which is less distinctive than Chestnut Avenue. It is also lined with trees but has a more suburban character due to the design of buildings, street lighting and road markings.
 8. The Moor Park Conservation Area Appraisal (2008) (MPCAA) highlights that the appeal site contributes to the character of the area. Although the site is located at the edge of the CA, I do not consider the property acts as a gateway to the CA or Chestnut Avenue, as suggested by the Council. This is because the dwelling is well screened, and it is not a focal building. The appeal site neutrally contributes to the CA because its architectural design is in keeping with the CA but the dwelling is not conspicuous and the current windows detract from its appearance.
 9. Framework paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.
 10. The MPCAA states that many houses within the CA have had their windows replaced either with UPVC or inappropriate timber casements windows. It goes on to state that these replacement windows are particularly damaging to the character of not only the individual properties but also to the street scene and they should generally be resisted for historical buildings.
 11. Within the local area there are a variety of window styles, including UPVC. Whilst I do not have the full details before me of the circumstances of all the UPVC windows in the CA, there are many examples. The Council highlight that some of the UPVC windows relate to more modern properties, less prominent sites and were inserted before the article 4 direction was adopted. The article 4 direction removes the right to replace windows and doors that front a highway, waterway or open space of a dwellinghouse.
 12. The Council consider the use of UPVC windows to be acceptable, at the appeal site, subject to the details specified in the condition. I understand that the

- Council would have refused the application without the condition. The condition only relates to the windows on the front elevation and dormers on the side elevation.
13. Both main parties acknowledge that the current timber windows are not original, are in poor condition and need replacing. The existing windows do not preserve or enhance the character or appearance of the building or CA due to their condition and dark colour.
 14. The appellant has provided a photograph which I understand shows the original design of the windows. It shows light-coloured windows with long rectangular glazing which are distinctively different to the existing dark coloured windows and current design of the glazing bars.
 15. Based on the evidence before me, the proposed windows would consist of a design which would largely mimic the dimensions and features of the original windows. Whilst the replacement windows would be UPVC, they would not detract from the current building or CA. This is due to a combination of: the existing windows are not original, the new windows would be an improvement to the present windows because of their poor condition, they would be a closer resemblance of the original windows, UPVC windows are widely used in the CA and there are extremely limited views of the property from the surrounding area.
 16. The windows would be more prominent in the winter months, when the trees and hedges are not in leaf. However, they would still provide a degree of screening and the windows would not be widely conspicuous due to the property being set in from both roads.
 17. For the reasons set out above, the character and appearance of the host building and CA would be preserved. Thus, the proposal would have a neutral effect on the CA and there would be no harm to the designated heritage asset.
 18. Consequently, condition 3 is not necessary or reasonable in the interests of the character and appearance of the host building and to preserve or enhance the character or appearance of the CA. In this regard, there would be no conflict with Policies EQ2, HC3 and NH12 of A Local Plan for Sefton (2017). These policies collectively seek, amongst other matters, to ensure proposals are of high quality design and preserve or enhance the character or appearance of the conservation area.
 19. There would also be no conflict with the Council's House Extensions Supplementary Planning Document (2018) and the MPCA. These collectively identify and examine elements which define the essential character of the area and seek to ensure developments are in keeping with the existing building and surrounding area.

Conclusion

20. For the reasons given above the appeal should be allowed. Accordingly, condition 3 should be deleted and no substitute condition is necessary.

L M Wilson

INSPECTOR