
Appeal Decision

Site Visit made on 21 September 2021

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2021

Appeal Ref: APP/H4315/W/21/3278623

49 Church Road, Rainford WA11 8EZ

- 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 Helen Harry against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2021/0238/HHFP, dated 8 January 2021, was refused by notice dated 7 May 2021.
 - The development proposed is described as we would like to replace our windows at the front of our house. We are also replacing the front door and glasswork around the door. We are doing this sympathetically with white heritage windows.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Helen Harry against St Helens Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The revised description of development stated on the appeal form relates to discussions between the appellant and the Council after planning permission was refused. While engagement between the parties is encouraged, I have considered the appeal based on the description of development that was subject of public consultation and refused by the Council as the appeal is against that decision. This does not prohibit a different scheme from being pursued by the appellant with the Council in the first instance.
4. Following my site visit and a comparison with the photographs submitted with the appeal, the appellant confirmed that the existing windows and door have been repaired and re-painted to address the rot that they were experiencing.

Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Rainford I Conservation Area (CA).

Reasons

6. The semi-detached appeal property is constructed of brick and set back from the road behind a low wall. The windows and door in the property are made from timber and have a traditional appearance. The first-floor window is an 8 over 2 sash. The other openings are casement.

7. The CA is subject to an Article 4 direction which prevents the use of certain permitted development rights. The CA is defined by the special interest of its linear plan form, setting, architectural quality of its individual buildings, details and features and its links to historical activities including agriculture and pipe making. The details and quality of some of the original windows is an important feature in defining the CA. Unfortunately, in many instances, original timber window frames have been replaced with uPVC. The Conservation Area Appraisal suggests that windows in the two Rainford CA's are predominately timber, however the Appraisal is from some time ago and the situation on the ground is not one of predominately timber or uPVC. Locally, properties display a range of styles and finishes.
8. The painted timber windows and door and their traditional method of opening are in keeping with the detail found in other properties within the CA and reflect an era of construction.
9. The proposed windows and door in the front elevation of the property would be modern synthetic manufactured replacements even if they are a heritage style. Although a planning condition could be used to secure details of the proposed replacements the nature of this type of opening would contrast with the timber openings found on the other elevations of the appeal property. The hand painted timber joinery is integral to the quality of the building's traditional appearance and uPVC frames are typically bulkier.
10. I do not have details of every property that has changed its windows and doors to uPVC and I note a number have been granted planning permission by the Council. Again, I do not have the full circumstances of these cases before me. Nor can I be certain that every property has the benefit of planning permission for any changes made. Even so, they do not justify the incremental harm that the proposal would cause to the character and appearance of the CA. This harm would be at the lower end of less than substantial harm to the significance of the CA having regard to paragraph 202 of the National Planning Policy Framework (the Framework). Even so, I give it great weight and importance.
11. I have no reason to disagree with the photographs which support the appellant's assessment that the windows and door were in a poor state of repair. Addressing this issue by some means is important not just to the occupiers living conditions, the character and appearance of the building and its contribution to the CA, but also in ensuring the property is used optimally.
12. However, the repaired windows and door have improved the appearance of the openings, though I note the appellant's comment that the door is already sticking. However, there is little substantive evidence to support this or to explain why the existing windows and door could not be repaired or refurbished. Repaired and well-painted frames can last a relatively long time.
13. To replace the windows and door in timber would, according to the appellant, be prohibitive due to the cost. Although I sympathise with the appellant's circumstances, there is no evidence to support the stated cost or a break down for each of the openings. There is also no evidence to show that the costs of having them repaired would compare unfavourably with replacing the windows or that the security and living conditions of the occupants could not have been equally secured through other means.
14. Whilst there would be modest public benefits to the occupiers living conditions

and the character and appearance of the building and its contribution to the CA, balanced against these are the potential alternative options to repair, refurbish or replace the openings concerned. Hence, based on the evidence before me, the public benefits, including the optimum viable use of the property, do not outweigh the less than substantial harm that I have identified.

15. I conclude that the proposed development would not preserve or enhance the character or appearance of the Rainford I CA. The proposal would conflict with Policy CQL4 of the St. Helens Local Plan Core Strategy, saved Policy ENV24B of the St Helens Borough Council Unitary Development Plan and Framework paragraph 202. These seek development to protect, conserve, preserve and enhance St Helens historic built environment by ensuring all new development to respect the significance and distinctive quality of the built and historic environment.

Other Matters

16. I have noted the appellant's points about the Council's handling of the planning application, the timeliness of the decision and dialogue around the Council's concerns and the appellant's subsequent ability to respond to these in a reasonable period of time. It is also clear that the appellant has taken it upon themselves to research their local area and I note their efforts in trying to find a solution. However, these matters do not alter or outweigh my conclusion on the main issue.

Conclusion

17. The proposal does not accord with the Development Plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
18. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR