

Appeal Decision

Site visit made on 11 May 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 1st June 2023

Appeal ref: APP/Z4310/D/23/3317113

11 Halkyn Avenue, Liverpool L17 2AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Mrs Hilary Codman against the decision of Liverpool City Council.
 - The application, ref. 22H/2708, dated 13 October 2022, was refused by a notice dated 22 December 2022.
 - The development proposed is the installation of uPVC windows and door to front, side and rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of uPVC windows and door to front, side and rear elevation at 11 Halkyn Avenue, Liverpool L17 2AH in accordance with the terms of the application, ref. 22H/2708, dated 13 October 2022.

Procedural Matter

2. At the time of my site visit, I saw that the installation of the uPVC windows at No. 11 Halkyn Avenue had been carried out. The application was submitted retrospectively. I have dealt with the appeal on that basis, (s.73A of the Act).

Main issues

3. The main issue in this appeal is whether the uPVC windows installed at No. 11 Halkyn Avenue have preserved the character and appearance of this part of the Toxteth Park and Avenues Conservation Area.

Considerations

4. The Appellant Mrs Hilary Codman's home at No. 11 Halkyn Avenue lies within the Toxteth Park and Avenues Conservation Area in the Wavertree area of Liverpool. No. 11 is a 2 storey semi-detached house with large front windows. The original windows, excepting the stained glass vertical glazing on each side of the front door, have been replaced by white uPVC plastic windows.
5. The Council said the uPVC windows installed at No. 11 failed to preserve the character and appearance of this part of the Toxteth Park and Avenues Conservation Area. The main concern was that the stained glass elements of the ground floor bay windows had been lost. As such, the project failed to

satisfy the Council's statutory duty under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. (*S.72 (1) In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*). The project also failed to comply with Policy HD1 of the Liverpool Local Plan and the guidance in Chapter 16 of the NPPF.

6. Mr Barry Codman had made the appeal on behalf of his mother, the Appellant, Mrs Hilary Codman. Mrs Codman was severely disabled and unable to act for herself. Mr Codman had replaced windows that had deteriorated to the point of requiring replacement, rather than repair. The old windows, themselves not original, also failed to provide the security Mrs Codman needed.
7. The Council acknowledged that the previous windows installed were not original. They also accepted that their assertion the vestibule stained glass windows on each side of the front door had also been replaced was mistaken. However, their reasoning for the refusal of the application on the basis of the loss of the stained glass detailing to the top of the ground floor windows and change in proportions of those windows remained.
8. Particularly in view of doubts about the appearance of the front of No. 11 before the current appeal works were carried out between April 2021 and April 2022, I looked at several earlier Google views of the house, dating back to September 2008. The first floor front windows have the same appearance in all 9 Google views, showing they seem to have been in place at least since 2008. The front door also appears to have not been replaced, although now painted black. The ground floor bay window glazing looked to have been replaced between April 2021 and April 2022, confirming Mr Codman's contention. Before the current 3 ground floor bay windows were replaced, the shallow top section of each window was fitted with patterned stained glass. I consider that the look of those earlier bay windows was poor, the lower clear glazing section being disproportionately larger than the meagre and shallow stained glass section above. Whilst it may be slightly disappointing to have lost those small sections of stained glass, the overall appearance of the ground floor bay windows is acceptable, indeed the newer windows being of much better proportions than before. I conclude that the new ground floor windows at No. 11 to have caused no material harm. They have preserved the character and appearance of this part of the Conservation Area.

Conclusion

9. For the reasons outlined above, I conclude that the appeal should be allowed.

John Whalley

INSPECTOR