



Appeal Decision

Site visit made on 16 April 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/Z4310/W/23/3332477

Apartment 7, 13 Devonshire Road, Liverpool L8 3TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Madina Redjai against the decision of Liverpool City Council.
 - The application Ref is 23F/0911.
 - The development proposed is replacement of uPVC sliding sash windows with uPVC casement windows.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the appeal was lodged, a revised National Planning Policy Framework ('the Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers, where necessary.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including the Princes Park Conservation Area ('CA').

Reasons

4. The appeal site lies within the CA. I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The CA comprises Princes Park (a Grade II* historic park designed by Sir Joseph Paxton) and the predominantly Georgian buildings that immediately surround it.
5. The area immediately surrounding the appeal site is characterised by large, imposing 3-4 storey buildings that have mainly been converted into flats. The buildings are set back at varying degrees from the relatively wide road but are highly visible from it. The buildings are mixed in their appearance but are predominantly constructed of brick or render with sash windows. Consequently, the significance of the CA derives from its historical and aesthetic values.
6. The appeal building is a link-detached 4-storey villa that has been converted into flats. It is an imposing, double-fronted brick building with ornate architectural detailing to the front elevation. Although there appears to have been some alterations to the building's original front elevation with the

insertion/alteration of windows, these are insignificant to the building's overall character and appearance. Consequently, the building makes a positive contribution to the CA.

7. It is proposed to replace the third floor attic room sash windows within the front elevation to casement windows. All of the existing windows in the building's front elevation comprise sash windows. Although the design of the windows differ on each floor, the use of sash windows throughout the front elevation creates a uniform appearance that positively enhances the character and appearance of the building. Consequently, the replacement of the windows to casements would appear incongruous and would detract from the existing character and appearance of the building's front elevation.
8. The appellant asserts that it is not uncommon for casement windows to be used at attic level for lower status rooms in 19th century dwellings. However, this has not been substantiated with evidence. Even if evidence could be provided, the original form of the windows within the appeal building is unknown and therefore I am unable to determine whether casement windows at attic level were an original feature of this building. I acknowledge that the building may have contained a mix of casement and sash windows prior to their replacement in 2017. Notwithstanding this, casement windows are no longer a feature of the building's front elevation and therefore, I must determine the effect of the proposal on its existing character and appearance.
9. Notwithstanding the predominant window style within the vicinity of the appeal site is sash, during my site visit, I saw some examples of casement windows on the front elevations of buildings. However, they tended to be located on more modern buildings than the appeal building, or they were a feature of the whole front elevation. Therefore, they were not directly comparable to the appeal proposal. Additionally, there were some examples of casement windows on the front elevations of older buildings in the CA. However, these windows detracted from the character and appearance of both the building and the CA.
10. The appellant has directed me to photographs of other examples of casement windows which they assert are from within the CA. However, no addresses were provided, and the photographs do not show the whole of the buildings' facades. Therefore, I was unable to locate these examples during my site visit. Furthermore, I have not been provided with details regarding the planning history of these windows and therefore it is not known if planning permission was obtained or indeed required. In any event, I must determine the appeal on its own merits.
11. For the reasons detailed above, the proposal would harm the significance of the CA and would not preserve or enhance its character or appearance. Consequently, the development would cause less than substantial harm. Paragraph 205 of the Framework states that great weight should be given to the conservation of a designated heritage asset, and in accordance with paragraph 208 of the Framework, I must weigh the less than substantial harm against the public benefits of the proposal.
12. I acknowledge the ongoing issues the appellant has had with the existing windows and the benefits new windows would provide for them, such as reducing noise pollution and draughts and, in some cases, allowing the appellant to be able to open their windows. However, these are private rather

than public benefits. Consequently, there are no public benefits that would outweigh the harm I have identified to the significance of the CA.

13. In reference to the main issue, the proposal would harm the character and appearance of the surrounding area, including the CA. It would conflict with Policy HD1 of the Liverpool Local Plan 2013-2033, adopted 2022 which, amongst other things, seeks to preserve or enhance those elements which contribute to the character and appearance of a Conservation Area.

Other Matters

14. I acknowledge the appellant's concerns regarding the Council's handling of the planning application. However, this has not prevented me from determining the appeal proposal. The appellant asserts that their neighbours are supportive of the appeal proposal. However, this has not been substantiated with evidence. Even if evidence was provided, it would not outweigh the conflict I have found with the development plan.
15. As previously stated, there would be private benefits associated with the replacement of the existing defective windows. However, I am not persuaded that these benefits could not be achieved by their replacement with new sash windows. While I acknowledge the appellant's reluctance to install new sash windows due to the issues they have experienced, there is nothing before me to suggest that the same problems would arise from the installation of new sash windows. Furthermore, I note the appellant's willingness to install sash windows if the window design had one mode of opening from the bottom.

Conclusion

16. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR