



Appeal Decision

Site visit made on 4 April 2024

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Appeal Ref: APP/A0665/Y/23/3328167

11 Station Road, Parkgate, Neston, Cheshire CH64 6QJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Justin Hussey against the decision of Cheshire West and Chester Council.
 - The application Ref is 22/02703/LBC.
 - The works proposed are alteration to ground floor window opening.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application as submitted included further works to the property. However, during the application the proposal was amended and the rooflights, wall lights and paving materials were removed from this scheme. The appellant has clarified the matter and the Council determined the proposal on the basis the works only relate to the ground floor window, therefore so shall I.
3. Notwithstanding the description of works in the banner heading above, which is taken from the Council's decision notice and the appeal form at section E. Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) does not contain any provisions for consent to be granted for works retrospectively. Therefore, I have adjusted the description of works to better reflect what the listed building consent is sought for.
4. I note that the application did not include a Heritage Statement. However, I have had regard insofar it is relevant to the works in this appeal to the Heritage Statement¹ (HS) which was submitted to support application 20/04242/LBC for the wider works to the property and is referenced in the appellant's evidence.
5. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2) and 72(1) of the Act.
6. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The policies that are material to this decision have not fundamentally changed and I am satisfied this has not prejudiced any party. In reaching my decision I have had regard to the revised Framework.

¹ Hinchliffe Heritage, dated 3 February 2021

Main Issues

7. The main issues are whether the proposal would preserve a Grade II listed building, 11 Station Road and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Parkgate Conservation Area (CA).

Reasons

8. The appeal property relates to a grade II listed building, 11 Station Road. It was first listed in 1974 (Ref:1387729) with an amendment in 1999 as it was formerly listed as Station Road Nos.11 and 12. The adjoining buildings to the west are individual listed buildings with No.12 (Ref:1387730) listed as a C19 cottage and then No.'s 13, 14, 15 and 16. The historic settlement of Parkgate is associated with the small hamlet and fishing community and was a former designated shipping port dating back to at least 1686, in the 18th Century it was a main channel for cargo and passengers but with decline ceased sometime before 1800. The settlement is also known for its former historic branch and connection to the Birkenhead Railway and terminus in 1866.
9. The property is a mid-terraced 2 storey dwellinghouse with other buildings now abutting both sides from its original form and a protruding gable to the roadside. The listing identifies the property as a C19 Cottage but of earlier origin and later alterations which from the information appears the building may date back to the 17th century. The building was originally constructed of whitened roughcast on brick with high rendered plinth, timber bargeboards and slate roof, it now has white render to the street side elevations. The listing also references the old fixed 6-pane window to the left of the entrance which relates to the proposal. The building has experienced several changes which have consisted of repairs and alterations to both the internal and external fabric including demolition of outbuildings and rear extension of the building to facilitate its use as a dwellinghouse.
10. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the historic and architectural interest. Its historic interests are primarily in respect of its age, group value with the adjoining listed terraces and illustration of the 17th to 19th century architecture and its association with the origins of Parkgate as a small port, fishing village and historic railway.
11. The Parkgate CA was designated in 1976 and includes several listed and locally listed buildings. The CA encompasses the linear settlement with its distinctive sea front and The Parade with views over the estuary and association with the River Dee. The Parkgate CA Character Appraisal and Management Plan, 2008 (PCAA) identifies the Georgian buildings on both The Parade and Station Road with long thin plots and tall vertical buildings with black and white finishes and most notably the oldest buildings are located on Station Road, which include small fishermen's cottages.
12. The PCAA states that important features should be retained including simple black and white detailing to facades and black window casements. It sets out many minor changes incrementally harm the character and maintaining the special character is an important role in the CA. Given the above, the appeal building is therefore a positive contributor to the character and appearance of the CA.

13. The proposal seeks to retain and regularise the ground floor window located on the west return to the left. The appellant has confirmed that during works to the property it was discovered that the side window was built into the party wall to the adjoining property and amended the construction detail on the site. The appellant asserts that the window was extended into the party wall shared with No.12, and it appeared as though the front wall of No.12 was built to simply butt up against the side wall of the appeal property.
14. The former window was a fixed six pane painted timber window with a vent fan. I have had regard to the photographic evidence showing the original building including the window in comparison to what I saw on the site visit. The HS identified that 2 windows on the west return would be replaced with vernacular casement windows, which includes the appeal window. It noted that these window openings were likely to be the original openings and hence should have painted timber casement windows appropriate for a 17th century vernacular window. The HS acknowledged that the elevation would likely have two different types of windows, and the replacements would be of a moderate benefit.
15. However, the HS makes no reference to any further works to be associated with alterations to the external fabric for replacing windows on the west return. Nor does it clarify that alterations to the window reveal, its position and/or siting of the identified window (WG3) would be compromised by a party wall or by the adjoining listed building at No.12. Therefore, there does not appear to be any such clear and convincing heritage justification.
16. From the evidence, it appears that the replacement of the left ground floor original window to the west return was acceptable in principle in the wider scheme of works. It was originally granted consent for a vertically sliding sash window and based on its existing distinctive quirky siting and position at the corner and behind the front wall of No.12. However, the resulting works in combination with the reduction of window width, altered dimensions, new position of the reveal and opening results in the loss of relationship to No.12 and the loss of the idiosyncratic historic window feature on the building.
17. As such, the works have resulted in a significant alteration to the historic fabric of the building and an important key feature which allowed the evolution of the street scene to be interpreted. Furthermore, in my view, the altered narrow window width combined with the extensive red sandstone cill introduces an alien feature which further exacerbates the harm and loss of the original building's characteristics. It cannot be said to be simply a replacement of the original window causing negligible harm to the building's composition. Thus, the alteration to the ground floor window has resulted in a valuable loss to the significance of the building and particularly the west return.
18. The appellant has suggested that the proposal does not harm the listed building because the window is not more widely visible and obstructed by a downpipe. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views of the building can be gained.
19. Given the above, I find that the proposal fails to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.

20. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scale of works to the listed building, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
21. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 207 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its [the asset's] optimal viable use.
22. The appellant is of the opinion the window has avoided future difficulties between the owners of No.11 and No.12 in terms of bad building practices. However, there is no substantive evidence to support this, and it appears this is an opinion of the appellant than being a shared or public benefit. Nor have I got any substantive evidence before me to indicate that re-instatement of such a window partly covered by render could not be achieved or structural details of the party wall.
23. Nevertheless, these are private benefits and would only serve the appellant, even if I considered there was a public benefit from the renovations this would be limited and would not be sufficient to outweigh the harm that I have identified. In addition, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the listed building has an ongoing residential use that would not cease in its absence.
24. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraphs 205 and 206 of the Framework and conflict with Policy ENV 5 of the Cheshire West & Chester Local Plan, Part One: Strategic Policies, 2015 (CWCLPP1) and Policy DM47 of the Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies, 2019. Taken together the policies, amongst other matters, seek to protect and safeguard or enhance the significance of listed buildings and their setting, and only permits the alteration or extension of a listed building that would not have a detrimental impact on the significance, character, structure, scale, design, or appearance or setting of the building.
25. I have found that the proposal would cause harm to the special architectural and historic interest of the listed building. This listed building is an important element in the CA and a positive contributor to its character and appearance. It must follow that if the listed building is harmed, then there is a similarly harmful impact on both the character and the appearance of the CA, and the CA is neither conserved nor enhanced. Moreover, as I saw the ground floor window is clearly visible from the key vistas and public realm along Station Road and wider CA which it is sited within.

26. Although the Council did not cite this as a reason for refusal, I have a duty under the Act, and in that respect the proposal would not comply with the statutory duty, the Framework and relevant development plan policies including Policy EN5 of the CWCLPP1 insofar they relate to the historic environment and CA.

Conclusion

27. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

KA Taylor

INSPECTOR