



Appeal Decision

Site visit made on 04 July 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2024

Appeal Ref: APP/Z4310/D/24/3343025

28 Fieldway, Liverpool L15 7LU

- 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 Mr P Higgins against the decision of Liverpool City Council.
 - The application Ref is 23H/0888.
 - The development is the installation of uPVC windows throughout property, new uPVC door and new pitched roof to the existing single storey extension at the rear
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Decision

1. The appeal is dismissed insofar as it relates to the installation of uPVC windows to the front elevation.
2. The appeal is allowed insofar as it relates to the remainder of the application, and planning permission is granted for the installation of uPVC windows to the rear elevation, new uPVC door and new pitched roof to the existing single storey extension at the rear, at 28 Fieldway, Liverpool L15 7LU, in accordance with the terms of the application Ref 23H/0888, so far as relevant to the development hereby permitted, and subject to the following condition:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans as they relate to the installation of uPVC windows to the rear elevation, new uPVC door and new pitched roof to the existing single storey extension at the rear. The plans are referenced:
 - 00.00.01 V2 – Existing Plan Elevations & Proposed Works
 - 00.00.01 v1 – Location Plan and Block Plan

Procedural Matters

3. On my site visit I observed that the development had taken place and was complete. I have determined the appeal based on what I saw on site.
4. In the banner above and my formal decision, I have taken the description of development from the Council's decision notice rather than the application form as it more accurately describes the development, albeit I have removed wording which is not an act of development.
5. The appeal relates to the installation of uPVC windows throughout the property, and the installation of a new pitched roof and uPVC door to the single storey projection to the rear. However, the application was refused permission by the

Council due to concerns relating to the replacement of the windows to the front and rear elevations of the original building only.

6. The pitched roof to the rear extension has replaced a flat roof and is more sympathetic in form to the existing dwelling. Furthermore, the tiles used appear to be of a similar colour and size to those used on the main roof. The installed rooflights are modest and do not dominate the roof slope of the extension. The large window within the rear elevation of the extension is of similar design to that which was previously installed. Furthermore, the uPVC door is a replacement of an earlier white uPVC door within this later addition to the building. Therefore, I concur with the Council that these alterations, neither individually or cumulatively, have not had a harmful effect on the character or appearance of the Wavertree Garden Suburb Conservation Area (the WGSCA).

Main Issue

7. The main issue is whether the development has preserved or enhanced the character or appearance of the WGSCA.

Reasons

8. The appeal relates to a mid-terraced dwelling which is located in a row of six terraced properties along Fieldway. Fieldway is a cul-de-sac comprising predominantly terraced properties and is located within the WGSCA. The Wavertree Garden Suburb Conservation Area Appraisal (CAA) identifies that Fieldway is distinguished by features such as original casement windows and unique bay windows and is particularly influenced through the Arts & Crafts movement. The CAA highlights that the uniform appearance of the timber casement windows is essential in retaining the character of the suburb¹.
9. The CAA goes on to confirm that unsympathetic alterations have often been detrimental to the architectural character of the buildings. This includes the replacement of timber casement windows with uPVC windows². Original window detailing is therefore a positive characteristic of the WGSCA. Notwithstanding this, a large number of buildings within Fieldway have been altered with the installation of uPVC windows, some of which are more discrete and respectful in design than others.
10. Insofar as is relevant to this case, I consider that the significance of the WGSCA derives from its historic development as a garden suburb, the pattern and form of development, along with the architectural detailing and materials of the buildings within it.
11. The windows installed to the front elevation are fabricated from uPVC and, as such, introduces a material that is not traditional to the building. Nonetheless, the use of such materials for the windows could be acceptable subject to their detailed design and appearance. The uPVC windows similar in form to the originals with regard to the ratio between panes and framework, while the size, number and general pattern of glazing panes is also reflective of the original openings. Notwithstanding this, the opening casements protrude from the framework rather than sitting flush. This creates a more pronounced framework resulting in the windows appearing more prominent and bulky than the original

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² Page 70

timber windows. The windows also include trickle ventilation slots which add further protrusion and introduces detailing which is not sympathetic or characteristic to the original openings. The glazing bar detailing also departs from the original design. While this is a matter of finer detail which is only apparent on closer inspection it is, nonetheless, additional detailing which adds to the incongruity of the windows installed. Therefore, I find that the windows to the front elevation have failed to preserve the appearance of the WGSCA.

12. I note that numerous properties along Fieldway, and indeed the wider WGSCA, have uPVC windows installed within their front façade. Some of these are similar to those installed at the appeal site. I am unclear of the circumstances under which these were installed. Nonetheless, I do not consider that these set a precedent to allow further erosion of window details along Fieldway. Particularly as the architectural detailing of windows is an important characteristic which contributes towards the significance of the WGSCA.
13. The windows to the rear have the same design approach with those installed to the front. However, the style of windows within the rear façade of the wider terrace includes much variety and departure from the original window design. None of the original windows appear to have been retained within the rear of this terraced row. Given the number and variety of alterations which have occurred, I find that the rear elevation is less sensitive to change than the public facing front façade. Notwithstanding the finer detailing which raise concern to the front, the design of the windows are sufficiently sympathetic to the original building, when compared to those installed within its neighbours, to ensure that the general appearance of the rear elevation is preserved. Therefore, I consider that the replacement windows to the rear have not had a detrimental impact on the overall character or appearance of the WGSCA.
14. For the above reasons, I consider that the windows to the front elevation fail to preserve or enhance the character or appearance of the WGSCA, harming its significance as a whole. Therefore, the development conflicts with Policy HD1 of the Liverpool Local Plan (2022), which states that support will be given to development which conserves or, where appropriate, enhances the historic environment.
15. The harm to the WGSCA identified above would be less than substantial. The National Planning Policy Framework 2023 (the Framework) makes clear in paragraph 208 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal and I return to this in the overall planning balance.

Other Matters

16. I acknowledge that works were carried out urgently to address the failings of the original windows, and I sympathise with the appellants need to ensure that their property was fit for purpose. The development has helped to improve the existing housing stock and the quality of life of its existing, and future, occupants. The works also serve to improve the security of the property. These are benefits which would attract modest weight in favour of the development.

Conditions

17. As permission is being granted retrospectively for the installation of the pitched roof, uPVC door, and uPVC windows within the rear elevation it is not necessary to attach the standard time limit condition, or any materials condition. An approved plan condition, insofar as it relates to the acceptable development, is necessary to define the terms of the permission.

Planning Balance and Conclusions

18. I have identified that the uPVC windows installed within the front elevation has caused less than substantial harm to the significance of the WGSCA. The scheme has delivered some benefits through an improvement to the existing housing stock and quality of life for its occupants. However, these public benefits combined are relatively modest and are insufficient to outweigh the great weight which must be attached to the harm to the WGSCA that I have identified.
19. For the above reasons, the development conflicts with the development plan and with the provisions of the Framework in relation to heritage assets. There are no material considerations, which indicate that a decision should be made other than in accordance with the development plan.
20. The element of the scheme with which I take issue is severable from the remainder of the proposal. Therefore, having regard to all other matters raised, I conclude that the appeal should be dismissed in relation to the uPVC windows installed within the front elevation. However, the appeal should succeed in relation to the development to the rear of the property, including pitched roof and all uPVC installed windows and doors.

D Cleary

INSPECTOR