



Appeal Decision

Site visit made on 18 October 2024

by Ms Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2024

Appeal Ref: APP/Z4310/W/24/3347987

81 Ullet Road, Liverpool, L17 2AA

- 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 Mr Basel Shakhasiro against the decision of Liverpool City Council.
 - The application Ref is 24H/0027.
 - The development is replacement of windows and doors in a conservation area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been carried out so I am considering the development retrospectively.
3. The submitted plans indicate that the porch at the side is not part of the planning application and therefore, I have not considered any part of it in this decision.

Main Issue

4. The main issue is whether the replacement windows and doors preserve or enhance the character or appearance of the Sefton Park Conservation Area.

Reasons

5. Sefton Park Conservation Area covers Sefton Park and development on its periphery. Sefton Park is a large Victorian park with formal landscaping. There are Victorian villas on Ullet Road which back onto the park. There is a wealth of mature landscaping all over the conservation area. The buildings in the conservation area mainly have a residential use and date predominantly from the Victorian period. One of the characteristics of the conservation area is houses with sliding sash timber windows, although many have been removed and replaced with UPVC. The significance of the conservation area is its planned Victorian public park, its layout, greenery and landscaping, and Victorian architecture.
6. The appeal site is a substantial three storey late Victorian double fronted semi-detached house within the conservation area. It is constructed of smooth red brick on its front and side elevations with common brown brick at the rear. It has architectural details such as stone headers, bays, gables and brick dentils. The house is on the corner of Ullet Road and Cumberland Avenue and its 3 main elevations are prominent within the street-scene. Due to its age and

architectural details, it makes a positive contribution to the character and appearance of the conservation area.

7. A Google Streetview image has been provided by the Council which show the previous fenestration at the front. In respect of the front elevation, the windows were timber sliding sash which look to have been original. Sliding sash windows are typical of the architecture and character of the conservation area, as they are common to Victorian dwellings. The sliding sash window frames in the Streetview image had a completely different profile to the UPVC ones. Although the UPVC windows have a central horizontal glazing bar, this does not replicate the wooden frame at the top and bottom of the two panes of glass in the sliding sash windows. The UPVC windows have a smooth and flat appearance. In addition, UPVC casement windows look different when they are open as they open outwards. Sliding sash windows do not have this outward projection.
8. The previous glazed frame around the front door appears, from the image, to have been original due to its timber architraves and panel. If it was not original, it was an appropriate design for the Victorian building. It is not clear if the previous door was original but panelled over, or whether it was a timber replacement. Nevertheless, it appears to have been made of timber which is an appropriate material for the building. The replacement door and its frame are incompatible with the house because the UPVC door has a smooth, moulded appearance. Such a material was not used in Victorian times and the frame lacks finesse and detail. Furthermore, there are no glazing bars on the fanlight above the door. The removal of the sash windows, timber door and its surround is an erosion of the character of the conservation area.
9. The UPVC windows and doors fail to preserve or enhance the character or appearance of the conservation area. Given that the development only affects a small part of the conservation area, I consider that the harm to the significance of the conservation area to be less than substantial and at the lower end along the scale of less than substantial harm.
10. In respect of the windows at the side and rear and the patio doors, although I have some drawings, these are not detailed enough to provide a proper understanding of the windows which were removed. No Streetview image or photographs have been provided by either party. Without this information, it is not possible for me to tell if all the replacement windows at the side and rear have materially altered the appearance of the building and if they all would have required planning permission. Furthermore, without this information, I cannot assess the effect the replacement of each window has had on the conservation area. Nevertheless, the replacement windows, due to their materials and design, are out of character with the house. Therefore, I cannot grant planning permission for them.
11. Paragraph 205 of the National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. The Framework advises that less than substantial harm must be weighed against the public benefits of the scheme.

12. The appellant has indicated that the previous windows were in poor condition. Nevertheless, I have no substantive evidence of the previous condition of the windows, or why they could not have been repaired or replaced with timber sliding sash windows. I accept that UPVC windows generally improve the thermal insulation of the building. However, overall, I find that there are no public benefits which are sufficient to outweigh the less than substantial harm to the conservation area.
13. The appellant has provided a list of properties in the surrounding area that have a similar style of UPVC windows. In respect of the appeal decision at 11 Halkyn Avenue¹, the windows that had been removed were not original. The Council has explained that in the case of 3 Halkyn Avenue (22H/3371), the previous windows had been UPVC. In respect of the numerous other cases, I have not been provided with any background.
14. I understand the appellant's point that there are plenty of other UPVC windows in the area and therefore, I appreciate why it would not occur to him that planning permission was required to make such a change. The Council has not provided a cogent explanation about the continued existence of the other numerous UPVC windows. However, I am under a statutory duty to have regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The removal of architectural features that are part of the special character and significance of the conservation area causes harm regardless of any other harm that has already occurred. The UPVC windows on other buildings, therefore, do not justify even further harm.
15. In conclusion, there is a lack of information in respect of the previous side and rear windows and the front windows and door harm the significance of the Sefton Park Conservation Area. Therefore, the development conflicts with Policies HD1, H8, UD1 and UD7 of the Liverpool Local Plan 2013-2033 which in combination require development to preserve or enhance conservation areas and to protect the character and appearance of the area.

Conclusion

16. I hereby dismiss the appeal.

Siobhan Watson

INSPECTOR

¹ APP/Z4310/D/23/3317113