
Appeal Decision

Site visit made on 29 April 2025 by J Reed MPlan

Decision by M Clowes BA (Hons) MCD PG CERT (Arch con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2025

Appeal Ref: APP/Z4310/D/25/3360577

16 Gresford Avenue, Liverpool L17 2AW

- 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 Daniel Scott against the decision of Liverpool City Council.
 - The application Ref is 24H/2303.
 - The development is described as 'new roof and new windows.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The proposed elevation plan suggests that the replacement windows would be identical to those they would replace. However, the appellant's written evidence is clear that permission is sought to retain the uPVC windows as installed on site which are different. For the avoidance of doubt, I have considered this appeal retrospectively based on the works carried out on site.

Main Issue

4. The main issue is whether the proposal would preserve the character or appearance of the Toxteth Park and Avenues Conservation Area (TPACA).

Reasons for the Recommendation

5. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires when determining proposals in conservation areas (CA) that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 210 of the National Planning Policy Framework (Framework), it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness.
6. The TPACA is characterised by the extensive Toxteth Park Cemetery and series of predominantly 2-storey terraced avenues laid out in a grid pattern and dating from the 19th century. Repeated house types and interesting architectural features

including ground floor bay windows, decorative corbelling and attractive joinery including timber sash windows and door surrounds present a strong, cohesive rhythm to the area. This is enhanced by the consistency of facing materials including brick and slates. It is this spatial composition and architectural quality that shapes the significance of the TPACA. Over time, unsympathetic alterations to individualise properties including but not limited to, replacement windows and the painting of the facing bricks have served to undermine the uniformity of the terraces.

7. As a mid-terrace property, the appeal site contributes positively to the character and appearance of the TPACA. The Council indicates that prior to works to replace the existing windows and roof, the appeal dwelling contained its original timber sliding sash windows, decorative door surround including moulded side panels and slate roof. This is corroborated by the appellant's Building Survey Report (BSR). The Council also directed me to such examples next door and on the opposite side of the road, which I observed during my visit.
8. Neither party has provided detailed evidence demonstrating what the previous windows looked like. I have relied on the existing elevation plans to indicate the previous situation. From the evidence it seems to me that the previous sash windows had slender frames with a narrow meeting rail and slender glazing bars. When opened, the sashes would sit neatly within the frame. In contrast, the replacement windows lack finesse, with chunky frames arising from the use of top opening casements to the lower section. Glazing bars are entirely absent. Similarly, the attractive door surround has been replaced with a thick uPVC alternative that has a flat appearance rather than the refined, sculpted form evident on neighbouring properties. The thickness of the uPVC frame appears to have resulted in a narrower door and subdivided fanlight, contrary to the prevalent pattern.
9. The homogenous 'machine-made' appearance of uPVC also lacks the distinctive subtleties and texture of painted timber, particularly when viewed from the immediate proximity of the public realm. The replacement windows, door and surround therefore stand out in stark contrast to the traditional arrangement and their removal has eroded the architectural quality and appearance of the dwelling. As I have identified that attractive joinery contributes to the architectural composition of the TPACA, the removal of these features and replacement with poor quality alternatives, has not preserved or enhanced the character or appearance of the TPACA, a matter to which I give great weight.
10. In reaching this view I am mindful that there are numerous examples of uPVC replacement windows and doors close to the appeal site, which has diminished the period character of the respective properties. Such examples do not justify the further incremental and harmful erosion of the historic fabric of the area. I also note that the loss of historic detailing and materials are identified as a negative factor affecting the TPACA and that the Council introduced an Article 4 Direction to prevent this, moving forward.
11. The roof of a building is an important and prominent element of its design and I observed that whilst there have been changes, natural slates are the principal roofing material within the TPACA. Slates are typically thin and laid to have a smooth appearance overall. Being a natural material there is some variety in colour within each slate. In contrast, the concrete tiles are thick and heavy with a high

profile and very straight machined edges. Being man-made their colour is more uniform. The roofing tiles are therefore visually discordant to the host dwelling and the wider street scene given the long straight views down the road.

12. The impact of the replacement windows and roofing material is relatively localised. In the context of Policy HD1 of the Liverpool Local Plan (LLP) 2022, and the Framework, the level of harm I have identified is less than substantial but nonetheless important, given the negative effects of these works on the character and appearance of the TPACA. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (such as the TPACA), this harm should be weighed against the public benefits of the proposal.
13. The replacement windows and re-roofing works have contributed to the renovation of an existing dwelling to safe and liveable standards. However, this is largely a private rather than public benefit. An upgraded property that is more energy efficient would have some public benefit but there is limited quantifiable evidence that the works have contributed to energy efficiency. It is likely that similar environmental benefits could be achieved with more sympathetic replacement materials. Accordingly, I find that the public benefits advanced carry limited weight which do not outweigh the identified harm.
14. It is therefore concluded that the proposed development does not preserve or enhance the character or appearance of the TPACA. The development is contrary to Policies HD1, H8, UD1 and UD7 of the LLP which collectively state that proposals must be designed to a high standard and make a positive contribution to the designated heritage asset's character, appearance and significance. It also fails to satisfy the requirements of the Act.

Other Matters

15. The appellant has made me aware of a health issue, although their concerns in this particular regard appear to relate to council tax issues. Whilst the appellant is said to have experienced financial pressure from renovating the dwelling, there is no obvious reason why more sympathetic materials could not have been sourced, particularly for the front elevation where the Article 4 Direction applies. The appellant's BSR is clear that the door and frame, as well as some windows, could have been salvaged to maintain the character of the house¹. Although it recognises that it may be more economical in the long-term to consider a full programme of replacement windows and door, there is no suggestion that these should be in uPVC.
16. Paragraph 28.1.2 of the BSR specifically identifies the location of the host building within a CA and that, '*planning approval will be required to alter external finishes and traditional materials should be used, likely to add to the cost.*' As the BSR was commissioned prior to the appellant purchasing the property, it appears that there was some prior knowledge of the costs and constraints arising from its condition and location. The appellant's personal circumstances do not affect my findings.
17. Reference is made to the Council's decision being inconsistent with other approvals and the non-enforcement of similar alterations in the TPACA. I have not been directed to specific addresses or planning decisions such that I could consider the

¹ Paragraph 13.2 (c) and 13.4(e) of the appellant's Building Survey Report 2022.

circumstances comparable, including whether the Article 4 Direction and the LLP were in place at the time.

18. The absence of objections from nearby occupiers is a neutral matter which weighs neither in favour, nor against, the proposal.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Clowes

INSPECTOR