
Appeal Decision

Site visit made on 8 December 2025

by **A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/N2345/F/25/3358495

36 Frenchwood Street, Preston PR1 3SU

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 (PLBCAA).
 - The appeal is made by Mr Ilyas Sakaria against a listed building enforcement notice (LBEN) issued by Preston City Council.
 - The LBEN was issued on 18 November 2024.
 - The contravention of listed building control alleged in the notice is the installation of 3no. UPVC window frames, as secondary glazing, behind the timber window frames, comprising 1no. UPVC window frame behind the timber window frame on the ground floor elevation to the front of the Building shown marked "W1", "W2" and "W3" on the photograph annexed to this Notice (the Photograph) and 2no. UPVC window frames behind the timber window frames on the first floor elevation to the front of the Building shown marked "W1", "W2" and "W3" on the Photograph.
 - The requirements of the notice are
 - 5.1
 - (i) GROUND FLOOR FRONT ELEVATION
Remove the 1no. UPVC window frame positioned behind the timber window frame identified as "W1" on the Photograph.
 - (ii) FIRST FLOOR FRONT ELEVATION
Remove the 2no. UPVC window frames positioned behind the timber window frames identified as "W2" and "W3" on the Photograph.
 - 5.2 Make good any damage caused in complying with the requirements in 5.1 (i) and (ii) above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the ground set out in section 39(1) (b), (c), (e) and (i) of the PLBCAA.
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Decision

1. The appeal is dismissed and the listed building enforcement notice is upheld.

The appeal on ground (b)

2. An appeal on this ground should be made only on the basis that the matters alleged to constitute a contravention of section 9(1) or (2) of the PLBCAA have not occurred as a matter of fact. The appellant clearly acknowledges that the 3no. UPVC window frames, as secondary glazing, were installed and therefore it does not make sense that an appeal on ground (b) has been advanced. Indeed, it is quite clear to me that the works have been carried out as specified in the LBEN.
3. Therefore, irrespective of the arguments advanced by the appellant, the appeal on ground (b) fails.

The appeal on ground (c)

4. The ground of appeal is that those matters alleged (if they occurred) do not constitute a contravention of section 9(1) or (2) of the PLBCAA. An appeal on

ground (c) can only succeed if either listed building consent has already been granted for the works or if they do not affect the special architectural or historic character of the building. If the character or appearance of the listed building has been affected (either positively or negatively) then there has been a contravention of section 9 of the PLBCAA and the appeal on ground (c) must fail.

5. The significance of a heritage asset is the sum total of its heritage values and historic windows will usually be of such significance that every effort should be made to conserve them, as most historic windows will illustrate to varying degrees the materials, technology, craftsmanship and architectural style of the period in which the building was built. Although the original timber framed windows have been retained, the addition of the modern secondary UPVC frames which do not match the timber frames in terms of materials, design, detailing and appearance is careless and undoubtedly affects the character and appearance of the listed building in terms of the windows themselves and the method of installation. Therefore, in my judgement the works have significantly affected the special architectural and historic character and appearance of the building.
6. There is no listed building consent in place for the works and therefore, it follows that a contravention of the PLBCAA has occurred. Consequently, the appeal on ground (c) cannot succeed.

The appeal on ground (e)

7. The main issue is whether the development and/or works would preserve a Grade II listed building, 36 Frenchwood Street, and any of the features of special architectural or historic interest that it possesses and the extent to which the works preserve or enhance the character or appearance of the Avenham Conservation Area.
8. Section 16(2) of the Act requires the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses.
9. Section 72(1) of the PLBCAA states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
10. Policy EN8 of the Preston Local Plan 2012-26 Site Allocations and Development Management Policies Adopted 2 July 2015 (the LP) relates to development and heritage assets, stating that proposals affecting a heritage asset or its setting will be permitted where they accord with national policy on the historic environment, take full account of the information and guidance in the Conservation Area Appraisal, make a positive contribution to character and local distinctiveness through high quality, sustain, conserve and, where appropriate enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment, among other objectives.
11. In addition, Policy EN9 of the LP states that all new development proposals should be designed with regard to principles, including architecture and townscape. Applications will be approved where they accord with principles and guidance set in the Design SPD, relevant Core Strategy policies, national policy on the historic environment and take the opportunity to make a positive contribution to the

character and local distinctiveness of the area through high quality new design that responds to its context, among others.

12. Policy 16 of the Central Lancashire Adopted Core Strategy Local Development Framework July 2012 (the CS) relates to heritage assets; protecting and seeking to enhance the historic environment, heritage assets and their setting by safeguarding heritage assets from inappropriate development that would cause harm to their significance and supporting developments where they protect and enhance local character, setting, management and historic significance of heritage assets.
13. In addition, there is specific advice in Residential Extensions & Alterations Supplementary Planning Document Final Version for Cabinet April 2013 (the SPD), which states that for proposals relating to listed buildings, the use of traditional and historic materials are encouraged in this context such as the retention or refurbishment of traditional wooden sash windows rather than use of uPVC. Furthermore, proposals within Conservation Areas must respect the character of the area through maintaining high quality design detail by the use of appropriate materials, scale, form and massing.
14. The appeal building is one of a pair of small town houses built around 1840 which has been altered to the rear. It is constructed with red brick in Flemish bond with sandstone dressings and a slate roof. Built with a double-depth plan; no 36 is double-fronted with two storeys over cellars, three plus two bays with a rendered plinth, first floor sill band, plain frieze and moulded gutter cornice and a downspout slot at the angled junction. The building is almost symmetrical and has a lobby doorway up two altered steps with moulded architraves with dentilled cornices on consoles and 4-panel doors with overlights. No 36 has the lobby at the left end with a convex surround. All windows are unaltered unhorned 12 pane sashes with square panes, raised sills and wedge lintels. There are ridge chimneys.
15. The Avenham Conservation Area Character Appraisal sets out the special character of the Conservation Area which is derived from specific elements such as a large number of listed buildings, traditional craftsmanship embodied in original building materials and architectural features and visual harmony resulting from the use of a limited palette of natural building materials and a limited variety of styles. The unifying characteristics of the area and visual harmony from the natural building materials such as timber framed windows are a key part of the Conservation Area's historic and architectural significance.
16. The special interest of the appeal property is its architectural integrity as a mid-nineteenth century house which possesses many of its original historic and architectural features, including windows and timber sash frames with glazing bars, square panes, raised sills and wedge lintels. In addition, it performs an important role with numbers 37 as a pair of small houses designed to be read together with associated matching architectural features.
17. The UPVC frames are clearly visible from outside the property as a modern addition, incorporating modern materials, relatively wide glazing bars, poor relationship with the historic timber frames and having an overly mechanical and stark finish. Moreover, they do not comfortably align with the original timber frames and give an inconsistent appearance to the building frontage, contrasting with the historic materials and form of the openings. As such the works fail to preserve the

Grade II listed building and the special architectural and historic features it possesses.

18. In addition, as a consequence of the harm the works cause to the building, they fail to preserve or enhance the character and appearance of the Conservation Area, detracting from the established pattern of development in the area which incorporates a limited palette of natural materials and a range of important architectural and historic features, including window openings and frames.
19. Given the above, I find that the matters the subject of the LBEN fail to preserve the special interest of the listed building and the character and appearance of the Conservation Area. Consequently, I give this harm considerable importance and weight. The Framework advises that when considering the impact on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the harm caused by reason of their appearance and prominence and the harm to the character and appearance of the Conservation Area, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
20. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant argues that the secondary glazing was installed to improve the EPC rating of the property and allows the property to function properly as a flat. It is my understanding that without improving the EPC rating the property would not be lettable. However, there are ways of improving the EPC rating other than the methods used here, including using different heating methods. More significantly, it would be possible to install sympathetic secondary glazing using more suitable materials and design features so as not to harm the architectural and historic features of the building. It seems to me that there may be some private benefits for the occupants of the flat, but these cannot be described as public benefits.
21. I have taken account of the range of evidence submitted by the appellant, including details of where secondary glazing has been used elsewhere, but given the above and in the absence of public benefit, I conclude that the works fail to preserve the special historic interest of the Grade II listed building and the character or appearance of the Avenham Conservation Area. This would fail to satisfy the requirements of the Act, the Framework and conflict with Policies EN8 and EN9 of the LP, Policy 16 of the CS and advice in the SPD.

The appeal on ground (i)

22. The ground of appeal is that the steps required to restore the character of the building to its former condition would not serve that purpose. Under ground (i) the former state is the state of the building prior to any contravention, not just the contravention which is the subject of the appeal. Ground (i) is only appropriate when the steps required by the notice are for restoring the character of the building to its former state. To be successful on this ground it must be shown that the steps required for the purposes of restoring the building to its former state would not serve that purpose.
23. In this case the requirements relate specifically to a series of contraventions and measures to be taken to restore the character of the building that has been harmed by those contraventions. It does not go any further than that by requiring the

former state to be restored before any contravention has occurred. In my judgement the requirements of the LBEN would clearly serve the purpose of restoring the character of the listed building. Therefore, the appeal must fail on ground (i).

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

A A Phillips

INSPECTOR