



Appeal Decision

Site visit made on 13 July 2026

by Richard S Jones BA(Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2026

Appeal Ref: APP/C4235/F/25/3373525

11 Little Underbank, Stockport, SK1 1LA

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - The appeal is made by Mrs Rebecca Chui (RJC Properties NW limited) against a listed building enforcement notice issued by Stockport Metropolitan Borough Council.
 - The enforcement notice was issued on 19 September 2025.
 - The contravention of listed building control alleged in the notice is without the benefit of Listed Building Consent, the removal of timber windows and the insertion of uPVC windows to the first and second floor front elevation to a Statutorily Listed Building at Grade II status.
 - The requirements of the notice are to:
 1. Remove the u-PVC windows from the first and second floor elevation of the building fronting onto Little Underbank.
 2. Fit the window openings to the 1st and 2nd floor elevation of the building fronting onto Little Underbank with wooden window frames that are an exact match for those shown on the photographic image attached to this notice which shows the windows at the time of listing.
 - The period for compliance with the requirements is twelve months.
 - The appeal is made on the grounds set out in section 39(1)(e), (g), (h), (i) and (k) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is dismissed, and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Preliminary Matters

2. Although the appeal has been made under ground (k), this ground may only be pleaded where the purpose of the listed building enforcement notice (LBEN) falls under s38(2)(c) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the LBEN Act), which requires bringing the building to the state it would have been if the terms and conditions of any listed building consent granted had been complied with. That isn't applicable here. Rather, it is evident from the contravention and the requirements of the notice that its purpose falls under s38(2)(a) of the LBEN Act, to restore the building to its former state. Consequently, a ground (k) appeal cannot be considered.

The Appeal on Ground (e)

3. The appeal on ground (e) is that listed building consent should be granted for the works referred to in the notice, that being the removal of timber windows and the insertion of uPVC windows to the first and second floor front elevation of a Grade II listed building.

Main Issue

4. The main issue is whether the works preserve the special architectural or historic interest of the Grade II listed building.

Reasons

5. The appeal site forms one of two, three storey Grade II listed terrace buildings from the early 19th Century. Although originally a house, the ground floor is now in commercial use and has a traditional style shopfront. The upper floors are painted render with two windows with stone sills at first floor level and a single second floor window with a modillion eaves cornice above.
6. The special interest and significance of this designated heritage asset is largely derived from its contribution to the group value of the town's surviving historic core of listed buildings, aligned to the back of the pavement, providing a largely continuous built frontage and a strong sense of enclosure to Little Underbanks.
7. Windows and doors are often among the most prominent features and an integral part of the design of a listed building. In this case, as alluded to in the listing description by reference to replacement, the pre-existing upper floor windows were not original historical features. Nevertheless, those timber casements were in place at the time of listing and had aesthetic value. The photographs show the relatively tall first floor windows to have been split into six panes with both horizontal and vertical timber glazing bars. The single upper floor window also incorporated six panes but with a differing arrangement reflecting the wider more, squat shape of the opening.
8. The replacement uPVC windows have a very different aesthetic because of their thicker sections and shinier, more uniform appearance. The windows also have no structural glazing bars, so there are greater expanses of glazing with differing reflective qualities compared to single pane timber windows.
9. Consequently, the frames appear heavier in composition than the more slender and refined timber windows they replaced and provide a very poor contrast with the adjoining property forming part of the listing, which has timber sash upper floor windows. The overtly modern characteristics of the windows have significantly weakened the legibility and significance of the building as a historical asset, appearing both stark and out of keeping.
10. Given their prominent position on the principal elevation of the building, fronting directly onto the pedestrianised area of Little Underbanks, the harmful effects can be clearly seen and experienced in approaching views from both directions and from the elevated nearby St Petersgate Bridge. At the time of my site visit the first floor casements were wide open, projecting into the street, thereby attracting further attention to them.
11. The appellant states that the windows were installed by a previous owner and have been in place since 2011. However, save for an exception that is not applicable in this case¹, there is no limit in law as to the length of time between an offence being committed and the service of an LBEN. For the purposes of this appeal, it makes no difference when the breach was "discovered" by the Council.

¹ No LBEN can be issued under the LBCA Act in respect either of works for the demolition, alteration or extension of a listed building if the works in question were executed before 1 January 1969.

As set out in s43 of the LBCA Act, the responsibility to comply with the notice rests with the person who is the owner at the end of the compliance period. This applies even though the unauthorised works may have been carried out by a previous owner.

12. The appellant's view is that the Council's long delay in taking action demonstrates that the windows have been tolerated for over a decade and undermines the suggestion that they cause significant or urgent harm. However, her references to the Council contacting the previous owner for years about the windows, suggests otherwise. Indeed, the appellant confirms that the Council "demanded they be removed" and threatened enforcement action in 2013. Moreover, the Council explains that Little Underbanks has recently undergone regeneration, so if improvements have been made in the vicinity of the site, the replacement windows are likely to have become even more obvious and the imperative to address the harm increased.
13. The appellant has sought to draw my attention to "numerous other examples of unauthorised works within the same conservation area, including roller shutters, acrylic signage, and bricked-up windows, where no similar enforcement action has been taken". However, the Council's approach to enforcement action in the conservation area is not a matter for this appeal, which specifically relates to the windows of a listed building, where I as decision maker, have a statutory duty under s66(1) of the LBCA Act to have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.
14. In that regard, it is not shown that any of the other developments referred to affect a listed building and that the works are reasonably comparable and have been granted listed building consent. Consequently, the examples shown carry very little weight in favour of allowing the harm to the significance of the listed building which is subject to this appeal. In any case, the fenestration in the context of the appeal site is predominately timber sash, such that the uPVC windows at No 11 appear even more stark and harmful.
15. Accordingly, I find that the windows fail to preserve the authenticity and integrity of the listed building and cause harm to its special interest, and, in doing so results in significant harm to the historic group value of the surrounding listed buildings. Because of the importance of the windows to the architectural composition of the building, the harm, in terms of the National Planning Policy Framework, is less than substantial (between the low to mid-point of that spectrum), and there are no countervailing public benefits.

Other Matters

16. I note the appellant submission on matters including the Council's purported selective approach to enforcement, procedural unfairness and ongoing harassment. However, those are matters which should be pursued directly with the Council, rather than through this appeal, which I have determined on the basis of the evidence before me and my own site visit.

Conclusion on Ground (e)

17. I therefore conclude that the works do not preserve the Grade II listed building or its setting or any features of special architectural or historic interest which it possesses, contrary to the expectations of the LBCA Act.
18. The ground (e) appeal thus fails, and listed building consent is refused.

The appeal on Ground (i)

19. A ground (i) appeal is that the steps required would not restore the character of the building to its former state.
20. The appellant seeks to highlight the harm arising from the Council's own electrical boxes and cabling fixed to the external elevation, which she says have caused render damage and water ingress and have been installed without listed building consent. It is argued that until the Council removes and repairs this damage, any reinstatement of windows would not achieve the stated purpose of restoration and would leave the building compromised.
21. Whilst I agree that the boxes and cabling shown in the photographs are unsightly, the LBEN relates only to the three upper floor windows, which make a much greater contribution to the significance and appearance of the listed building, compared to the boxes positioned on the shallow side elevation. In any case, I'm aware of correspondence between the parties regarding the removal of at least one of the boxes, and, by the time of my site visit the higher of the two had been removed. Any associated remedial issues will be a matter between the parties.
22. Returning to the windows, the Council is seeking to replace the uPVC windows with an exact match to those which previously existed. This would serve the intended purpose of the LBEN of restoring the character of the building to its former state. Consequently, the appeal on ground (i) fails.

The Appeal on Ground (g)

23. An appeal on ground (g) is that the requirements of the notice exceed what is necessary for restoring the building to its former state.
24. In short, the LBEN requires, the removal of the first and second floor uPVC windows and their replacement with wooden window frames that are an exact match for those shown on the photograph attached to the notice.
25. The appellant argues that to be an "exact match" is excessive on the basis that there are modern alternatives (including slim-profile heritage uPVC or timber-alternative composites) that would replicate the character without imposing an unreasonable financial burden. She further states that the Council's Townscape Heritage grant scheme acknowledges flexibility by offering partial support for appropriate works, not only exact replication.
26. However, the appellant has not provided details of any modern alternative so I am unable to consider whether they would restore the building to its former state. The Council on the other hand has provided photographic evidence of the pre-existing windows at the time of listing, so, to replicate the same, clearly isn't excessive given the purpose of the LBEN.
27. The appeal on ground (g) fails.

The Appeal on Ground (h)

28. The appeal on ground (h) is that the 12 months given for compliance is too short.
29. The appellant states that the director no longer lives in the UK, making practical arrangements for sourcing, contracting, and overseeing the works more complex. It is argued that a realistic compliance period would be at least 36 months, to allow proper planning, funding applications, and a phased execution of works.
30. The appellant states that the cost of the required works represents a significant financial burden and refers to a single quote of circa £15,000, made up from £4,598 for the scaffolding and circa £8,000 for the windows, excluding VAT. Both those figures appear to be particularly high for works involving just three windows. The high cost of the scaffolding may in part be explained by the inclusion of works which go beyond that required by the LBEN, which would prolong the need for the scaffolding. Moreover, the quotes relate to sliding sash windows (materials unspecified), whereas the pre-existing windows were timber casement. Nevertheless, the price appears excessive and without other quotes to show that isn't so, I attach limited weight to them.
31. Moreover, no evidence is provided to demonstrate that any financial difficulties would arise or that a period of 12 months would be insufficient to put the appropriate arrangements in place, even if the director does not live in the UK.
32. Furthermore, the appellant acknowledges that the Council's Townscape Heritage grant provides up to 75% support, albeit retrospectively after works are completed. I appreciate that is discretionary and is therefore uncertain, nevertheless, there is a possibility that any financial difficulty would be very significantly alleviated.
33. As the notice relates to only three windows in the front elevation, it is very unlikely that the works would need to be phased as suggested, rather than completed at the same time, when scaffolding and other facilitating measures are in place. For that, the compliance period is more than sufficient, whereas a period of three years as requested is wholly excessive and unjustified.
34. The appeal on ground (h) fails.

Richard S Jones

INSPECTOR