



Appeal Decision

Site visit made on 7 March 2007

by **Keith Manning** BSc (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Appeal Ref: APP/Z4310/A/06/2029856

179 Thingwall Road, Wavertree, Liverpool L15 7JY

- 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 Jan Corness against the decision of Liverpool City Council.
- The application Ref 06H/1294, dated 24 April 2006, was refused by notice dated 20 June 2006.
- The development proposed is UPVC replacement windows and doors.

Procedural Matters

1. The development has already been carried out and I therefore determine the appeal on the basis that it is for retrospective planning permission.
2. The application was accompanied by a location plan but no drawings. For clarity and simplicity I have amended the description of the development to simply 'UPVC replacement windows and doors'.

Decision

3. I dismiss the appeal insofar as it relates to the front elevation of the property. I allow the appeal insofar as it relates to the rear elevation and I grant planning permission for UPVC replacement windows and doors at 179 Thingwall Road, Wavertree, Liverpool L15 7JY in accordance with the terms of the application, Ref 06H/1294, dated 24 April 2006 and the location plan submitted with it so far as relevant to that part of the development hereby permitted.

Reasons

4. The appeal site is within the Wavertree Garden Suburb Conservation Area. Its proximity to the junction of Thingwall Road with Queens Drive serves to reinforce the prominence and exposure to public view of the front of the property on the boundary of the conservation area, which at this location is defined by the centre line of Thingwall Road.
5. There is no doubt that one of the defining characteristics of the conservation area is the distinctive style and detailing of the windows. An Article 4 Direction has removed the permitted development rights, throughout the conservation area, that would otherwise allow householders to replace windows and doors without specific planning permission from the City Council. The fact that, over the years, there have been a number of inappropriate window and door replacements underlines the importance of the direction in preventing the further erosion of the character and appearance of the conservation area. The Council is

therefore justified in vigorously seeking to prevent further harm of this nature and my attention has been drawn to appeal decisions that are supportive of instances where it has adopted a firm approach to this aspect of planning control. To the extent that these decisions are relevant, I have taken them into account. However, this appeal falls to be determined on its specific merits in accordance with the development plan and in the light of other material considerations, the primary issue being the effect of the UPVC installations at 179 Thingwall Road on the character and appearance of the conservation area.

6. Policy HD10 of the adopted unitary development plan makes it clear that permission will not be granted for development that would adversely affect the character and appearance of a conservation area, reflecting the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas that is explained in Planning Policy Guidance note 15 (PPG15) *Planning and the Historic Environment*. Moreover, an advisory leaflet that is widely circulated and has been adopted for development control purposes makes the Council's intentions very clear regarding the need for sensitivity as far as replacement windows in conservation areas are concerned.
7. The replacement windows and doors that have been installed do attempt to reproduce the original style of the timber windows that characterise the conservation area and I accept that, by comparison with a number of unsympathetic replacements that have occurred in the past, they are relatively faithful to the original concept in terms of their overall design. The mullions and transoms are not dissimilar, albeit slightly heavier in appearance, to those of the neighbouring timber windows at No 181 Thingwall Road. Nevertheless, the windows and porch do not have the visual qualities of authentic, painted, timber originals including grain and finish. In particular, the plastic latticework, albeit profiled, that is encapsulated within the double glazing fails to adequately reproduce the appearance of small panes separated by raised glazing bars. This failure is very evident from the nearby public highway at the front of the house. The UPVC installations on this elevation neither preserve nor enhance the character or appearance of the conservation area.
8. I have considered the suggestion of the Wavertree Society regarding a condition to require the superimposition of raised plastic glazing bars but, in the absence of specific evidence that this would achieve the requisite appearance, I am not satisfied that this would overcome the harm that I have identified, especially in view of the prominence of the front elevation of No 179 Thingwall Road and its consequent exposure to public view.
9. I note that the Council's schedule of reasons for refusal refers only to the UPVC installations at the front of the property as unacceptable. The proposition that it is appropriate to adopt a less rigorous approach to development in conservation areas that is not readily visible within the public realm must generally carry limited weight. Such an argument could be deployed many times in conservation areas to erode their character and appearance by degrees. However, in this case, I consider that the circumstances of the site are such that the effect on the character and appearance of the conservation area by reason of the failure of the UPVC installations on the rear elevation to closely replicate the timber originals can be clearly distinguished from those that prevail at the front of the property.
10. The ground floor installations at the rear are only fully visible in close view from the back garden of No 179 itself. The lack of authenticity of the first floor windows is apparent from this viewpoint and would also be apparent by careful and deliberate scrutiny from the back

gardens of the immediately neighbouring properties to either side, both of which have previously had rather more unsympathetic single first floor window replacements on their rear elevations. Although those past actions would not, of themselves, justify an obviously inappropriate form of installation at the rear of the appeal site, it does mean that when viewed from the rear, including from properties beyond the back garden of No 179 and conservation area boundary, the overall impression is of more appropriately styled windows than those of the neighbouring properties, with limited opportunity to closely scrutinise the materials and texture. Moreover, the rear elevation faces north and hence the artificial appearance of the encapsulated lattice work would not be highlighted from such viewpoints by sunlight reflecting off extensive panes of glass.

11. The failure to replicate the original timber originals in these particular circumstances would not be at all obvious from the majority of the surrounding gardens or the windows of nearby houses. I do not therefore consider that the development that has occurred in respect of the rear elevation significantly detracts from the character or appearance of the Wavertree Garden Suburb Conservation Area or materially conflicts with the priority that must be given to the desirability of preserving either or both, or the intentions of the development plan. In drawing this conclusion on the specific merits of this case I see no reason why it should create a precedent for a less rigorous approach in circumstances where the character or appearance of the conservation area would fail to be preserved or enhanced.
12. For the reasons given above and having regard to all other matters raised, including the personal circumstances of the appellant, I conclude that the appeal should be allowed in part and dismissed in part.

Keith Manning

Inspector