



Appeal Decision

Site visit made on 25 June 2025

by **R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 September 2025

Appeal Ref: APP/X1165/W/25/3363354

5 Harold Court, St Lukes Road South, Torquay, Torbay TQ2 5NZ

- 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 Darren Munn against the decision of Torbay Council.
- The application Ref is P/2024/0746.
- The development proposed is change of two identical, wooden-framed, single-glazed, vertical sash windows to two identical, double-glazed, PVC vertical sash windows in a single room of a two-bedroom, first floor flat.

Decision

1. The appeal is allowed and planning permission is granted for change of two identical, wooden-framed, single-glazed, vertical sash windows to two identical, double-glazed, PVC vertical sash windows in a single room of a two-bedroom, first floor flat at 5 Harold Court, St Lukes Road South, Torquay, Torbay TQ2 5NZ in accordance with the terms of the application, Ref P/2024/0746, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan (Drawing No. PP-13526356v1); Proposed plan and elevation (Drawing No. 24.1009/02(T)); Proposed replacement sash windows (Drawing No. 24.1009/03(T)).

Preliminary Matter

2. Within my decision above, I have utilised the description of development from the application form, with the deletion of some superfluous detail, as this accurately describes the proposal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Harold Court heritage asset, the Belgravia Conservation Area in which Harold Court lies within, and nearby heritage assets.

Reasons

4. Policy SS10 of the Torbay Local Plan (2015) (TLP) sets out, amongst other things, that development will be required to sustain and enhance those buildings, areas and other features which make an important contribution to Torbay's built and natural setting and heritage, including for their own merits. Policy SS10 also refers to all designated and undesignated heritage assets, and its general approach to

- heritage asset assessment reflects that of the National Planning Policy Framework (the Framework).
5. Harold Court is a former Victorian villa that was converted in the 1980s to provide eight flats. This building is within the Belgravia Conservation Area (BCA).
 6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Having regard to the BCA Character Appraisal (2006) and following my site visit, I view the significance of the BCA as a whole to be derived from its concentration of well-preserved large Victorian villas, within a spacious and elevated seaside setting that also contains significant landscape features such as mature street trees.
 7. The Character Appraisal identifies the Harold Court building as part of a group of “key buildings” along St Lukes Road South. This includes The Vicarage, Ellington Court, Villa Rosa and The Grange. I have no reason to dispute that these buildings can be treated as undesignated/non-designated heritage assets in the context of TLP Policy SS10 and the Framework.
 8. The particular significance of Harold Court is derived from its ornate period features, including prominent arch window lights and chimney features, along with its setting within spacious and verdant grounds. Its historical status as a large Victorian villa can therefore still be appreciated, despite its conversion to flats. Harold Court, along with the nearby historic villas, form a positive contribution to the significance of the BCA as a whole.
 9. Harold Court's front elevations facing St Luke's Road South contain sash window of varying size and detail, all of which are significantly recessed within the surrounding built form. The staggered southeast side elevations also contain traditional sash units, with some PVC windows towards the rear elevation that are notably more modern in appearance. The rear elevations contain a mixture of sash and more modern PVC windows.
 10. Turning towards the northwest side elevation, the windows are generally smaller than those on the other elevations. The proposal would replace two single-glazed wood-framed sash windows on the uppermost floor level with double-glazed PVC windows of fundamentally the same sash design. The existing and proposed cross section plans show that the new windows would project only marginally further forward than those to be replaced, and would therefore remain well set in from their surrounding walls. I also saw what appeared to be two existing arch windows below the proposal that are also of recessed PVC sash composition.
 11. This northwest elevation is of most limited prominence in both public and private domains, when compared to the other Harold Court elevations. This is due to its proximity to large trees adjacent the side boundary with St Luke's Vicarage and the presence of a garage immediately adjacent St Lukes Road South, in front of this side elevation. The side boundary trees were in leaf at the time of my visit, which significantly restricted views of the appeal windows from St Lukes Road South.
 12. It is put to me that these trees could be removed or cut back, thus exposing the proposed PVC windows. However, as these trees are within the BCA, they have statutory protection. There is no compelling evidence to suggest that these trees

are or need to be removed or reduced. Irrespective of the outcome of this appeal, the Council can control such tree works under separate legislative provisions.

13. Even when these trees are not in full leaf, views of the replacement windows would still be significantly filtered by their dense branch network. The footway along the opposite side of St Lukes Road South to Harold Court also terminates after the junction with St Lukes Road North, which would also greatly assist in restricting views of the proposal when walking past Harold Court.
14. I accept that incremental replacement of original timber framed windows in key buildings or other buildings may lead to a gradual retraction of the special character of the BCA. However, in the specific circumstances of the appeal proposal as set out above, I have found that it would not harm the significance of the Harold Court heritage asset, the BCA in which Harold Court lies within, and the settings of the abovementioned nearby heritage assets that contribute to their significance.
15. The proposal is also on an elevated position facing the Grade II* Listed Parish Church of St Luke¹. This church originates from 1863 and due to its size, form and surrounding topography, it forms a significant landmark for the surrounding area. Section 66(1) of the Listed Buildings and Conservation Areas Act 1990 requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
16. The appearance and limited extent of the proposal, and the separation distance from this church, would avoid any harm to the special character of this Listed Building, and would preserve the contribution that its setting makes to its significance.
17. In conclusion, for the above reasons the proposal complies with Policy SS10 of the SLP, the relevant requirements of which are already set out above, along with the relevant policies of the Framework.
18. The Council is concerned that allowing this appeal would set a precedent. The appellant has also explicitly expressed a future intention to attempt to secure planning permission for a replacement window on the more visible front elevation. Such a proposal was refused planning permission by the Council in 2020².
19. I must however stress that I have assessed the current side elevation proposal on its own planning merits, having regard to the submitted evidence and the specific locational characteristics. Allowing this appeal does not infer an acceptance of other PVC window proposals either at Harold Court or the wider BCA, which would be matters for the Council to determine as local planning authority.

Conditions

20. Conditions specifying time limits for the development and the approved plans are necessary in the interests of planning certainty. The Council has suggested a pre-commencement condition requiring submission of section and plan drawings of small-scale between 1:1 and 1:10. However, the submitted proposed replacement sash window plan (Drawing No. 24.1009/03(T)) already includes 1:1 section drawings that show the window reveal and sill details. I have found this to be of

¹ Historic England Official List Entry Ref: 1218424

² Council Ref: P/2020/0708

sufficient detail to assess the proposal and conclude that no harm to heritage assets would arise. Such a pre-commencement condition is therefore unnecessary.

Conclusion

21. For the above reasons, the appeal is allowed.

R Cahalane

INSPECTOR