
Appeal Decision

Site visit made on 11 September 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/D1590/W/25/3367674

16 The Leas, Westcliff-on-Sea SS0 8EB

- 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 Ms Julie Burgess against the decision of Southend-on-Sea City Council.
 - The application Ref is 25/00276/FUL.
 - The development proposed is described as 'Replace existing wooden sash windows with uPVC double glazed sash windows at 16 and 16a The Leas (retrospective)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site visit I observed that the appeal scheme had been carried out and that it appears to accord with the plans before me. Therefore, I have considered the appeal on the basis that the development has already taken place.

Main Issue

3. The main issue is the effect of the appeal scheme on the character and appearance of the host building and The Leas Conservation Area (CA).

Reasons

4. Given that the appeal site is in a CA I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
5. According to the Council the uPVC windows which are the subject of this appeal replaced timber windows which comprised a mix of sash windows with decorative arched cloaking boards. In the centre of the bay windows were single sashes with projecting mullions and leaded glass fanlight detailing which matched the retained Venetian window above the main entrance to the host property. Leaded glass above the first-floor balcony door and the ground floor garden door, both of which face The Leas / the seafront, was also removed and replaced with clear glazing. Photographs of the appeal site showing the windows that were replaced by the appeal scheme have been provided by the Council.
6. The appellant wishes to retain the uPVC windows but has said that they would add timber curved cloaking boards to mimic those which, whilst not an original feature, had previously been added to the now-removed timber windows.

7. When I visited the site and the surrounding area I observed a wide range of alterations to buildings in the CA, including uPVC windows. Indeed, The Leas Conservation Area Appraisal (2022) (CAA) states that the most widespread alteration in the CA is the replacement of historic sliding sash windows and some timber doors with uPVC units. Much of this replacement was carried out before the designation of the CA and was one of the drivers in the area's designation in order to improve its appearance through better window designs.
8. The appellant has said that replacement uPVC windows and doors in the immediate surroundings hugely outstrip retained timber windows, to the point where uPVC now forms the character of the area. It has also argued that the Council's justification for designating the CA distorts planning logic because CA designation is meant to preserve or enhance the prevailing character, not to freeze buildings in their pre-designation state.
9. However, it is not the case that all post-designation alterations would be automatically unacceptable; rather, the designation provides a mechanism to ensure that future changes that are within the ambit of planning control are appropriate.
10. The acceptability or otherwise of a range of works is set out in the Council's Design and Townscape Guide (2009) (DTG) which states that traditional windows, especially timber sliding sashes, are vital for the character of CAs. It says that if replacement or reinstatement is necessary, purpose-made windows to match the original materials and external appearance should normally be installed. For most buildings, double glazing within timber frames would be acceptable if the external appearance is unaltered and the metal frames and seals are not visible. However, the DTG says that non-traditional materials, especially plastic, cannot match traditional timber windows and are normally not acceptable.
11. The appellant has suggested that the absence of an Article 4 Direction suggests that the Council considers the CA's character to be sufficiently flexible to allow certain modernisations including the replacement of windows, and that planning law and policy do not impose a blanket prohibition on the use of uPVC in CAs. However, it must also be noted that the Council has clearly set out the type of modernisations, including in relation to window replacement, that would and would not be acceptable in the city's CAs.
12. In respect of the appeal site the CAA identifies its value as 'positive*' which is for buildings which are potentially positive but need improvement or restoration, including buildings which have later alterations which are inappropriate. The CAA says that the main unsympathetic modern alteration to the building is the replacement of some of the historic windows with uPVC units and that this has removed much of the character inherent in the design of the building.
13. The appellant has argued that when considered in relation to its original appearance and setting in the early twentieth century, there has been substantial change to the building and its surroundings, also noting that the property's windows were not uniform prior to the recent replacement. It has said that the building was not locally listed at the time that the most recent version of the CAA was adopted, that it has not been added to the local list since, that it is therefore not a non-designated heritage asset in its own right, and that the building has a low level of historic or architectural significance due to cumulative change.

However, even if no specific status has been ascribed to the host building and even though the host building may have been altered prior to the appeal scheme being implemented, this does not negate the consideration of the impact of changes to the building on the character and appearance of the CA which is a designated heritage asset.

14. Although the off-white replacement windows with run-through sash horns may have been chosen to mimic the appearance of the original sashes with the aim of being visually superior to other uPVC installations in the CA, and whilst design fidelity is capable of minimising or avoiding harm, I do not find that harm has been avoided in this case. The previous timber windows, and in particular the stained glass and projecting mullions, were important to the character and appearance of the building, even if they were not uniform and were fitted after the building was originally constructed. The alterations are unsympathetic and have removed much of the character of the façades, greatly diminishing the contribution that the building makes to the CA. This harm is particularly evident given the prominent location of the building on the corner of two streets and on the seafront.
15. Although the alterations have significantly changed the character and appearance of the building, they represent less than substantial harm to the CA in terms of policy in the National Planning Policy Framework (the Framework). In circumstances where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, the Framework states that this harm should be weighed against the public benefits of the proposal.
16. Whilst the now-removed windows may have been in a poor condition and whilst double-glazed uPVC windows would result in reduced maintenance in a seafront location and would have some benefits in terms of energy efficiency and climate resilience, as noted in the DTG there are alternatives such as timber-framed double glazing which are more appropriate to the CA. On that basis I attach only a very small amount of weight to these benefits.
17. I also note that the appellant has proposed to add arched cloaking boards to the windows to reduce the visual difference between the pre- and post-replacement situations. I consider that these would reduce the harm by a small degree.
18. However, I find that these public benefits and additions do not outweigh the harm to the designated heritage asset. Accordingly, the appeal scheme fails to preserve or enhance the character or appearance of the CA and, as such, does not accord with s72(1) of the Act.
19. The appeal scheme also conflicts with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, DM5 and DM6 of the Southend-on-Sea Development Management Document (2015), the Southend-on-Sea Design and Townscape Guide (2009) and the CAA which together seek good design, alterations which make a positive contribution to the character of the original building and the surrounding area, and to preserve and enhance the historic environment.
20. Therefore, I find that the appeal scheme conflicts with the development plan taken as a whole and that there are no material considerations that indicate that an alternative conclusion should be reached.

Other Matters

21. The appellant has said a key material consideration in this case is that, had the building not been converted into flats, the unauthorised development would not have required planning permission. It has said that this distinction is significant, must be given substantial weight and that it is only reasonable to conclude that an owner of a flat should not be disadvantaged in terms of planning requirements compared to the owner of a single dwellinghouse.
22. I am not persuaded by this argument. In the case of a single dwellinghouse, for such changes not to require express planning permission, the replacements would have had to have been of a similar appearance to the windows that they replaced. In this case I consider that the replacement windows, even if the proposed arched cloaking boards were added, are materially different. Furthermore, the longstanding difference in approach to dealing with alterations to houses and flats is not arbitrary; it provides an additional degree of control over piecemeal and potentially inharmonious changes by different flat owners within the same building, a situation that is unlikely to arise in the case of a single dwellinghouse where a single owner is more likely to take a holistic approach to alterations.
23. In its officer report, which the Council relies on as part of its submissions, the Council has said that the now-removed windows should be reinstated. In the appeal application, the appellant has said that the failure of the Council to take action against similar unauthorised works in the CA could give rise to concerns regarding fairness and transparency in decision-making. However, both of these matters, which relate to enforcement action, are beyond the considerations that I am able to take into account in the determination of this appeal which are constrained by the legislation.

Conclusion

24. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR