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## Appeal Decision

Site visit made on 8 October 2025

**by K Jones BA (Hons) DipLA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

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**Appeal Ref: APP/U1105/W/25/3365655**

**13A High Street, Budleigh Salterton, Devon EX9 6LD**

- 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 Mrs Leticia Vaughan against the decision of East Devon District Council.
  - The application Ref is 25/0197/FUL.
  - The development proposed is replacement windows to front (north) elevation.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council has confirmed that its draft local plan, the East Devon Local Plan 2020-2042, is at Regulation 19 consultation stage. It has not yet been submitted for examination. Accordingly, while I have had regard to the emerging policies referred to by the parties, the draft plan has not reached a sufficiently advanced stage in its preparation for its policies to attract more than limited weight for the purposes of the determination of this appeal. For these reasons, my determination of this appeal is made against the current development plan policies.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Budleigh Salterton Conservation Area.

### Reasons

4. The Budleigh Salterton Conservation Area is a designated heritage asset. Under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), decision-makers have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. The significance of the Conservation Area as a whole derives from its historical development from a small fishing hamlet through increasing popularity as a small seaside town. This results in a rich variety of architectural detail. In the context of the appeal site, buildings on the High Street are typically two- to three-storey and modestly proportioned. For the most part, the buildings have commercial units at ground floor level, resulting in a busy street scene that has an intimate feel. Notwithstanding its busy nature, high-quality details of buildings and features in the townscape are readily apparent.

6. Number 13 High Street is a two-storey property situated on the south side of the street, with a retail premises on the ground floor, residential use on the first floor, and further accommodation in the roof. The bay windows of the first floor are a prominent and attractive part of the street scene, and are a repeated feature further along the High Street. While the dormer windows and retail frontage are modern, the first-floor windows are painted timber single-glazed sash windows. Overall, with a modest form, traditional proportions, and attractive bay windows, the building makes a positive contribution to the Conservation Area.
7. The proposal seeks to replace the first-floor timber sash windows with double-glazed UPVC windows. The design of these is intended to replicate the existing sash windows, and measures including a grained finish, astragal glazing bars, and run through horns are proposed to create a more traditional appearance.
8. Notwithstanding these details, the construction and weight of UPVC frames are inherently more substantial than the slender timber profiles they would replace. The appellant contends that modern UPVC designs offer a close match to traditional windows. However, there is little detailed evidence on the proposed window design and construction to demonstrate this. Indeed, the plans indicate a frame depth of 140mm, which appears to be a significant increase on the thickness of the existing windows and would materially affect their proportions.
9. The inclusion of tilt restrictors indicates some form of tilted opening mechanism, which would be a marked difference from the traditional vertical method of opening sash windows. Moreover, the reflective qualities of the double glazing, and the use of the uniform and machine-made appearance of UPVC as a material, even in a grained finish, would be discernible and would serve to draw attention to the frames as differing from their timber equivalents. Additional features such as trickle vents and external UPVC cills would further set the new windows apart from the traditional single glazed sash windows.
10. Representing a further visual difference, astragal bars are proposed as imitation glazing bars attached to a single pane of glass. While the appellant indicates that traditional glazing bars could be incorporated, accommodating double-glazed units would necessitate a substantially thicker central bar, reducing the authenticity of this feature. Taking all these aspects together, the proposed UPVC windows would, even with their heritage-type design, result in a noticeable and harmful change compared with the older timber framed windows in this building. This change would detract from the contribution the appeal building makes to the significance of the Conservation Area. Given the technical constraints of UPVC window construction and the detailed issues outlined above, it would not be possible to secure a suitable design solution through a condition.
11. The appellant indicates that the existing windows are in poor condition, and do not open properly. Externally, there is little visual evidence of poor condition. However, the appellant identifies that some timber has rotted, and the repair would require the replacement or renovation of the sash cords and mechanisms. Costs have been sought for these works, indicating that they would be technically possible. While recognising that the repair works may cost more than the proposed UPVC windows, the longevity of hardwood timber frames often makes them more cost effective in the longer term. Initial cost is therefore not the only factor in deciding whether windows are beyond reasonable repair. Without more detailed evidence on the condition of the existing windows and the extent of repair work needed, I am not

persuaded by the arguments that UPVC replacement windows are the only reasonable solution.

12. It is not clear why UPVC windows might offer easier operation than traditional timber frames. Moreover, while the requirements differ, both types of window frame would require maintenance as part of sound property management. The need to maintain timber window frames does not therefore form a strong argument against their use or retention.
13. Double glazing has improved thermal and acoustic performance relative to single glazing, and measures to improve energy efficiency and reduce carbon emissions are supported by the emerging local plan. However, the Council has identified alternative options for upgrading the timber sash windows by installing draught strips, fitting slim double-glazed units, or inserting secondary glazing. Each of these options would retain the existing frames. Even if secondary glazing were visible, behind traditional frames it would be unlikely to harm the character and appearance of the Conservation Area. Although the appellant states that such solutions are not feasible, would affect the functionality of the windows, and would not be as effective as UPVC replacements, there is no compelling evidence for this having been explored in any detail. This therefore tempers the case for the replacement of the windows on energy efficiency and acoustic grounds.
14. The appellant argues that the Council's approach is inconsistent, noting its approval for contemporary aluminium shopfront windows on the ground floor, and its refusal of the current scheme. I have limited detail of the shopfront proposal with which to draw a direct comparison with this scheme, including the previous design and construction of the windows and any other considerations that were before the decision maker. Nevertheless, while the shopfronts of the High Street clearly influence the character of the Conservation Area, the architectural details of the first floor also make a significant contribution. Indeed, the absence of movement, signage, and visual clutter above ground-floor level makes the traditional details particularly noticeable. Accordingly, while I have had regard to the presence of the contemporary shopfront, I have reached my own conclusions on this appeal based on the evidence before me.
15. The appellant has also identified that other windows on the High Street have been replaced with modern alternatives. My observations were that there were relatively few instances of UPVC first floor windows in traditional buildings, particularly on the south side of the street. I do not have details of the history of these sites, whether some may have been permitted development or if works have taken place without the benefit of planning permission. Modern buildings with modern windows, including that adjacent to the appeal site, are also not comparable to the appeal building. Nevertheless, I have taken the presence of such features into account as part of my assessment of the character and appearance of the area and determined this appeal based on its merits.
16. Taking all of the above into account, I conclude that the proposed development would harm the character and appearance of the Conservation Area and its significance. The proposed scheme would therefore conflict with Policy EN10 of the East Devon Local Plan (2013-2030) (the Local Plan). Amongst other matters, this policy seeks development within conservation areas that would preserve or enhance the appearance and character of the area.

17. The harm which would be caused to the significance of the Conservation Area would be less than substantial. The National Planning Policy Framework (the Framework) along with Policy EN9 of the Local Plan requires such harm to be balanced against any public benefits arising from the development. The appellant highlights the contribution the new windows would make towards energy performance and reducing carbon emissions. Alongside the safety improvements associated with toughened glass and opening restrictors, these would be public benefits. However, these benefits are not unique to this scheme, or to UPVC windows. I am not persuaded that they could not also be delivered to some extent as part of a scheme that renovated the timber window frames and thereby retained this important architectural feature that contributes positively to the Conservation Area. I therefore consider the collective benefits to be modest.
18. The Framework sets out that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the potential harm to the significance. I have found that the combined benefits, including the public benefits, of the proposal would be modest. This would not therefore outweigh the harm to the Conservation Area to which, in accordance with the Framework, I afford great weight.

### **Other Matters**

19. Building regulations are a separate regulatory process to planning. I have found that the proposal is not acceptable in planning terms, and whether or not the existing windows would meet the current building regulations does not alter this finding.

### **Conclusion**

20. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above I conclude that the appeal should be dismissed.

*K Jones*

INSPECTOR