



Appeal Decision

Site visit made on 20 January 2026

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2026

Appeal Ref: APP/P3610/W/25/3371621

21 West Street, Ewell, Surrey KT17 1UZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr William Giles against the decision of Epsom and Ewell Borough Council.
 - The application Ref 25/00097/FLH was approved on 2 May 2025 and planning permission was granted subject to conditions.
 - The development permitted is 'alterations to fenestration'.
 - The condition in dispute is No 3 which states that:
'The windows to the front elevation of the dwelling house shall be retained in situ and secondary glazing as shown in drawing AG_001 by Arctic Glaze Ltd shall be installed on the inside of the existing windows.'
 - The reason given for the condition is:
'In order to preserve the existing sash windows which are key features of the character of the conservation area in accordance with policy DM8 of the Local Plan, chapter 16 of the NPPF, and section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990'.
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Decision

1. The appeal is allowed and the planning permission Ref 25/00097/FLH for 'alterations to fenestration' at 21 West Street, Ewell, Surrey KT17 1UZ approved on 2 May 2025 by Epsom and Ewell Borough Council is varied by deleting condition 3 and substituting the following condition:

3) Notwithstanding the details submitted with the application, no alterations to fenestration to the front elevation of the dwelling shall take place until details of replacement front windows (including the depth of reveal, method of opening, profile, glazing bars and finish) have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include elevations at a scale of not less than 1:20, and horizontal/vertical frame sections and sections through glazing bars at a scale of not less than 1:2. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The appeal relates to planning permission granted by the Council for development described on the decision notice as 'alterations to fenestration'¹ ('the Appeal Permission').
3. The description of development entered on the original planning application form had stated 'we would like to replace our existing windows with modern ones. Some of the windows being replaced are single-glaze, soft timber sash windows that face onto the street, and we would like to replace them with double glazed, uPVC

¹ Application ref 25/00097/FLH

casement windows to improve energy efficiency'. The accompanying details included a 'Quotation proposal' document with specifications for each proposed replacement window.

4. However, I understand that while the Council considered the replacement windows proposed at the rear of the dwelling to be acceptable, it advised the appellant that those indicated to the front of the dwelling would not be supported. The appellant provided a response to the Council on 22 April 2025 advising that their preference would still be to replace the front windows with double glazed uPVC windows, but of modified design to 'retain the 6x6 panel appearance and sash opening mechanism' and have a wood grain finish. However, if that was not permissible, they would 'opt for a layer of vertical slide secondary glazing to sit behind the existing windows' as indicated on an attached drawing².
5. In granting planning permission, the Council imposed condition 3 which is intended to secure the second option of installing secondary glazing to the inside of the front windows.
6. The current appeal is made pursuant to section 78 of the Town and Country Planning Act 1990 ('the Act') which provides the right to appeal where an application for planning permission is granted subject to conditions. While the appellant has not explicitly stated which condition(s) are disputed, the appeal relates to their contention that replacement front windows should have been permitted. Given that this would be inconsistent with condition 3 of the Appeal Permission, I have treated the appeal as seeking to have condition 3 varied or removed. Section 79 of the Act provides that I may allow or dismiss such an appeal, or reverse or vary any part of the decision of the Local Planning Authority and may deal with the application as if it had been made to me in the first instance.

Main Issue

7. The National Planning Policy Framework ('the Framework') outlines that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
8. The main issue is whether or not Condition 3 is necessary having regard to the effects of replacement windows on the Ewell Village Conservation Area.

Reasons

9. The appeal dwelling is located within the Ewell Village Conservation Area ('the CA') where there is a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
10. The Ewell Village Conservation Area Character Appraisal and Management Proposals 2009 ('the CAMP') notes that the CA encompasses the commercial village centre and outlying residential areas. There are many historic buildings, and the groups of mainly modestly sized vernacular buildings give the character of an old Surrey village. Despite alterations to some, I consider surviving historic features and detailing to these buildings to contribute to the character, appearance and thus the significance of the CA.

² Plan no. AG_001

11. The appeal dwelling is one of four cottages at 19-25 West Street which form a terrace of broadly symmetrical form and historic design. The CAMP notes that there have been unsympathetic alterations to the group and I observed that while the front elevation includes multi-pane sash windows to the appeal dwelling and No 23, there are modern casement style windows of contrasting designs to Nos 19 and 25. Insofar as it relates to this appeal, the simple architectural detailing of the modest, vernacular cottages and retained features including the traditional sash windows to the front of the appeal dwelling nevertheless make some contribution to the character, appearance and thus the significance of the CA. That said, I note that the windows to the front of the appeal dwelling are in somewhat poor condition which moderates their likely longer-term contribution.
12. In granting the Appeal Permission, the Council was satisfied that the replacement of windows to the rear of the dwelling would be acceptable. Based on my observations and given the lack of visibility from the wider CA, I agree.
13. To the front of the building however, I consider that the casement design of the replacement windows indicated in the original application details would stand out as incongruously modern and awkward against the traditional design and detailing of the host terrace, particularly when seen adjacent to the sash windows to No 23. This is irrespective of the presence of modern uPVC casement windows to Nos 19 and 25, the circumstances of which are in any event unclear from the information before me. Accordingly, I consider that the proposal as originally submitted would cause harm to the character, appearance and significance of the CA.
14. I also have no firm reason to disagree with the Council's position that the installation of secondary glazing inside the existing front windows as Condition 3 intends would preserve the character and the appearance of the CA.
15. However, the application was made for replacement windows and the appellant only referred to installation of secondary glazing as an alternative, less preferable option, to a modified design for uPVC double glazed replacement front windows.
16. The appellant indicated that these would retain the sash opening mechanism and multi-pane design of the existing windows and would include a wood grain finish to the frames. Detailed plans to fully illustrate this preferred option have not been provided. Nevertheless, I am satisfied from my observations and the information that has been provided that other than being uPVC and double glazed, replacement windows could be designed and suitably detailed to otherwise generally reflect the sash opening mechanism, proportions, subdivision, and profile of the existing timber windows with full details secured by a planning condition. The Council has provided no compelling evidence to the contrary.
17. I acknowledge that the EWCA advises that use of uPVC for replacement windows is generally out of character. However, it also notes unsympathetic alterations to Nos 19 to 25. Of course, this does not in itself justify further harmful alterations, but the existing condition of the building and current mix of windows provide the immediate context that replacement windows to the appeal dwelling would be appreciated against. In this case, I consider that while there would be likely to be some variances in the fine detailing of uPVC windows and the materiality would not exactly replicate the existing timber, the differences would be sufficiently modest that they would not stand out having regard to the existing mix of windows to the

appeal building, far less against the variety in windows that I observed were present in the wider streetscene in the vicinity of the site.

18. Notwithstanding the use of uPVC, I find given the specific circumstances of the appeal dwelling and subject to suitable detailing that the overall impression would remain of sash windows of appropriately traditional design such that the contribution that the front windows make to the character of Ewell as a historic Surrey village would be maintained. I am accordingly satisfied that such replacement windows would not compromise the quality, character or appearance of the appeal dwelling and the contribution that it makes to the character, appearance and significance of the CA would be preserved.
19. On that basis, Condition 3 as currently drafted would not be necessary to preserve the CA. This outcome could instead be achieved by requiring submission of details of appropriately designed and detailed replacement windows as was the appellant's first preference in amending the initial proposal seeking permission for replacement windows. Accordingly, replacing condition 3 in this way would not result in conflict with Policy DM8 of the Development Management Policies Document 2015 which is referenced in the reason given for the condition and which broadly requires conservation and enhancement of heritage assets. Nor would it be contrary to the LBCA Act, or the Framework insofar as it broadly seeks development that is sympathetic to local character and conservation and enhancement of heritage assets.
20. I therefore conclude that condition 3 in its current form is not necessary having regard to effects on the Ewell Village CA. It would not therefore comply with the tests for conditions set out within the Framework and should be removed from the Appeal Permission, but replaced by a substitute condition requiring submission of detailed designs for the windows to the front of the dwelling. This would be necessary to ensure that they were appropriately detailed in keeping with the existing windows and high quality in the interests of the character and appearance of the host building and CA.

Conclusion

21. For the reasons given above, I find that the appeal should be allowed and that the Appeal Permission should be varied by deleting disputed Condition 3 and substituting a modified version.

J Bowyer

INSPECTOR