



Appeal Decision

Site visit made on 24 August 2026

by **Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th September 2026

Appeal Ref: APP/H1705/C/25/3369273

Land at Flats 1-4, 51 and 53 Alexandra Road, Basingstoke, Hampshire RG21 7RQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
 - The appeal is made by Dr Jey Ngole (Versita Property Ltd) against an enforcement notice issued by Basingstoke and Deane Borough Council.
 - The notice was issued on 4 June 2025.
 - The breach of planning control as alleged in the notice is *'Without planning permission the painting of the exterior of the building on the Land, the replacement of all single glazed, single framed timber windows with new white double glazed UPVC windows and the replacement of all external doors with UPVC doors'*.
 - The requirements of the notice are to:
 - 5.1 Paint the exterior of the building to the original off-white tone;
 - 5.2 Permanently remove all the existing UPVC double-glazed windows on the Land as shown indicatively marked A, B, C, E, F, H, I, J, K, L, M, O, P, Q, R and T on the photographs annexed hereto;
 - 5.3 Permanently remove all the existing UPVC doors on the Land as shown indicatively marked D, G, N and S on the photographs annexed hereto;
 - 5.4 Install replacement single-glazed white painted timber windows on the Land, in the areas as shown indicatively marked A, B, C, E, F, H, I, J, K, L, M, O, P, Q, R and T in a form and finish that match the windows which existed before the breach of planning control took place;
 - 5.5 Install replacement wooden doors on the Land, in the areas as shown indicatively marked D, G, N and S in a form and finish that match the doors which existed before the breach of planning control took place;
 - 5.6 Make good any damage to the masonry, window heads, sills or any rendering of the building caused by complying with steps 5.2, 5.3, 5.4 and 5.5 above and in doing so ensure that any new materials match the existing in terms of colour, texture and type of material.
 - The period for compliance with the requirements is: 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (e) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied as follows:
 - Section 6 time for compliance - delete *'4 months'* and replace with *'6 months'*.
2. Subject to this variation, the appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Preliminary Matter

3. The main parties had an opportunity to comment on the National Planning Policy Framework, August 2026 (NPPF). I have taken the Council's comments into account. No comments were received from the appellant.

Ground (e)

4. Ground (e) is that copies of the notice were not served as required by section 172 of the Act, which includes on the owner of the land to which a notice relates.
5. The appellant completed purchase of the Land on 14 May 2025; coincidentally the same day as the Council's Land Registry search which did not reveal the appellant as the new owner, so the appellant was not served with a copy of the notice when it was issued on 4 June 2025. However, the appellant has plainly been aware of the notice and was able to make a valid appeal before it came into effect, including a detailed statement and final comments prepared by a competent person.
6. Having regard to section 176(5) of the Act, the appellant has therefore not been substantially prejudiced by this failure to serve, which I can disregard. In these circumstances ground (e) fails.

Ground (a)

Background and Main Issues

7. The deemed application for planning permission is for the matters specified in the alleged breach of planning control in the notice, as outlined in the 4th bullet point in the banner header above.
8. Nos.51 and 53 Alexandra Road (the appeal building) is not a listed building but it is in Brookvale West Conservation Area (CA), which is a designated heritage asset¹. The main parties agree that an Article 4 Direction (A4D) removes some permitted development rights and, as a result, planning permission is needed to paint the exterior of buildings or replace windows and doors in the CA. These discrete works are severable, so I can consider a split decision in these terms under section 177(1)(a) of the Act.
9. Consequently, the main issues are the effect on the character and appearance of the CA of:
 - the exterior painted colour of the appeal building; and
 - the design and materials of replacement windows and doors.

Reasons

10. The significance of the CA includes that it is mostly Victorian or Edwardian houses and some buildings of that period that were shops. A number have painted render or brick elevations facing roads and many still have original or traditional joinery details, such as painted timber sliding sash or casement windows and painted timber external doors. Nearly all, including the appeal building, have group value in the CA and as such are worthy of protection².
11. Albeit converted to four flats, the historic origins of the appeal building – a pair of cottages including a shop at the end of a terrace, turning the corner with George Street – can still be appreciated because of its design, siting, orientation and remnants of shopfront. There is no dispute that the sliding sash or casement windows and the doors were originally traditional single-glazed painted timber. Even if its painted brick and render elevations were a later change, the appeal

¹ NPPF Annex B: Glossary

² Brookvale West Conservation Area Appraisal, July 2003 Supplementary Planning Guidance and Appraisal Map

building made a positive contribution to the significance of this part of the CA and to the CA overall.

Exterior colour

12. The notice pursues the light grey painted brick and render elevations of the appeal building, which face Alexandra Road and George Street. In photographs before me, these were previously painted off-white (to my eye, light cream) and were once light blue before that. The beige (notably dark cream) brick and render front elevation of No.50 Alexandra Road is in close proximity, opposite the appeal building.
13. However, I saw that the prevailing colour of painted brick and render elevations in this road, in this street and elsewhere in the CA is a variation of off-white pastel tones, including light cream. I accept there is little evidence that any of these painted brick or render elevations are original or historic in the CA, thus traditional in that sense. Nor have I been informed if this painting is all lawful. Nevertheless, the off-white, including light cream, elevations on individual buildings and especially sequences of adjoining buildings in the terraces, is a recurring feature in the CA. Even if not original or historic, these features have become traditional in these terms and now consolidate a distinctive sense of place which contributes to the special architectural and historic interest of the CA.
14. The light grey is a pastel tone (like the light blue or dark cream) but there is little provenance that the appeal building was this colour originally or since, until now. Nor is there any apparent reason why in particular it complements the appeal building, including because it is not very similar to the previous light cream. Nor is there any apparent reason why the appeal building needs to be distinguished in colour from the light cream front elevation of No.49 Alexandra Road next to it, given that both buildings are part of the same terrace and the elevations were previously essentially the same complementary colour.

Windows and doors

15. The notice pursues the design and materials of double-glazed uPVC replacement windows and external doors in the entire appeal building. The Council does not object to the colour of these windows (white) or doors (black).
16. However, even if not all were original to the appeal building, there is no dispute that the previous sliding sash and casement windows were single-glazed painted timber; including, therefore, with inherent imperfections of natural wood and the appearance of traditional oil-based (or suitable equivalent) paints. Albeit with some variation in detailed design and despite some deterioration in condition (likely due to inadequate upkeep), there is little to suggest that these windows were not traditional or appropriate to the turn of the last century vernacular of the appeal building or similar to fenestration in other buildings in the CA. Photographs before me show framing that is mainly slim or narrow in dimensions with shallow or flush fitting profiles (such as heads, mullions, transoms, rails, beading, glazing bars, panels and jambs) and some decorative features (such as sash horns). The windows were thus high-quality in these terms.
17. I saw that the basic plastic framing of the uPVC windows is mostly thick or wide in dimensions or deep in profile, with little evidence that the double-glazing is therefore 'slimline'. The bland uniform finish is without notable decorative features or even woodgrain-effect and frames of opening panes overlap the window frames,

so shut proud rather than flush. Some windows have been subdivided with fanlights or framing where there was none previously and casement windows have replaced some sash windows. This pattern of window form is also notably different in type or proportion of glazing or framing compared to that which was removed, so does not match or sufficiently reflect what previously existed.

18. There is little evidence that the previous external doors were original to the appeal building and some were boarded up (most likely because they were not then used). I accept that the uPVC doors have some features that are, in principle, similar to traditional original or replacement residential painted timber external doors, such as two narrow solid panels lower down with two glazed panels above and a woodgrain-effect finish. Nonetheless, the nub of the Council's objection is that the doors are uPVC not painted timber, so also do not exhibit intrinsic characteristics of the original or previous painted timber windows outlined above.
19. Many (not 'most') buildings in Alexandra Road or George Street and elsewhere in the CA no longer have original, or any, single-glazed painted timber sash or casement windows or external doors. The double-glazed replacement uPVC fenestration, including some similar in design to that in the appeal building, also pervades a notably different alien impression compared to original or replacement painted timber fenestration that still exists. But I have not been informed when this uPVC was installed and if before or after the CA was designated in 1999, when the A4D took effect that same year. Nor if it is all lawful development.
20. In the absence of objective survey to the contrary, it appeared to me that a majority of the buildings in the CA still retain original or replacement painted timber fenestration or in part, e.g. ground or first floor windows only. On this basis, painted timber windows and external front doors still prevail in Alexandra Road (especially along the same side as the appeal building), in George Street and elsewhere in the CA. This is the relevant context for my assessment, even if most houses in the wider surrounding residential area are mainly, or all, uPVC. I am, therefore, satisfied that the previous fenestration in the appeal building at least reflected or matched much of the painted timber fenestration on buildings in the CA and was thus also likely to have included that which was original to the appeal building.
21. There is little evidence that windows or doors in the appeal building from its origins as a shop ever replicated fenestration still evident in what was also a corner shop opposite at No.52 Alexandra Road. This building is anyway different in design and sits at the end of a terrace of houses that are different in design to those on the appeal building side of this road, including their fenestration. But even if it did match No.52, the uPVC fenestration in the appeal building does not sufficiently reflect the painted timber that still remains at No.52, including details such as leaded opening fanlights in what was the shopfront.
22. The Council granted planning permission for the uPVC windows next to the appeal building at No.49 after the CA (and A4D) was designated. The reasons for that decision are not before me, so I cannot be certain the circumstances are directly comparable to this appeal. The uPVC in the appeal building is anyway different in design to that in No.49, so does not replicate the pattern of similar fenestration in the upper floor windows of No.52 and No.50 Alexandra Road. Moreover, the uPVC fenestration in No.47 Alexandra Road and uPVC or metal fenestration in No.45 are obvious anomalies given that painted original timber fenestration still exists at most of the similar houses in this terrace which the appeal building is part of.

Overall findings

23. The light grey external painted colour of the appeal building is not in keeping with, and does not follow on, the established practice of essentially off-white, including light cream, rendered or painted brick elevations in the CA. Furthermore, the imitation uPVC fenestration is not consistent enough with the overall design ethos of the appeal building and does not accurately replicate (sufficiently reflect or match) details of the previous or original traditional painted timber windows or the doors (including if not timber) in the appeal building. This lack of finesse is intrinsically discordant in the CA.
24. In contrast, the Council essentially seeks to retain building fabric and detail which contributes to the special architectural and/or historic interest of a conservation area, such as appropriate traditional painted timber windows and doors, which may or may not still be original. Where planning permission is required, to prevent substitution with unsympathetic modern components, and unless it can be demonstrated that traditional components are beyond repair, replacement should normally be on a like for like basis³. There is little evidence that the timber painted windows or the previous or original doors were beyond repair and reinstatement. In any event, they have not been replaced on a like for like basis.
25. Gradual unjustified individual or cumulative loss of defining features, such as fenestration, erodes and undermines the cohesiveness and integrity of the CA, thus local distinctiveness. Given the prominence of the appeal building on this corner plot in each streetscene and paired with the presence the former shop opposite, traditional painted timber joinery is particularly important to the significance of the CA in this location. The harm attributed to further loss in these regards is also more acute because the CA is relatively small, so discordant change has a more profound adverse impact. This can be noticed in this case in short and long public views and by how this part of the CA, and the CA as a whole, is experienced.
26. The negative presence of the exterior painted colour of the appeal building and the design and materials of the replacement windows and doors do not, therefore, preserve or enhance the character or appearance of this part of the CA, or the CA overall⁴. Consequently, this does not comply with policy EM11 of the Basingstoke and Deane Local Plan, May 2016. It includes that development must conserve or enhance the quality and distinctiveness of heritage assets by ensuring that alterations respect historic form, setting and fabric that contribute to the significance of the host building and be appropriate in materials, design and detailing, so high quality and respectful of historic interest and local character.

Other Considerations and Public Benefits

27. I have had regard to the planning history of the appeal building, as listed before me. This includes planning permission refused twice for replacement windows⁵ and a dismissed appeal for uPVC windows, including some pursued by the notice⁶. I have, though, determined ground (a) on individual planning merits in the current appeal. I am also satisfied that planning conditions could not make the development acceptable given fundamental objections in the main issues above.

³ Design and Sustainability (July 2018) and Heritage (March 2019) Supplementary Planning Documents

⁴ Section 72(1) - Planning (Listed Buildings and Conservation Areas) Act 1990, as amended

⁵ 21/01369/FUL and 22/01549/RET

⁶ APP/H1705/W/22/3308963

28. I appreciate that the appellant acquired the Land and the refurbished appeal building in use as flats after the breach of planning control had occurred. Albeit that the appellant was not aware of the Council's enforcement investigation that led to the issue of the notice, the planning history mentioned above is a matter of public record. The appellant made the appeal and maintained planning permission should be granted for the development pursued by the notice.
29. Irrespective of whether the previous windows and doors in the appeal building sufficiently reflected original painted timber fenestration or were entirely suitable and appropriate in design or materials for the re-purposing of the appeal building as flats, having regard to section 173 of the Act, the notice seeks to do no more than restore the Land to its condition before the breach of planning control. There is no ground (f) or other scheme before me. The appellant could pursue a different exterior colour or alternative fenestration by making a planning application.
30. The first floor uPVC casement windows provide a means of fire escape and fanlights provide ventilation conducive to use of the appeal building as flats. But there is little technical evidence to substantiate the extent of thermal energy efficiency improvement, acoustic performance or security upgrades. Nor any apparent reason why repair of the previous painted timber fenestration, or equivalent replacement, could not achieve the same or similar outcomes. Accordingly, though important, these climate change and living condition benefits have modest weight in support of the appeal.

Heritage and Planning Balances

31. NPPF policy HE4(1) sets out that heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. Additionally, in (b), that development should avoid (or if that is not possible, minimise) harm to significance and instead conserve significance. These stipulations are not demonstrated in this appeal. As required by NPPF policy HE6(1), I give substantial weight to conservation of the heritage asset in this case, irrespective of the level of harm and as per HE6(3) any harm is a matter of considerable importance and weight.
32. In this case, the development has caused appreciable harm to the significance of the CA from work affecting the exterior of the appeal building, in conflict with NPPF policy HE9(1)(a) and (b). Having regard to NPPF policy HE6(4), the other considerations or public benefits do not individually or collectively outweigh the harm, nor is there a clear and convincing justification for the development as required by NPPF policy HE4(2).
33. There are no other considerations to indicate that ground (a) should be determined otherwise than in accordance with the development plan taken as a whole⁷. Consequently, for the reasons given above, the exterior painted colour of the appeal building and the design and materials of the replacement windows and doors are unacceptable and planning permission should not be granted for them. In these circumstances a split decision is not justified.

Conclusion on ground (a)

34. For the reasons given above, ground (a) fails.

⁷ Section 38(6) – Planning and Compulsory Purchase Act 2004, as amended

Ground (g)

35. For ground (g) to succeed, the appellant must demonstrate that the 4-month period specified in the notice to take the steps required by it falls short of what should be reasonably allowed.
36. There is little evidence that the requirements of the notice are overly complicated to carry out or require specialised equipment or machinery. Nor that a suitable contractor could not be found, then these works completed within 4 months and without undue upheaval to occupants of the flats during such routine building maintenance. There are photographs of the previous fenestration in the appeal building and original windows or doors can be observed in nearby buildings in Alexandra Road, George Street and elsewhere in the CA. Plans or drawings of fenestration in previous planning applications, including for the appeal building, are a matter of public record.
37. Notwithstanding the above, there is a significant number or extent of windows and external doors in the appeal building. New fenestration is also likely to be bespoke, at least in part, such as for the former shopfront windows. I accept that a suitable manufacturer or supplier will need to be found and lead-in time allowed for sympathetic design, then production, before installation can start.
38. In light of all of this, there is little justification for the additional 8 months the appellant seeks (12 months in total). This disproportionate extension of time would be tantamount to granting an unwarranted temporary planning permission and unduly perpetuate harm caused by the breach of planning control. However, an additional 2 months is justified, considering also that the Council has referred to discretion it has under section 173A(1)(b) of the Act to extend the period for compliance, if justified, though a separate matter for the main parties.
39. Consequently, on the evidence before me, the 4-month period in the notice to take the steps required by it falls short of what should reasonably be allowed. For these reasons ground (g) succeeds and I shall vary the time period accordingly.

Overall Conclusions

40. Grounds (a) and (e) both fail but ground (g) succeeds. The appeal is therefore successful to this extent.

Robin Buchanan
INSPECTOR