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ARCHITECTS & ENGINEERS



19 Benslow Lane, Hitchin

Appeal to Planning Decision Notice Ref:
25/03139/FPH

For the proposed replacement doors and windows to
front and rear elevations

15th June 2026

RIBA 

Chartered Practice

Appeal Statement

19 Benslow Lane, Hitchin

Retrospective application for the installation of slimline uPVC sliding sash windows

Appeal against refusal of planning permission

1. Introduction

This appeal statement is submitted in response to the refusal of planning permission for the installation of slimline uPVC sliding sash windows at 19 Benslow Lane, Hitchin.

The appeal site lies within the Hitchin Conservation Area and is affected by an Article 4 Direction. It is fully accepted that the Article 4 Direction removes permitted development rights and that planning permission was therefore required for the replacement windows. However, the existence of an Article 4 Direction does not amount to an automatic prohibition on replacement windows, nor does it require refusal simply because the material is uPVC.

The correct planning judgement is whether the specific windows installed preserve or enhance the character and appearance of the Conservation Area.

The appellant's case is that the installed windows are high-quality, slimline, traditionally detailed sliding sash windows which faithfully reflect the appearance, proportions and detailing of painted timber sash windows. When viewed from the public realm, they preserve the character and appearance of the property and the wider Conservation Area. They do not result in discernible harm to the significance of the designated heritage asset.

The works should therefore be assessed on their actual appearance, detailing, visibility and impact, rather than on a generalised objection to the use of uPVC as a material.

2. The Council's reason for refusal

The Council's reason for refusal states that the proposal is contrary to the goals of the Article 4 Direction and fails to enhance the wider Conservation Area.

This conclusion is respectfully disputed.

The Council appears to have placed determinative weight on the material of the windows rather than undertaking a proportionate assessment of the actual visual impact of the installed units. The refusal reason does not identify specific harm arising from the window proportions, opening pattern, profile, glazing arrangement, reveal, colour, surface finish, cill detailing or relationship to the host building.

Nor does the refusal reason explain how the installed windows would be experienced in public views, or why their appearance would fail to preserve the character and appearance of the Conservation Area.

The appeal should be determined on the basis of the finished development as installed, not on a generalised objection to uPVC.

3. Article 4 control: permission is required, but refusal is not automatic

The purpose of an Article 4 Direction is to remove certain permitted development rights so that the Local Planning Authority can assess the effect of proposed changes. It does not create a blanket ban on replacement windows, nor does it mean that only timber can ever be acceptable.

The correct question is therefore not simply whether the windows are uPVC. The correct question is whether the windows, as installed, harm the character or appearance of the Conservation Area.

In this case, the windows have been selected specifically to replicate traditional painted timber sliding sash windows. They are slimline units with traditional sash proportions and detailing. Their appearance is consistent with the historic fenestration language of the building and with the wider street scene.

The works therefore satisfy the purpose of Article 4 control by ensuring that replacement windows are visually appropriate and sympathetic.

4. Assessment of the installed windows

The installed windows are not standard, bulky or visually crude uPVC units. They are slimline sliding sash windows designed to replicate painted timber sash windows.

The important visual characteristics are as follows:

- traditional vertical sliding sash form;
- slimline frame appearance;
- balanced sash proportions;
- traditional painted timber-style finish;
- detailing that reflects the appearance of timber sash construction;
- a fenestration pattern appropriate to the host building;
- no visually disruptive change to the rhythm, scale or architectural composition of the elevation.

From normal public viewpoints, the windows read as traditional painted sliding sash windows. Any distinction between the installed units and timber equivalents would only be apparent on very close inspection. That is not the relevant test for assessing impact on the wider Conservation Area.

Conservation Area harm must be assessed in terms of the character and appearance of the area as experienced, particularly from the public realm. The installed windows maintain the traditional

appearance of the building and do not introduce a modern, discordant or visually harmful element into the street scene.

5. Front and rear elevation distinction

It is important to distinguish between the publicly visible elevations and the rear elevation.

The public-facing windows are high-quality slimline sliding sash units which have been carefully selected to replicate the appearance of traditional painted timber sash windows. They are materially different in appearance from standard bulky uPVC replacements and, when viewed from the public realm, read as traditional sash windows.

The rear elevation also contains standard white uPVC doors. However, this elevation is not visible from the public realm and there are no meaningful public views of these doors. Their presence therefore has no material impact on the character or appearance of the Conservation Area.

This is an important distinction. Conservation Area impact should be assessed by reference to the degree of public visibility, the contribution made by the relevant elevation, and whether the works affect the significance of the designated heritage asset.

In this case, the rear elevation is visually contained and makes no meaningful contribution to public appreciation of the Conservation Area. The use of standard white uPVC doors to the rear is therefore materially different from works to a principal or publicly visible elevation.

Furthermore, the rear doors represent an improvement on the previous windows/doors that were in place. The works have improved the appearance and condition of the rear of the property without causing harm to the wider Conservation Area, precisely because this part of the building is not publicly visible.

6. Impact on the character and appearance of the Conservation Area

The statutory duty is to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The appellant's case is that the proposal preserves that character and appearance.

The windows do not alter the scale, form, massing or architectural composition of the building. They do not introduce a new opening arrangement. They do not disrupt the established rhythm of the elevation. They do not create a visually intrusive or alien feature. Their traditional sliding sash design is entirely consistent with the architectural language expected within a historic street scene.

The refusal reason refers to failure to "enhance" the wider Conservation Area. However, the statutory test is to preserve or enhance. A proposal does not need to actively enhance the Conservation Area in order to be acceptable, provided that it preserves its character or appearance.

In this case, the installed windows preserve the traditional appearance of the property and therefore preserve the character and appearance of the Conservation Area.

It is also relevant that the wider context includes a variety of replacement windows, including uPVC examples, some of which are of a significantly lower visual quality than the appeal windows. The appellant does not rely on poor examples as a justification for poor design. Rather, the point is that the character of the area must be assessed as it exists, not as an idealised or theoretical historic environment.

Within that actual context, the installed windows are restrained, traditionally detailed and visually appropriate.

7. Consistency and local context

The building owner proceeded with the installation having observed numerous examples of uPVC windows within the wider Conservation Area and surrounding streets. Some of those examples are visually less sympathetic than the windows installed at 19 Benslow Lane.

This does not remove the requirement for planning permission, and the appellant accepts that permission should have been sought before installation. However, it is a material contextual consideration when assessing whether the installed windows cause harm.

If uPVC windows are already present within the local townscape, including examples that are less traditionally detailed, it is unreasonable to conclude that these high-quality slimline sliding sash units cause unacceptable harm simply by virtue of their material.

The appeal windows are not visually comparable with poor-quality top-hung casements, bulky frames or flat modern replacements. They have been chosen to replicate the traditional appearance of painted timber sash windows and are, in public views, highly sympathetic.

The Council's decision does not appear to identify any specific visual harm arising from the installed windows. It does not explain why the slimline sash proportions, traditional opening pattern, painted timber-style appearance or detailed sash arrangement are harmful when experienced from the street. Nor does it explain how non-visible rear elevation works could cause harm to the wider Conservation Area.

8. Retrospective nature of the application

The application is retrospective. The appellant acknowledges that planning permission should have been obtained before the windows were installed.

However, the retrospective nature of the application should not prejudice the planning assessment. The appeal must be determined on its planning merits.

The key advantage in this case is that the Inspector will be able to assess the actual installed windows in situ, rather than relying only on drawings or product descriptions. The installed result demonstrates that the windows sit comfortably within the host building and the wider street scene. They do not appear incongruous, bulky or harmful.

The fact that the works have already been carried out should not alter the planning balance. The question remains whether the installed works cause unacceptable harm. For the reasons set out in this statement, they do not.

9. Heritage balance and public benefits

If, contrary to the appellant's case, the Inspector considers that there is any harm to the Conservation Area, that harm would be at the very lowest end of less than substantial harm.

Any such limited harm should be weighed against the benefits of the proposal, including:

- improved thermal performance;
- improved comfort for occupants;
- reduced heat loss;
- improved durability and reduced maintenance requirements;
- retention of a traditional sliding sash appearance;
- continued viable occupation and upkeep of the property;
- a visually sympathetic replacement solution that avoids unsightly or poorly detailed alternatives;
- improvement to the rear elevation compared with the previous condition.

The proposal provides a practical and visually appropriate balance between conservation objectives and the need to improve the performance and maintainability of existing housing stock. It preserves the traditional appearance of the building while delivering meaningful functional and environmental benefits.

10. Planning judgement

The Council's refusal appears to rely on a generalised objection to uPVC rather than a detailed assessment of the actual installed windows.

The appellant respectfully submits that such an approach is too rigid. Conservation policy requires careful assessment of significance and impact. It does not require refusal simply because a modern material has been used, particularly where the visual appearance, detailing and proportions are sympathetic.

The installed windows achieve the key visual characteristics of traditional painted timber sliding sash windows. They maintain the architectural character of the building and do not detract from the Conservation Area.

The appeal should not be determined by reference to the word "uPVC" alone. It should be determined by reference to actual appearance, visibility, detailing and impact.

Where elements are not publicly visible, and where visible elements have been designed to replicate traditional painted timber sliding sash windows, any alleged harm must be clearly identified and evidenced. In this case, the refusal reason does not demonstrate clear, specific or convincing harm.

Accordingly, the development preserves the character and appearance of the Hitchin Conservation Area.

11. Conclusion

For the reasons set out above, the appellant respectfully requests that the appeal is allowed and retrospective planning permission is granted.

The proposal:

- comprises high-quality slimline sliding sash windows;
- reflects the appearance and detailing of traditional painted timber sash windows;
- preserves the character and appearance of the host building;
- does not harm the wider Conservation Area;
- is consistent with the proper purpose of Article 4 control;
- includes rear elevation works that are not publicly visible and represent an improvement on the previous condition;
- delivers practical, environmental and maintenance benefits;
- should be assessed on its actual appearance and impact, not on a blanket objection to uPVC.

The refusal reason does not demonstrate clear, specific or convincing harm to the significance of the Conservation Area. The installed windows are visually appropriate, sympathetic and preserve the character and appearance of the area.

The appeal should therefore be allowed.

Examples of Upvc windows fitted to other properties on Benslow Lane





New window fitted at 19 Benslow Lane,
that have been applied for and refused