



Appeal Decision

Site visit made on 24 January 2017

by Lesley Coffey BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 March 2017

Appeal Ref: APP/J2210/W/16/3160305
79 High Street, Herne Bay, CT6 5LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr H Abdullah against the decision of Canterbury City Council.
 - The application Ref 16/01818, dated 28 July 2016, was refused by notice dated 26 September 2016.
 - The development proposed is retrospective planning permission for cladding to front elevation of building.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposal on the character and appearance of the Herne Bay Conservation Area.

Reasons

3. The appeal property lies within the Herne Bay Conservation Area and is a locally listed building. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 sets out that in assessing proposals within conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
4. This duty is reflected in the policies within the Canterbury District Local Plan Review 2006 where policy BE7 requires proposals to preserve or enhance the character or appearance of all features that contribute positively to the conservation area in which it is located. In addition, policy BE1 seeks a high quality design, and states that amongst other matters, regard will be had to the materials and finish of a proposal. Policies DBE3, DBE10, HE6 and HE8 of the emerging Canterbury District Local Plan have a similar intent to the above Local Plan policies.
5. The part of the High Street where the appeal property is located consists of retail/commercial uses on the ground floor with two floors of either commercial or residential accommodation above. The buildings in this part of the conservation area vary in style and age, and comprise a number of short terraces, each with a distinctive character. The buildings are predominantly 2 or 3 storeys in height.

6. The appeal property is part of a terrace located on the north side of High Street. It is located towards the end of the terrace and is adjoined by a two storey flat roofed infill development dating from about the 1960s. It is a three storey property with the third storey accommodated within the roof space. The first floor includes three projecting bay windows each with a steeply pitched gable above. The property forms part of a longer frontage which once included a Picture House. The entrance to the former Picture House is set in the centre of the terrace with buildings either side. Due to its distinctive appearance the terrace in which the appeal property is located provides architectural and visual interest to this part of the conservation area.
7. Horizontal uPVC cladding has been applied to the two upper floors of the appeal property. The Council advise that the building was previously rendered and painted in a similar manner to other properties along the street. Although there is considerable variation in the appearance of buildings within the High Street area, the upper floors are generally rendered or brick and this provides a degree of continuity to the character and appearance of the conservation area. The use of horizontal uPVC cladding is at variance with the traditional materials within the conservation area and would fail to preserve its character or appearance contrary to Local Plan policies BE1 and BE7 and policy HE6 of the emerging Local Plan.
8. The appellant considers the uPVC cladding to the upper floor of 77 High Street, a short distance from the appeal property, sets a precedent for his proposal. The Council state that this alteration does not have the benefit of planning permission, moreover, since it is only applied to the upper floor it is less prominent within the street scene. Therefore the presence of the cladding at 77 High Street does not justify the appeal proposal. Indeed, were the appeal allowed, I consider that it would be difficult for the Council to resist similar cladding to other properties in this part of the conservation area and the cumulative harm arising from such changes would be considerable.
9. A number of properties within the conservation area have been altered through the introduction of uPVC windows and in some instances there have been unsympathetic alterations to the shop fronts and signage. Whilst these alterations are harmful to the character and appearance of the conservation area, such features are often renewed or replaced over time and therefore any harm arising from them could be remedied at the time at which they are replaced. Consequently they do not justify the additional harm that would arise from the appeal proposal.
10. Overall I conclude that the proposal harms the character and appearance of the Herne Bay Conservation Area and fails to comply with policies BE1 and BE7 of the Local Plan and policies DBE3, DBE10, HE6 and HE8 of the emerging Local Plan.

Other Matters

11. An occupant of the residential accommodation at the appeal property is concerned about the cost implications of any works to the property and also that the cladding could be a fire hazard. The cost implications of any works is a private matter between the occupants of the property and the landlord, whilst I understand the concerns in relation to fire safety this is a matter outside of my jurisdiction.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR