
Appeal Decision

Site visit made on 14 March 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 3 April 2017

Appeal Ref: APP/L2250/W/16/3158968

Ground Floor Flat, 33 Westbourne Gardens, Folkestone, CT20 2HY

- 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 Roger Britton against the decision of Shepway District Council.
 - The application Ref Y16/0430/SH, dated 20 April 2016, was refused by notice dated 28 June 2016.
 - The development proposed is the replacement of windows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The replacement windows have been installed and the development has been completed such that I was able to view the replacement windows when I visited. I have taken this into account when coming to my decision.

Main Issue

3. The main issue is whether the replacement windows preserve or enhance the character or appearance of Folkestone Leas & Bayle Conservation Area

Reasons

4. The ground floor flat at 33 Westbourne Gardens comprises one floor of a Victorian building within the Folkestone Leas & Bayle Conservation Area. The area comprises a mix of large Victorian buildings close to the centre of Folkestone. Westbourne Gardens surrounds an open space with a mix of substantial detached and terraced buildings, most of which now appear to be flats.
 5. Most surrounding buildings contain timber windows that reflect the age and style of the buildings within the conservation area. However, there are a number of replacement uPVC windows in surrounding buildings of varying styles and designs. The first floor flat at 33 Westbourne Gardens has retained its timber sash windows. The building, including windows, contributes to the character and appearance of the conservation area that is a designated heritage asset.
 6. The timber sash windows were an intrinsic part of the building and complement the architectural integrity of it and the conservation area. The design of the
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replacement uPVC windows have more bulky frames than the original timber sashes with a different opening mechanism that contributes to that bulk, although the timber sash boxes have been retained such that the uPVC can be easily replaced with timber. However, the windows have a very different appearance to timber and are visible from the street, altering the character and appearance of this building and the conservation area, such that it harms the significance of the heritage asset.

7. The National Planning Policy Framework (the Framework) advises at Paragraph 132 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 133 of the Framework, the harm to the conservation area is nevertheless a matter of considerable importance in this case.
8. Paragraph 134 of the Framework establishes that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
9. The appellant refers to the poor condition and cost of repair of the timber windows and difficulty in letting or selling the flat in that condition such that they suggest that repair of the timber windows was financially unviable and uPVC may be more durable. Neither a detailed survey of the windows has been provided, nor detailed comparative quotes for the refurbishment of the windows or replacement, where necessary, with timber. For these reasons, the public benefits are not sufficient to outweigh the harm that I have found.
10. I note the number of other uPVC windows in the vicinity, most of which the Council suggest do not have planning permission. A number of other cases have been referred to that indicate the Council have allowed replacement uPVC windows on other buildings, but I have limited information relating to these so I have assessed this case on its merits.
11. For the above reasons, I conclude that the proposed windows would fail to preserve or enhance the character or appearance of the Folkestone Leas & Bayle Conservation Area. As such, the proposal would be contrary to Policy DSD of the Core Strategy, Policies SD1, BE1, BE4 and BE8 of the Local Plan and the Framework that seek to ensure alterations to buildings would respect the character of the conservation area, materials should be sympathetic to those predominating and detailing of the original building should not be harmed or have a detrimental impact on the street scene.
12. I understand that the appellant may have contacted the Council prior to commencing the work and discussed the proposal with neighbouring occupiers. However, no record of these discussions is provided and these matters would not overcome the harm to the character and appearance of the conservation area.
13. On the basis of the above, I conclude that the appeal should be dismissed.

AJ Steen INSPECTOR