
Appeal Decisions

Site visit made on 8 May 2017

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

Decision date: 16 May 2017

Two Appeals at Flat A, 7 Clifton Crescent, Folkestone CT20 2EL

- The appeals are made by Mr Hugh Ryan against the decisions of Shepway District Council.
 - The development and works are removal of existing window, lowering of window cill and replacement french doors.
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Appeal A Ref: APP/L2250/W/16/3164367

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref Y16/0902/SH, dated 12 August 2016, was refused by notice dated 7 October 2016.
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Appeal B Ref: APP/L2250/Y/16/3164477

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The application Ref Y16/0903/SH, dated 12 August 2016, was refused by notice dated 7 October 2016.
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Appeal A Decision

1. The appeal is allowed and planning permission is granted for removal of existing window, lowering of window cill and replacement french doors at Flat A, 7 Clifton Crescent, Folkestone CT20 2EL in accordance with the terms of the application, Ref Y16/0902/SH, dated 12 August 2016, subject to the following condition:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans: PR82.01, PR82.02 and PR82.03.

Appeal B Decision

2. The appeal is allowed and listed building consent is granted for removal of existing window, lowering of window cill and replacement french doors at Flat A, 7 Clifton Crescent, Folkestone CT20 2EL in accordance with the terms of the application Ref Y16/0903/SH, dated 12 August 2016, subject to the following condition:
 - 1) The works hereby authorised shall be retained in accordance with the following approved plans: PR82.01, PR82.02 and PR82.03.

Appeals A and B:

Application for costs

3. An application for costs was made by Mr Hugh Ryan against Shepway District Council. This application is the subject of a separate Decision.

Preliminary matters

4. The appeal premises include a basement flat within the semi-detached numbers 5 and 7 Clifton Crescent (the listed building). The list entry explains that numbers 1 to 11 (odd) and number 12B form a group with numbers 15 to 31 (odd) Clifton Crescent (the group).

Main issue

5. The main issue in these appeals is whether the development and works preserve the special architectural or historic interest of the listed building.

Reasons

6. The group of similar semi-detached and detached villas in Clifton Crescent is the centrepiece of the masterplan for the historic development of the seaside resort. Their fronts face Clifton Crescent. From their concave arc their backs look out, over their modest private gardens and spacious shared grounds, and over the public footpath in The Leas beyond them, towards the sea. Since it was built, the 3-storey plus attic and basement listed building has been altered and extended for different uses, including formerly as a hotel. Number 7 is now in use as flats. Even so, the character and appearance of the original villas remains legible, and as such the listed building is an essential part of the group of villas that form the historic crescent. Its once broadly symmetrical form, classical proportions and historic architecture are important to its special architectural interest and to its significance as a pair of historic former villas.
7. The development and works that have been carried out include the replacement of the rear-facing central sash window in the basement bay with a pair of french doors and a flight of steps up to the private garden of Flat A. The Council has not raised concerns about the steps. As they are at or below ground level in the garden, simple in form and modest in scale, they preserve the setting of the listed building, so I agree.
8. Due to the narrow depth of the basement area, the head of the doors and the garden are close by and at a broadly similar level. The simple design of the 2-light doors makes clear that they are a modern intervention, which reflects the change in the use of this part of this listed building from service rooms in the historic villa to its present use as a flat in a sympathetic honest way. The doors can be seen in narrow nearby views. However, in most other views they are barely noticeable as they are largely screened by the low wall that edges the private garden and the planting by The Leas. Earlier alterations to the back of number 7 include the replacement roof, the substantial flat-roofed side extension, the metal staircase and the replacement windows. In view of the earlier alterations, and due to their discreet siting, the french doors have a neutral effect on the special interest and significance of this specific listed building.
9. It would seem that the replacement of all of the rear-facing windows in the back of the listed building was included in the conversion to flats that was approved by the Council in the late C20. The windows and window boards in the sides of the canted bay appear to be modern replacements, most windows in the upper 3 floors appear similar, and there is almost nothing to suggest that the central bay window was not also a replacement. Whilst the replacement window would have become part of the listed building, it is very

likely that its removal did not cause the loss of important historic fabric. The coving and skirtings in the living/dining room in the flat also appear to be modern replacements, so there would appear to have been no loss of historic internal joinery. The enlargement of the opening would probably have caused the loss of a fairly modest amount of historic masonry and possibly historic plaster below the window. However, insufficient evidence has been put to me to explain why it is desirable to preserve that fabric in order to preserve the special interest of the listed building, as the doors preserve the character and nearly all of the historic form of the rear-facing canted bay.

10. As the works and development conserve the significance of the listed building as a pair of historic former villas and they preserve the setting of the listed building, they also preserve the settings of the nearby listed buildings and the integrity of the group. I have had regard to my colleague's appeal decisions ref APP/L2250/A/13/2203717 and APP/L2250/E/13/2204131. However, the window that would be lost in the proposal before my colleague was considered to be original. So, it differed from the works and development before me, which I have dealt with on their merits and in accordance with their site specific circumstances and relevant national and local policy and guidance.
11. For all of these reasons, I consider that the works and development preserve the special architectural interest of the listed building. They satisfy the relevant part of Policy SD1 and Policy BE5 of the *Shepway District Local Plan Review* which reflect the thrust of the statutory duty with regard to listed buildings, and the *National Planning Policy Framework* (Framework) which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Other matters

12. The listed building and the group are also situated within the Folkestone, Leas & Bayle Conservation Area. As the works and development preserve the historic character and architectural appearance of the listed building, and because they preserve its setting and the settings of the other listed buildings in the group, the character and the appearance of the Conservation Area as a whole, and its significance as part of a historic seaside resort, is preserved.
13. As the development and works are acceptable planning permission and listed building consent should be granted subject to the imposition of conditions. The Council's suggested condition has been considered and re-worded in the light of Framework paragraph 206 and Planning Practice Guidance. The sole condition in Appeals A and B is necessary for certainty, so it has been imposed.

Conclusions

14. For the reasons given above and having regard to all other matters raised, the appeals succeed.

Joanna Reid

INSPECTOR