



Appeal Decision

Site visit made on 31 July 2019

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/L2250/W/19/3224917

Leas House, 3 Castle Hill Avenue, Folkestone, Kent CT20 2TD

- 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 Mrs Maureen Wright against the decision of Folkestone & Hythe District Council.
 - The application Ref Y18/1167/FH, dated 11 September 2018, was refused by notice dated 30 November 2018.
 - The development proposed is described as replacement of existing sash windows with UPVC windows to four flats. Flats 1, 2, 3, 4 at 3 Castle Hill Avenue, Folkestone, CT20. Originally in January 2018 we were told by Shepway District Council that we did not require planning permission, provided we replaced the windows with sash windows and they were sympathetic to the building. Quotes for windows were given to County Windows on the 16 April and deposits paid to County Windows. Because of delays to the refurbishment of the building they have not yet been installed. 3 Castle Hill Avenue is a semi-detached building and number 1 Castle Hill Avenue already has uPVC replacement windows. We planned to install them in 2/3 weeks time.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council has recently changed its name from Shepway District Council to Folkestone & Hythe District Council. This change has not involved any changes to the adopted and emerging development plan policies referred to in the Council's decision notice.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Folkestone, Leas and Bayle Conservation Area, (FLBCA).

Reasons

4. The FLBCA is a large, widely drawn conservation area which includes significant parts of the town between the coast and the railway line. The Appeal site is located within the western part of FLBCA, which is characterised by tall and imposing C19th and early C20th century Victorian semi-detached and terraced villas. The majority of these villas are uniformly designed with stucco walls and detailing, although they are interspersed with later red and yellow brick villas and occasional mock Tudor and arts and crafts buildings. Their detailing

includes canted bays, white painted softwood joinery including sliding sash windows, semi-basements and elevated front entrances, ornate gabled pitched roof dormers and imposing chimney stacks. Many of the buildings have small front gardens that are enclosed by low stucco walls and front onto wide, long avenues and crescents, some of which are treed. This together with the spacious landscaped communal gardens to the rear of many of the buildings contributes to the spacious, verdant and imposing character and appearance of this part of the FLBCA and its significance.

5. The appeal property is located within a row of substantial semi-detached four storey residential villas whose small front gardens front onto Castle Hill Avenue, which is a wide crescent with a central treed landscaped strip that divides the carriageway. Other than one pair of part yellow/part red brick villas, all of the villas along this stretch of Castle Hill Avenue comprise ornate Victorian stucco villas, designed with slim white painted timber sash windows occupying rectangular and curved top openings. To the rear of these villas are small private gardens that front onto a well treed communal garden area. The paths around the edges of this communal garden area afford views of the rear elevations of the villas that back onto it.
6. Both individually and collectively these villas make a strong contribution to the character, appearance and significance of the FLBCA. The appeal property occupies a prominent position close to the junction of Castle Hill Avenue and Sandgate Road and comprises one of the imposing semi-detached stucco villas with timber sash windows. On the opposite side of Castle Hill Avenue is a large modern red brick building, which generally respects the vertical lines of the Victorian buildings, but fails to make a positive contribution to the Character and appearance of the FLBCA.
7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance.
8. The National Planning Policy Framework (the Framework) states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm should require clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. In addition, where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
9. Consistent with this, policy SD1 of the Shepway District Local Plan Review 2006 (Local Plan) seeks to preserve and enhance conservation areas. Collectively and amongst other things Policies BE1, BE4 and BE8 of the Local Plan and Policies HB1 and HB8 of the Council's Places and Policies Local Plan Submission Draft 2018 (Draft Local Plan), require new development to be of a high standard of design and materials. It should respect the character of the host building and the conservation area and retain features, materials and details of unlisted buildings which preserve or enhance the character or appearance of the conservation area.
10. The Council has also referred to Policy DSD of the Local Plan. This policy sets out the presumption in favour of development and how planning proposals

should be determined. As such it is more relevant to how a decision is reached rather than the merits of a particular proposal.

11. The appeal proposal includes the replacement of the windows above the lower ground floor on the front and rear elevations with white uPVC double glazed sliding sash units. Whilst the windows have been designed to replicate the existing windows their central transom bars would be some 12mm deeper than the existing glazing bars. Also, from the limited details supplied, the window frames would have a stark, flat, uniform finish and would lack the detail and grain of the existing windows.
12. Overall the new windows would look modern, stark and out of keeping with the traditional materials and finishes of the host property. They would be readily apparent within the street scene, where they would undermine and detract from the historic character and appearance of the row of villas and this part of the conservation area. Similarly, from the communal gardens to the rear, the proposed uPVC windows would materially detract from the character and appearance of the host property and its surroundings. As a result, the proposal would harm the character, appearance and significance of the FLBCA and this harm could not be satisfactorily addressed through the imposition of conditions. Whilst the harm to the significance of the FLBCA would be less than significant it nonetheless needs to be given great weight and weighed against the public benefits that would result from the scheme.
13. It is noted that the existing windows are not in a good state of repair and are not energy efficient. The costs associated with repairs and decorations to the building have been considerable and a deposit has been paid on the proposed uPVC windows, which have already been made. However, minimal evidence has been submitted to demonstrate that the existing windows are beyond reasonable repair, or that they could not be replaced with painted timber sash windows in the future, when funds become available. Irrespective of this, whilst it is in the public interest that the building is satisfactorily maintained, the harm that would be caused by the proposed windows would clearly outweigh any public benefit from their installation as a way of maintaining the building and improving energy efficiency.
14. As pointed out by the Appellant, there are a number of uPVC windows within the area, including at basement level on the appeal building and elsewhere along Castle Hill Avenue. Those that occupy open and prominent positions when viewed from the street scene and the communal gardens detract from the historic character and appearance of the villas and the area in general. Few details are provided regarding their planning background and in relation to those whose planning background is provided, all but one pre-date the Framework and more than half pre-date the Local Plan and the Core Strategy. More importantly, rather than setting a precedent for the appeal scheme, they serve to highlight how small incremental changes to buildings can have a materially adverse impact on their character and appearance and the contribution they make to the character, appearance and significance of the FLBCA.
15. I conclude on the main issue that the proposal would fail to preserve or enhance the character or appearance of FLBCA. It would also harm the significance of the FLBCA and this harm would not be outweighed by the identified public benefits. Accordingly, the proposal would conflict with Policies

SD1, BE1, BE4 and BE8 of the Local Plan, Policies HB1 and HB8 of the Draft Local Plan and the Framework.

Other matters

16. I note the concerns expressed regarding advice received from officers prior to the submission of the application and the handling of the application by the Council are noted. However, such matters do not affect the consideration of the planning merits of the appeal proposal, as other mechanisms exist to resolve such issues.

Conclusion

17. Having regard to the conclusion on the main issue and all other matters raised, the appeal is dismissed.

Elizabeth Lawrence

INSPECTOR