

Appeal Decision

Site visit made on 15 July 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/L2250/W/19/3227201
114 Sandgate Road, Folkestone CT20 2BW

- 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 Brown Reality Limited against the decision of Folkestone & Hythe District Council.
 - The application, Ref. Y18/1623/FH, dated 21 December 2018, was refused by notice dated 18 February 2019.
 - The development proposed is the erection of a first and second floor extension to provide 4 x 2 Bedroom residential flats over existing commercial unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted some additional information as part of the appeal in order to address the Council's concerns. As this does not materially alter the nature or form of the proposed development or adversely affect the interests of third parties I consider that rather than disregard it as requested by the Council I can take it into account.

Main Issues

3. The main issues are (i) the effect of the proposed extension on the character or appearance of the Folkestone Leas & Bayle Conservation Area; (ii) the impact on the amenity for pedestrians using the adjoining alleyway providing access to Town Walk; (iii) the effect on the living conditions for neighbouring occupiers as regards daylight and sunlight to the upper floor windows of No. 116 and daylight, ventilation and outlook for the approved flats at the front of No. 114; (iv) the suitability of the proposed accommodation for future occupiers of the proposed flats in terms of light, ventilation & outlook and cycle storage.

Reasons

4. Turning firstly to issue (i), the effect on the conservation area, the appeal building presents an attractive 3-storey frontage to Sandgate Road with its symmetrical appearance in keeping with adjoining and nearby buildings and thereby making a positive contribution to the character and appearance of the conservation area. However, to the rear the building has a large single storey flat roof addition that in common with the rear of other buildings in the terrace extending westward towards Manor Road has a poor appearance with little or no
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townscape merit. It is manifestly not a part of the conservation area where 'no change' would be beneficial in preserving its character and appearance, as appears to be the Council's argument; conversely it is an opportunity for development proposals to secure enhancement.

5. In these circumstances I consider that the principle of a rearward extension built onto the existing ground floor addition to be acceptable in principle. However the current scheme with its three storey height for the full length of the rearward footprint would stand out from the adjoining terrace rear elevations and appear as an unduly imposing and incongruously isolated and bulky building in views from Manor Road and the entrance to Sainsbury's car park and its adjoining footpath that links into Town Walk.
6. Furthermore, I am also of the view that in terms of townscape it is illogical for the wholly secondary rear elevation of any extension to be of the same height as the front to Sandgate Road. Without a storey height step-down to the part of the extension that would adjoin Town Walk, the building would not achieve the necessary subordination to the more important and prestigious street frontage. Moreover, even allowing for the fact that the appeal building is different from its neighbours to the west because it is at the end of the terrace, a building of three storeys over the full length of the single storey building could make it difficult for the Council to refuse similar proposals for the other frontage properties, thereby increasing the harm caused.
7. The excessive scale of the proposed extension links into consideration of issue (ii), the impact on the alleyway providing access to Town Walk. At the end of the alley where it joins the pedestrian precinct, the proximity of a three storey height to the bulk of the Sainsbury supermarket would through the 'loss of sky' and open aspect result in an undue extent of enclosure and a more oppressive and overbearing ambience. This reinforces the need for the step-down referred to above.
8. However, I do not share the Council's concerns in respect of the impact on the main part of the alley from Sandgate Road. The present appearance of the alley is at best nondescript and I accept the appellant's point that additional height would provide an opportunity for a more attractive and active street frontage. This would outweigh any potentially harmful effect as a result of the increased sense of enclosure, whilst a further benefit would be the increased surveillance from the windows of the flats.
9. The key considerations in addition to the need for a reduction in scale of the part of the extension nearest the Sainsbury supermarket for the reasons explained, are the quality of the design and external materials. In this regard I have noted that the CGI of the proposed scheme continues the theme of symmetry in Sandgate Road but in an appropriately contemporary form. I also consider that provided contemporary buildings are of a high standard of design, this increases the acceptability of areas of flat roof above ground floor level.
10. Turning more briefly to the key aspects of the remaining issues (iii) & (iv) summarised in paragraph 3) above, the appellant's BRE assessment would appear to have satisfactorily addressed the Council's concerns as regards a loss of daylight and overshadowing for the bedroom windows of the flats at Nos. 116 and 118. The provision of an alternative cycle store as indicated would also

provide sufficient capacity of storage to cater for occupiers of the flats who have a cycle.

11. In addition, given the constraints of the site I support the concept of the 'winter garden' amenity areas, subject to these areas in the proposed flats receiving adequate daylight, which following the information submitted with the appeal now appears to be the case. The winter garden areas adjoin the bedrooms rather than living rooms and therefore increases the justification for the loss or reduction of an external aspect. Moreover, given the fact that the building's surroundings are such that there would be a somewhat limited extent and quality of views from the bedrooms, it may well be that prospective occupiers would prefer an opportunity to create a customised and high quality micro environment in a winter garden for their relaxation.
12. As regards ventilation, the grounds of appeal correctly refer to alternative solutions that would meet the relevant building regulation standard. In short, I agree with the appellant that if done well, the concept of a winter garden is an example of good design and has the potential to raise living standards rather than keep them at the minimum acceptable level under planning guidance.
13. Finally, the grounds of appeal refer to the national policy of encouraging homes in commercial areas, particularly town centres. An amended scheme in this case to address my partial concerns in respect of the current proposal and would be consistent with the objectives of that policy.

Conclusions

14. On the first issue I conclude that the proposed extension would not preserve the character or appearance of the Folkestone Leas & Bayle Conservation Area and would be in conflict with saved Policies BE1 & BE4 of the Shepway District Local Plan Review (Policies applicable 2013 onwards) & emerging Policy HB1 of the Places and Policies Local Plan Submission Draft 2018. My favourable findings for the appellant on the other issues and a resultant absence of conflict with saved Policy SD1; emerging Policy HB1 and paragraph 127 National Planning Policy Framework 2019 ('the Framework') do not outweigh this conclusion.
15. As regards Government policy in the Framework on conservation and enhancement of the historic environment, the conservation area is a designated heritage asset and its significance would be harmed by the appeal proposal in its current form. In this case, having regard to paragraph 196 of the Framework, I consider that the harm would be 'less than substantial'. There is also a public benefit in terms of the proposed additions to the housing stock in the District, in particular in this town centre location. However, I do not consider that this would outweigh the harm caused, especially because it would appear that there may be the potential for a revised scheme providing a reduction in accommodation, but with the significant advantage of not causing harm to the conservation area.
16. For the reasons explained, the appeal is dismissed.

Martin Andrews

INSPECTOR