



Appeal Decision

Site visit made on 25 September 2020

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/L2250/W/20/3250009

Flat 1, 5 Grimston Gardens, Folkestone, Kent, CT20 2PT

- 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 Messrs Barry Bushell and Paul Ollerenshaw against the decision of Folkestone & Hythe District Council.
 - The application Ref Y19/1302/FH, dated 11 November 2019, was refused by notice dated 7 January 2020.
 - The development proposed is replacement of 5 No. timber windows with UPVC sash windows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Places and Policies Local Plan (PPLP) was adopted on 16 September 2020 and I have therefore taken this into account and accorded policies HB8 and HE1 of the PPLP, which are quoted in the Council's decision notice, appropriate weight in respect of this appeal. I note that following the adoption of the PPLP, the Shepway District Local Plan Review is superseded and therefore Policies SD1, BE1, BE4 and BE8 of that plan, which are also quoted in the Council's decision notice, is no longer relevant.
3. Both the appellant and the Council have been given the opportunity to comment on these changes in the development plan in relation to the determination of this appeal.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Folkestone, Leas and Bale Conservation Area (the conservation area).

Reasons

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The National

Planning Policy Framework (the Framework) requires that great weight should be given to a designated heritage asset's conservation¹.

6. Grimston Gardens is a large formal open space with mature landscaping. The properties fronting the gardens and surrounding roads are predominately substantial 3-storey residential buildings which have been converted into flats. There is a brief mention of Grimston Gardens in the Folkestone Old Town Conservation Area Appraisal, that has been drawn to my attention, which notes the different palette of building materials (ie dressed stone, as opposed to stucco) and polychrome brick colours in this late C19th residential area, compared to other parts of Folkestone.
7. No.5 is a substantial semi-detached Victorian property within a row of semi-detached buildings of similar age, scale and design that front the south side of the Gardens. Although there is some variation in the detailed design of each pair, collectively this row of properties have retained most of their original Victorian features and details and therefore make an important contribution to the surrounding area and in particular the setting of the Gardens.
8. I note that a number of the buildings fronting the other sides of Grimston Gardens have replacement UPVC windows. However, because of the scale of the Gardens and its extensive mature landscaping their impact on the character and appearance of the south side of the Gardens is limited. On the south side of the Gardens, although there are some examples of UPVC and other materials in window frames, a substantial number of original wooden sash windows remain and these windows contribute significantly to the character and appearance of the individual buildings and the street scene as a whole.
9. The proposed development would replace the existing timber framed sash windows with UPVC sash windows on the ground floor front elevation of No.5 Grimston Gardens.
10. Although sash windows are proposed, some important elements of the design would be materially different from the existing sash windows. These differences are principally the use of UPVC rather than wood which has an artificial texture and finish compared to wood; the increased thickness of the UPVC window frames compared to the existing frames, and a material change in the scale of the upper and lower sashes of the window. In the existing window, the lower sash is markedly taller than the upper sash. In the proposed windows the two sashes would be of equal height. Taken together these changes would result in a design that is unsympathetic and harmful to the building, the street scene and wider conservation area
11. A further failing would be that the proposed windows would not match those in the adjoining property in the semi, which retains the original wooden sash windows on the ground floor. The proposals would erode the symmetry at street level between the substantial and adjoining bay windows, which are an important and prominent architectural feature of these buildings.
12. It is argued that the proposed windows would provide uniformity across the building frontage and limit a piecemeal appearance, thus mirroring the Council's conclusions in relation to a nearby and recent application that was

¹ Paragraph 193. Conservation Area is defined as a designated heritage asset in the Framework Glossary.

approved². But this argument offers no substantive heritage advantages because the existing upper floor windows in No.5, that appear to have been installed without permission, comprise a hodgepodge of unsympathetic casement windows (not sash windows) that in all cases detract from the character and appearance of the building and the conservation area. Nor do I consider that the consistent use of UPVC could be argued as a benefit where it would lead to the removal of original features of the building which contribute to the character and appearance of the conservation area.

13. My attention has also been drawn to the approval for a UPVC window and door in the side elevation of the appeal property. However, because of their location on the side elevation of the property and being further shielded by a substantial and attractive porch structure, this window and door are not clearly visible from any public vantagepoint and have minimal impact on the character and appearance of the property or the street scene.
14. Given the scale of the proposals, the harm that arises from the development would be localised and therefore the impact on the conservation area as a whole would be less than substantial within the meaning of Paragraph 196 of the Framework.
15. In weighing the public benefits, the appellant has argued that the use of UPVC, rather than wooden frames, for the replacement sash windows offers a number of advantages including greater insulation/reduced energy loss and lower maintenance costs and thus delivers sustainable development.
16. Such considerations weigh in favour of the proposals, however, very limited information has been submitted to substantiate these statements and it is far from evident why the use of manufactured materials such as UPVC, rather than wood, offers a more sustainable form of development. As a consequence, the public benefits arising from the development do not outweigh the harm I have identified, and this is a matter to which I give considerable importance and weight.
17. In conclusion on the main issue, I find the development would harm the character and appearance of the conservation area. Accordingly, the proposed development would conflict with policy HE1 of the Places and Policies Local Plan and the Framework which, amongst other things, seek the conservation of heritage assets. The proposals would also conflict with policy HB8 of the PPLP which, amongst other things, seeks to ensure alterations to residential buildings reflect the detailing of the original building and do not have a detrimental impact on the street scene and given the harm I have identified to a heritage asset, the proposals would also conflict with Policy DSD of the Shepway Core Local Strategy 2013 which seeks to promote sustainable development.

Other considerations

18. In addition to the cases I have already mentioned, my attention has been drawn to other proposals for replacement UPVC windows that have been granted planning permission in the vicinity of the appeal property. While these other decisions are material, I can only attach limited weight to this evidence

² (Reference Y16/1072/SH)

because of the limited information before me about the site-specific considerations that were relevant in each case.

19. Furthermore, I must assess each case on its merits first against the prevailing policy background and I am clear about the harm that the current proposal would cause to the significance of the conservation area. Thus I do not consider this factor, even in combination with other factors that weigh in favour of the scheme, forms the basis for justifying the proposals given the other factors I have identified.
20. Finally, the lack of objections from statutory consultees, neighbouring residents and Folkestone Town Council is noted but this does not alter my conclusions on this matter.

Conclusion

21. For the reasons I have set out above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Anthony Thompson

INSPECTOR