



Appeal Decision

Site visit made on 6 May 2021

by Cullum J A Parker BA(Hons) MA MRTPI MCMI IHBC

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

Decision date: 13 May 2021

Appeal Ref: APP/X2220/W/20/3263977

2-3 Belgrave Court, Flat 4, The Beach, Walmer, CT14 7HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr Davina Liard against Dover District Council.
 - The application Ref 19/01517, is dated 11 December 2019.
 - The development proposed is described as '*to replace existing windows and door:- lounge, dining room, bathroom, internal door*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted to the Council on 3 March 2020. The Appellant has indicated that these were not made available to the general public until 14 January 2021. The site notice is dated 17 January 2020, with a closing date for comments to be made 14 February 2020. Whilst I note the Appellant's refers to the 'amended LPA agreed plan', I cannot be certain any notice was given to the public or interested parties that these had been submitted and an opportunity for them to comment. Therefore, for fairness and in the interests of all parties concerned I have proceeded on determining the appeal on the basis of the originally submitted drawings.

Background and Main Issue

3. The Local Planning Authority did not issue a decision within the normal timeframe. The appellant has therefore submitted this appeal. The Council have indicated that were it in apposition to do so it would have refused planning permission for the following reason:
 - *The proposed development would, if permitted, result in harm to the character and appearance of the conservation area in a prominent location through the introduction of windows of unsympathetic design, employing non-traditional, unsympathetic materials. This would not be in accordance with the duty to pay special attention to the desirability of preserving or enhancing the character and appearance of that conservation area. No clear and convincing justification has been provided for the proposed works, and no overriding public benefits have been identified. The proposed development is therefore contrary to the aims and objectives of the*

National Planning Policy Framework, in particular paragraphs 192, 193, 194 and 196, but also paragraphs 124 and 127.

4. Taking into account the cases presented by the main parties, I consider the main issue in this case to be whether the proposed development would preserve or enhance the character or appearance of the Walmer Seafront Conservation Area.

Reasons

5. The appeal building is a mid-terrace, three storey with basement and attic floors located within the Walmer Seafront Conservation Area. The front of the appeal building faces out onto The Beach and beyond this the promenade between Walmer and Deal. To the rear, the appeal building is visible from the A258 and Liverpool Road. The wider street scene and the conservation area is formed of a mixture of buildings, and I saw during my site inspection that there is a mixture of upvc and timber windows.
6. The proposal seeks three main external changes; the replacement of timber side-hung casement style windows serving the lounge, replacement of a timber sliding sash window serving the dining room and lastly to the rear a bathroom window. A majority of the other openings at the appeal building appear to be sliding sash windows.
7. The submitted drawings indicate that the proposed windows would be half top-hung casement windows and half fixed pane. The effect, when the windows are opened, is that the symmetry of the elevations would be interrupted. As a result the way in which the windows open would be at odds with the prevailing style found at the appeal building. Moreover, it is clear from the submitted drawings Drg: 001 and DRG: 002 (undated) that significant elements of the windows would be considerably visually bulky or thicker than at present.
8. For example, the transom element across the centre point of the fixed/opening windowpanes are considerably thicker for all three openings. In practical terms, this means that observers of the building from public vantage points will see disproportionate window frames that would be visually discordant with the majority of windows found at the rest of the building.
9. The proposal would therefore fail to preserve the special interest of the conservation area as under s72(1) of the Planning, Listed Buildings and Conservation Areas Act 1990, as amended, it would fail to preserve or enhance the character or appearance of the Walmer Seafront Conservation Area. The harm arising would be limited to a small part of the conservation area and in this respect would be no greater than less than substantial as defined by the National Planning Policy Framework (the Framework) at Paragraph 196. Considerable weight should nonetheless be given to the desire to preserve the special interest of heritage assets.
10. I note the possible public benefits that may arise from the proposal, including in terms of potentially improving fire safety measures, the reduction of environmental impact and improving the safety and security of existing windows. Some of these are factors which the Framework seeks under Paragraph 127. However, as a matter of planning judgement, I do not find that these benefits would outweigh the less than substantial harm I have identified.

11. I also note that other buildings cited by the Appellant within the local area which they consider provide justification for the appeal scheme. I have not been provided with the full details of how those circumstances arose. Nevertheless, this does not provide justification for the harm I have found would arise in this case.
12. The Council have cited Planning Policy DM1 of the *Dover District Local Development Framework Core Strategy (adopted February 2010)*. As the Appellant rightly points out, this is of limited relevance here as it relates to Settlement Boundaries and there is no indication that the appeal site lies out with such a designation. Certainly the facts on the ground suggest the site lies within the coastal settlements of Walmer/Deal along the east Kent coast.
13. Accordingly, I conclude that the proposal would conflict with the Policies of the Framework; an important material consideration, including those relating to design and heritage matters.
14. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR