

Appeal Decision

Site visit made on 23 June 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 JULY 2021

Appeal Ref: APP/L2250/W/21/3269847

Bar Vasa, 4-5 Sandgate Esplanade, Sandgate CT20 3DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Diljit Brar against the decision of Folkestone and Hythe District Council.
 - The application Ref 20/1545/FH, dated 12 October 2020, was refused by notice dated 10 December 2020.
 - The application sought planning permission for change of use from restaurant / bar (class A3/A4) to 4 self-contained flats, together with associated external alterations without complying with a condition attached to planning permission Ref Y18/0287/SH, dated 28 June 2018.
 - The condition in dispute is No 2 which states that: The development hereby permitted (inclusive of the internal layout) shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 08.54/A.01, 08.54/A.03, 08.54/A.05, 08.54/A.10 and 08.54/A.11.
 - The reason given for the condition is: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. This application seeks to vary the plans condition to replace the approved drawings with updated drawings. The amendments include changes to the windows at second and third floor and the erection of balconies to the front elevation.
3. At the time of my site visit works had been carried out, however they did not appear to be the same as that shown in the plans before me now. For the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.

Main Issue

4. The main issue is whether varying the condition would preserve or enhance the character or appearance of the Sandgate Conservation Area (CA).

Reasons

5. The significance of the CA, as a whole, derives from its relationship with the sea, history, architecture, topography and layout amongst other things. Its linear layout provides interesting views including those along Sandgate Esplanade. The appeal site is within the area set out in the Sandgate Conservation Area Appraisal as 'Sandgate West'. In this area, the positive characteristics include the traditional appearance of the mainly 3 -5 storey buildings facing towards the seafront. Their fenestration generally follows a traditional hierarchy of floors with smaller windows at upper floors. These would have originally been mainly timber framed. There are a number of balconies in this area, those which make a positive contribution include traditional detailing and are modest in scale. Whilst there are a few, often more modern, buildings which do not follow this aesthetic, these are uncommon and do not detract from the positive characteristics of the architecture and layout described above.
6. The original appearance of 4-5 The Esplanade were 4 storey, white rendered properties with larger French doors at ground floor and smaller Juliet balconies and sash-style windows above, with a vertical emphasis. The appearance of the windows to the upper floors were to be retained as part of the original planning permission for the conversion of this building. In these respects, the building made a positive contribution to the character and appearance of the CA.
7. The proposed development would result in very large windows/patio doors in modern materials at the upper floors of this property, creating a horizontal emphasis. Whilst this would unify the look of the building, the differences between the windows at different floors is a positive characteristic, which would be lost. The resultant building would erode the traditional window arrangement, harmful to the host property and the surrounding area.
8. Balconies are proposed at every floor and do not include traditional detailing. The extent, size and location of the balconies would be a conspicuous feature which would unacceptably dominate the appearance of the building. Although there are other balconies nearby, the proposed design does not respond well to the positive features of balconies in the CA and would be harmful for this reason.
9. As such, the proposed development would not preserve or enhance the character or appearance of the CA. Heritage assets are irreplaceable and great weight should be given to their conservation. Having regard to my statutory duty, I attribute considerable importance and weight to the harm that would arise in this case. I quantify the harm identified as less than substantial, due to the scale of the development. The National Planning Policy Framework 2019 (the Framework) directs that such harm should be weighed against the public benefits of the scheme.
10. I am not presented with any specific public benefits that would arise from this development. Accordingly, the public benefits would not outweigh the harm to the CA. As such, the appeal scheme is not sustainable development in the terms of the Framework.
11. Consequently, the proposed development would not preserve or enhance the character or appearance of the CA. Therefore, in this respect, it would be contrary to Policies HB1, HB8 and HE1 of the Folkestone & Hythe District Places

and Policies Local Plan Adopted September 2020 and Policy SDS4 of the Sandgate Design Statement 2013 (Design Statement). Together these policies require that development, including alterations and extensions to buildings, should make a positive contribution to its location and surroundings and respect the character of the host building. Also, that they should not result in unacceptable harm to heritage assets.

12. Policy SDS1 of the Design Statement relates to documents to be submitted with an application rather than the substantive merits or otherwise of the proposed development. Therefore, the policies listed above are more relevant to this main issue.

Conclusion

13. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons set out above, this appeal is dismissed.

H Miles

INSPECTOR