
Appeal Decision

Site Visit made on 24 August 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2021

Appeal Ref: APP/L2250/W/20/3271571

Flat 2, 27 Castle Hill Avenue, FOLKESTONE, CT20 2QU

- 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 Mr Martin Harper against the decision of Folkestone and Hythe District Council.
 - The application Ref 20/0065/FH, dated 19 January 2020, was refused by notice dated 24 April 2020.
 - The development proposed is the replacement of current single glazed sash windows with uPVC double glazed casement windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area, together with the effect on the heritage significance of the Conservation Area (CA).

Reasons

3. The site is an end of terrace building set within Folkestone and the 'Folkestone, Leas and Bayle' CA. This CA is characterised in part by tall Victorian semi-detached and terraced villas, often with white painted timber sliding sash windows. No 27 is reflective of this prevailing character of tall and terraced villas. The proposal relates to Flat 2, which is described as 'upper ground floor'. The proposal is the replacement of the timber sash windows with uPVC casement windows.
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The National Planning Policy Framework (the Framework) also advises that heritage assets such as CAs are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. In this case, I would describe the significance of this CA as being its historic layout within the town and the many good examples of old traditional buildings that front its streets, such as the Victorian terraces mentioned above. I would

regard No 27 Castle Hill as having an overall positive contribution to the character of the CA.

6. The existing windows are appropriate for this building and of the time it was built. The timber sash windows are a positive architectural feature, which are prominent within the street scene, particularly the ones to the front elevation. However, the uPVC casement replacements would not sympathetically replicate the existing timber sash, being that they would be a starkly modern feature that would appear incongruous with the other traditional features of this building. Both the appearance of the plastic and its thickness would be clearly different to the timber sash windows, which may be original or very similar to the original windows.
7. The appellant has drawn my attention to other examples of uPVC windows used within the CA and particularly the vicinity of the site, including within No 27 Castle Hill. However, whilst I observed these on site it only serves to persuade me that where timber sash windows remain, they should be preserved where possible. It is the timber sash windows, where they remain, that provide a positive feature within the CA, not the uPVC windows within the older buildings. There have been uPVC windows approved previously by the Council, but I am also aware that they have recently been refusing proposals similar to this, including some subsequently dismissed at appeal.
8. To my mind, it cannot be argued that replacing the sash windows in this flat with uPVC alternatives as proposed would preserve the CA significance. The use of uPVC would erode the special character of the CA, even if not by a substantial degree. However, the installation of further uPVC windows within the Upper Ground Floor level of No 27 would be another small adverse incremental change and impact to the character and appearance of the CA. This harm could not be satisfactorily addressed through the imposition of conditions
9. The proposal does not provide any substantive evidence that the replacements as proposed are necessary and the only viable option, whereas the Council has made some alternative suggestions such as the use of secondary glazing for example. Nonetheless, the proposed replacement windows would be harmful to the character and appearance of the Conservation Area. The harm would be less than substantial and in accordance with paragraph 202 of the Framework, such harm should be weighed against any public benefits of the proposal. The primary public benefit would be the increased energy efficiency of the use of uPVC double glazed windows, but this is a relatively small benefit for a single flat and does not offset the identified harm, to which I must attach considerable importance and weight.
10. As such, the proposed development is contrary to policies HB8 and HE1 of the Places and Policies Local Plan, and policy DSD of the Core Strategy Local Plan. These policies require that development does not have a detrimental impact on the street scene and requires that proposals promote an appropriate and viable use of heritage assets (such as CAs), consistent with their conservation and their significance, amongst other things.
11. The Council have stated that the saved policies within the Shepway Local Plan Review (2006) have been superseded and therefore are not considered against this proposal.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR

