



Appeal Decision

Site visit made on 24 November 2021

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH December 2021

Appeal Ref: APP/L2250/W/21/3276972
19 Grimston Gardens, Folkstone, CT20 2PU

- 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 Jason Reynolds against the decision of Folkestone & Hythe District Council.
 - The application Ref 20/1700/FH, dated 23 April 2020, was refused by notice dated 23 April 2021.
 - The development proposed is described as a self-contained ground floor flat.
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Decision

1. The appeal is dismissed.

Preliminary matter

Since the appeal application was refused the National Planning Policy Framework 2019 (NPPF) has been replaced by the National Planning Policy Framework 2021 (the Framework). I consider that, in relation to the appeal proposal, the changes introduced in the Framework do not have a material impact on the consideration of the appeal proposal.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the host building, the street scene and the Folkestone, Leas and Bayle Conservation Area, (FLBCA).

Reasons

Character and appearance

3. The FLBCA is a widely drawn and irregularly shaped conservation area, which includes several character areas. The Appeal site is situated within the north-western part of FLBCA, which comprises substantial Victorian and Edwardian detached and attached houses, many of which are now occupied as flats. The houses are individually designed and the open gaps between them contribute to their individuality and status.
4. Notwithstanding their individual status there is a commonality in the form, detailing and materials of the houses. Their deep, steeply pitched red clay roofs, prominent and ornate front gables, bay windows and window designs and proportions result in a strong sense of unity. The houses have broadly

consistent front building lines; their front gardens are typically set behind low brick walls; and the houses are laid out in a quadrant around a large central communal garden. The separate rows of houses typically occupy plots that are consistent both in width and depth. These features all contribute to the character and appearance of the street scene and the FLBCA as a whole, as well as to its significance.

5. Consistent with this, the appeal building comprises a substantial individually designed house, located within a row of uniformly sited houses. They occupy plots that are similar in depth and width and the gaps between the houses reinforce their individuality and status. There are medium height brick walls between the houses which further reinforce their separate identity. Whilst it is noted that there was a detached garage located alongside the appeal house, this has now been demolished, providing open views into the to the rear garden environment and the rear of the houses beyond. The open gap on the opposite side of the host property is significantly smaller, which increases the visual and spatial importance of the gap created by the appeal site.
6. The host building has a steep red clay tiled roof, prominent front gable feature and part red brick and part rendered walls. Its form and design contribute to and reinforce the character and appearance of the row of houses and the FLBCA. This is despite the fact that some of the replacement fenestration and detailing is at odds with the traditional proportions and appearance of the appeal building and the row of houses.
7. A number of the houses have side extensions, which respect the host buildings and the street scene with varying degrees of success, largely depending on their siting, size and detailed design. They highlight the need to assess each proposal on its individual merits and in light of the prevailing planning policies.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance.
9. Paragraphs 199 to 202 of the Framework state that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm should require clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
10. Policy HE1 of the Folkstone & Hythe Places and Policies Local Plan 2020 (LP) promotes appropriate and viable uses for heritage assets where they are consistent with the assets conservation and significance. Together, LP policies HB1 and HB8 require new development to make a positive contribution to its surroundings. Proposals should be of a high standard of design and materials and alterations should respect the character of host buildings and their location. They should not result in harm to listed or unlisted heritage assets or their setting. LP Policy HB10 allows the development of garden land provided the proposal responds the character and appearance of the area and the plot is of an appropriate size and shape to accommodate the proposal. Paragraphs 126 and 130 of the Framework are consistent with the above policies.

11. The proposal is for a single storey side extension with a pent roof which would project above the roof of the front extension and the first floor window sills. The extension would fill the gap between the villa and the side boundary wall and its eaves and gutter line would project above part of the boundary wall. The extension would sit just behind the main front building line of the host building and would project close to its rear wall, where it would almost abut the side wall of the garage within the adjacent garden.
12. Due to the combined width, height and depth of the proposed extension the openness between the host building and its side boundary would be lost as would the sense of space between the host building and the adjacent house. Although the former garage projected up the side boundary of the site, it was not as deep or high as the proposed extension and there was an open gap between the garage and the side wall of the host building. Similarly, with the approved side extension an open gap would be retained between the extended house and the side boundary wall.
13. It is noted that there are a number of single storey brick built side extensions with mono-pitched roofs in the immediate area. Typically, they are narrow and modest in depth. None are comparable to the appeal proposal. The extension at 12 Grimston Avenue, referred to by the appellant, relates to a corner property and the extension comprises a rear infill extension with a glazed frontage. It breaks up the mass of the tall extension to the rear of it. Other larger infill extensions and buildings I observed during my site visit served to highlight how such additions can incrementally erode the Character and appearance of the houses and the street scene.
14. For the reasons set out above the proposal would detract from the character and appearance of the host property, the street scene and the FLBCA. It would harm the significance of the FLBCA and whilst this harm would be less than significant it nonetheless needs to be weighed against the public benefits that would result from the proposal.
15. No public benefits have been cited by the appellant, although I consider that the employment resulting from the construction of the extension would bring a modest temporary benefit. Also, the proposal would provide a small dwelling in an accessible residential area. In this instance these public benefits would clearly fail to outweigh the harm that would be caused by the proposal to the significance of the FLBCA. Further, this harm could not be satisfactorily addressed through the imposition of conditions.
16. I conclude on the main issue that the proposal would unacceptably harm the character and appearance of the host property, the street scene and FLBCA. Whilst the harm it would cause to the significance of the LBCA would be less than significant, this harm would not be outweighed by any public benefits. Accordingly, the proposal would conflict with LP Policies BE1, BE8 and NE3 and paragraphs 126, 199, 200 and 202 of the Framework.

Other matters

17. Concern has been expressed that the construction of the proposed extension and the position of any guttering could affect the structural integrity of the garage and result in water related damage to the garage in the garden of the adjacent property. These are private legal matters, which fall outside the scope of this appeal. The concerns relating to loss of privacy could be

addressed through the imposition of a condition which require any windows in the side elevation of the extension to be obscure glazed and non-opening.

18. The concerns expressed by the appellant regarding handing of the appeal application are noted. However, they do not affect the merits of the proposal and so are a matter that should be pursued directly with the council.

Conclusion

9. Having regard to the conclusion on the main issue, the appeal is dismissed.

Elizabeth Lawrence

INSPECTOR