



Appeal Decision

Site visit made on 24 November 2021

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2021

Appeal Ref: APP/L2250/W/21/3276646

Flat 3, 17 Castle Hill Avenue, Folkestone, Kent, CT20 2TD

- 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 Miss Zoe Bowden against the decision of Folkestone & Hythe District Council.
 - The application Ref 21/0073/FH, dated 14 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is described as replacement of 4 single glazed timber sash windows with double glazed uPVC windows and replacement of 5 single glazed timber sash windows with modern double glazed uPVC sash windows.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Since the appeal application was refused the National Planning Policy Framework 2019 (NPPF) has been replaced by the National Planning Policy Framework 2021 (the Framework). Whilst some of the paragraph numbering and content of the NPPF, which has been referred to in the Council's delegated report, has been changed it has not had a material impact on my consideration of the appeal proposal.

Main Issue

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

Reasons

4. The FLBCA is a widely drawn conservation area, including large parts of the town between the coast and the railway line. The Appeal site is located within the western part of FLBCA, which is characterised by tall and imposing C19th and early C20th century Victorian detached, semi-detached and terraced villas. Most of the villas are uniformly designed with stucco walls and detailing, which are interspersed with later red and yellow brick villas and other buildings.
5. The detailing of the villas includes canted bays, white painted softwood joinery including sliding sash windows, semi-basements, elevated front entrances, ornate gabled pitched roof dormers and imposing chimney stacks. Typically, the buildings have small front gardens that are enclosed by low stucco walls

and the properties front onto spacious avenues and crescents, some of which are treed. This together with the landscaped communal gardens to the rear of many of the buildings contributes to the imposing verdant and spacious character and appearance of this part of the FLBCA, as well as the significance of the FLBCA as a whole.

6. Some of the properties in the locality have uPVC replacement windows and the Council has stated that not all of them benefit from planning permission. The appellant has referred to approvals for uPVC windows in a number of properties, including a building occupying a comparable corner position. The uPVC windows I observed during my site visit were quite distinct from the traditional timber framed windows used within the host and adjacent villas. Similarly, on the opposite side of Castle Hill Avenue is a large modern red brick building. Although it generally respects the vertical lines of the Victorian buildings, some of its detailing and finishes fail to respect the prevailing character and appearance of the street scene.
7. I found that both individually and collectively the uPVC windows and the building opposite have diluted the historic character, appearance and quality of the buildings and street scenes concerned. Rather than set a precedent, they reinforce the need to assess each proposal on its individual merits and in accordance with the current planning policies and legislation.
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 189, 199 to 202 of the Framework state that heritage assets are an irreplaceable resource. When considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation and any harm to the heritage asset requires clear and convincing justification. 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 respect existing buildings, 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 unacceptable harm to heritage assets. Paragraphs 126 and 130 of the Framework are consistent with this.
11. The appeal property is located in a prominent position adjacent to the junction of Augusta Gardens and Castle Hill Avenue, which is a wide crescent with a central treed landscaped strip that divides the carriageway. Other than one pair of part yellow/part red brick villas, all of the villas along this stretch of Castle Hill Avenue comprise ornate Victorian stucco villas, designed with slim white painted timber sash windows occupying rectangular and curved top openings. To the rear of these villas are small private gardens that back onto a well treed communal garden area. The paths around the edges of this communal garden area afford views of the rear elevations of the villas around

- it. Both individually and collectively these villas make a strong contribution to the character, appearance and significance of the FLBCA.
12. The appeal property comprises a large and imposing detached Victorian villa with rendered walls, bay windows, an elaborate porch, quoin detailing and a low boundary wall on both road frontages. The vast majority of the existing windows in the property are white painted and have smooth timber frames, although they are not all original.
 13. Flat 3 is located within the roof-space and the windows to be replaced are located on all of the main roof slopes. Almost all of the existing windows are timber framed, although they do not all appear to be original. From the street scene they look to be in a reasonable state of repair and generally respect the historic character and appearance of the host building. With the proposal the windows within the roof-slopes would be replaced, four with side hung casement windows and five with sash windows. The windows would all be double glazed and have uPVC frames.
 14. The proposed window frames have been designed to replicate the existing windows from outside and would be finished with a timber grain. For these reasons they would be superior to some of the uPVC windows I saw during my site visit. Notwithstanding this, it is clear from the information submitted that the frames would be bulkier than the existing and original timber frames, which would impact on the overall design and appearance of the windows. In addition, the texture and finish of uPVC window frames would differ to that of the existing painted timber framed front windows in the building.
 15. For these reasons I find that the new windows would be out of keeping with the form, traditional materials and finishes of the host property. From the street scene the new windows would undermine and detract from the historic character and appearance of the host villa, the row of villas and this part of the conservation area. As a consequence, the proposal would harm the significance of the FLBCA. Whilst this harm would be less than significant, it needs to be weighed against the public benefits that would result from the scheme.
 16. The windows would aid the energy efficiency of the building and contribute to its maintenance. However, little evidence has been submitted to demonstrate why other replacement windows and/or other insulation methods could not achieve the same or a similar outcome. Irrespective of this, whilst it is in the public interest that the building is satisfactorily maintained and made as energy efficient as possible, the harm that the proposed windows would cause to the significance of the FLBCA would clearly outweigh these public benefits.
 17. I have taken into account the appellant's personal need to achieve a warm, draft free environment. I also note that some existing timber windows within in the FLBCA are currently not in a good state of repair. However, as stated above, little evidence has been submitted to demonstrate why the proposed uPVC windows are necessary to address these matters. Accordingly, I give little weight to this.
 18. I conclude that the proposal would fail to preserve or enhance the character or appearance of FLBCA. It would harm the significance of the FLBCA and this harm would not be outweighed by the identified public or private benefits.

Accordingly, the proposal would conflict with LP Policies HE1, H1 & H8 and paragraphs 126, 130, 199, 200, 201 & 202 of the Framework.

Elizabeth Lawrence

INSPECTOR