

Appeal Decision

Site visit made on 22 August 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 27TH September 2022

Appeal Ref: APP/L2250/W/22/3291187

Flat B, 38 Earls Avenue, Folkestone CT20 2HE

- 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 Mark Hughes against the decision of Folkestone & Hythe District Council.
 - The application, Ref. 21/1884/FH, dated 7 September 2021, was refused by notice dated 11 November 2021.
 - The development proposed is the replacement of existing sash windows with sliding sash uPVC windows to the front and rear bays.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing sash windows with sliding sash uPVC windows to the front and rear bays at Flat B, 38 Earls Avenue, Folkestone in accordance with the terms of the application, Ref. 21/1884/FH, dated 7 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Identification Plan and Block Plan; Floor Plan; Window Plan; Plan forming part of Quotation Ref. 013543 dated 9 August 2021 by County Windows;
 - 3) The development hereby approved shall be carried out in full accordance with the materials as specified in the application.

Main Issue

2. The main issue is the effect of the proposed window replacements on the character and appearance of the host building; the street scene of Earls Avenue, and the designated heritage asset comprising the Leas and Bayle Conservation Area.

Reasons

3. The application site is a ground floor flat in a four storey Victorian / Edwardian building located within the conservation area. There is a basement flat on the floor below and a flat on each of the first and second floors of the building, with large bay windows to the front and rear of the flats at all four levels. The officer's report confirms that Flat B's windows are timber sliding slash, but
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although of the same design all the other windows in the building have previously been replaced with uPVC frames.

4. I saw on my visit that the timber windows are in a particularly poor state of repair and need urgent replacement. However, the Council is concerned that the use of uPVC for the new windows would be harmfully unsympathetic to the character and appearance of the host building, the Earls Avenue street scene and the conservation area in which it is located.
5. I am familiar with the pros and cons of modern synthetic materials as opposed to their traditional counterparts. And in principle I consider that the use of uPVC to replace the original wooden windows of buildings in a conservation area has the potential to have an incrementally adverse effect on both its character and appearance, thereby eroding its significance as a designated heritage asset.
6. However, in the case of the appeal property as a whole, the use of uPVC for the windows in all the other flats has had the effect of already changing the character and appearance of the building and therefore this small part of the conservation area. The grounds of appeal argue that the appeal scheme would be beneficial in unifying the appearance of the whole of No. 38. Whilst I accept the logic of this approach, including the removal of an element of incongruity in the building's appearance, there remains the disadvantage of the removal of some of the original features.
7. However, on balance and notwithstanding the principle to which I refer in paragraph 5 above, I consider that in the particular circumstances of this case whereby all other windows in No. 38 are made of the same material as now proposed, the appeal proposal would not have a noticeable or materially detrimental effect on either the host building or the street scene.
8. In this respect there would therefore be compliance with the first paragraph of Policy HB8 of the Council's Places and Policies Local Plan 2020 and no harmful conflict with Policy HE1 or Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2021. In coming to this conclusion I have taken the view that in this instance the more important consideration is that the vertical sliding sash design would be retained. This would ensure consistency of the detailed symmetry of No. 38's bay windows with an essentially sympathetic design, even allowing for the use of uPVC.
9. In these circumstances I conclude that the character and appearance of the host building; the street scene of Earls Avenue, and the Leas and Bayle Conservation Area would be preserved and that the latter's significance as a designated heritage asset would not be harmed.
10. I shall therefore allow the appeal subject to a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition stipulating the use of the materials as itemised and illustrated in the application will ensure that the character and appearance of the building and the street scene of Earls Avenue are retained.

Martin Andrews

INSPECTOR