



Appeal Decision

Site visit made on 9 December 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/L2250/W/3348300

Flat 2, Riviera Court, Sandgate High Street, Sandgate, Folkstone, CT20 3RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Sarah Goldthorpe against the decision of Folkstone & Hythe District Council.
 - The application Ref is 24/0179/FH.
 - The development proposed is described as proposed external balcony.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Since the appeal application was refused the National Planning Policy Framework 2023 has been replaced with the National Planning Policy Framework December 2024 (the Framework). Within the new Framework paragraphs 195-208 of the Framework 2023 have been renumbered 202-211. I confirm that in this decision I refer to the newly published Framework.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the area and the historic significance of Sandgate High Street Conservation Area (SHSCA). The second main issue is the effect of the proposal on the living conditions of the occupiers of the adjacent flats with particular regard to outlook, privacy, daylight and sunlight.

Reasons

Character and appearance

4. The appeal site is located within the heart of the SHSCA where it is sandwiched between Sandgate High Street, Granville Row and the seafront. It is an area with a diverse character both in relation to architecture, size, form, age and land uses. Whilst this part of Sandgate High Street is commercial in character, the buildings facing the coast are primarily residential and include a mixture of flats and individual dwellings. Diagonally opposite the appeal site, The Ship Inn, which is grade II listed, comprises a C18/C19th attached building with a prominent pseudo timber framed frontage with a gable above. To the rear of this building, fronting the coast is a large flat roofed single storey extension with a roof terrace enclosed by a metal frame with glazed inserts.

5. This diverse character and appearance within the immediate area contributes to the informal, coastal character, appearance and significance of the SHSCA.
6. The appeal building comprises a part three and part four storey block of flats built in the 1970's. It sits alongside a similar flats development and both buildings include balconies which face towards the coast. In relation to the appeal building the balconies are constructed with solid rendered cheeks and metal railings. The balconies to the adjacent flat's development are more recent and comprise steel frames, with glazed inserts. Elsewhere within this part of the SHSCA there are a variety of balconies facing the coast with a combination of steel, glass and concrete/rendered surrounds. They form an established part of the character and appearance of the immediate and wider locality.
7. 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. Section 66 of the LBCA Act similarly requires special attention to be paid towards the desirability of preserving or enhancing listed buildings or their settings.
8. Section 16 of the Framework states 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 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.
9. Policy HB1 of the Folkstone & Hythe Places and Policies Local Plan (LP), seeks to ensure that new development makes a positive contribution to its location and surroundings, whilst also respecting existing buildings and land uses. Proposals should not have an adverse impact on the living conditions of the occupiers of neighbouring properties.
10. The proposed balcony would be prominent in views from Granville Row and from a small part of the seafront. Its design and materials would reflect those used on the roof terrace diagonally opposite and other glazed balconies in the area. However, the proposed balcony, together with its steel supports would clash with and appear incongruous alongside the existing balconies on the rear elevation of the host building. It would upset the uniformity and rhythm in the design and materials of the host building. This harm would be exacerbated by the square corners of the balcony which would appear jarring against the hexagonal design of this part of the building.
11. As a result of its design, materials and appearance the proposed balcony would unacceptably detract from the character and appearance of the host building and the immediate street scene, which includes the setting to The Ship Inn and the SNSCA. Whilst the harm to the setting of the Ship Inn and the SNSCA would be modest and so less than substantial, it nonetheless needs to be weighed against any public benefits that would result from the proposal. At the same time great weight should be given to the conservation of these heritage assets.
12. The proposed balcony would provide employment during its construction and its use would potentially add to the vitality of the locality. However, in this

instance these benefits would be materially outweighed by the harm it would cause to the setting of The Ship Inn and the SNSCA. Further this harm is not something that could be satisfactorily dealt with by condition.

13. The appellant has stated that the building's management company is considering replacing the railings around the existing balconies with glass. Not only is there no certainty that this would happen, full details of any such changes are not provided and it is not stated whether planning permission has been granted for such changes. As such I am unable to give this matter any weight.
14. I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the area and the historic significance of the SHSCA, including the setting of The Ship Inn. This harm is not outweighed by any public benefits. In these respects, the proposal conflicts with LP Policy HB1, sections 66 & 72 of the LBCA Act and section 16 of the Framework.

Living conditions

15. The narrower section of the proposed balcony would sit a short distance above the southeasterly window of the flat below, which appears to serve the main living room to that property. This element of the balcony would only be approximately one metre in depth and the window below has an open and southeasterly aspect. Also, the proposed balcony supports would be sited to the sides of the window. For these reasons, I am satisfied that this element of the proposed balcony would not result in an overbearing impact or an unacceptable loss of daylight and sunlight for the occupiers of this ground floor flat.
16. The wider element of the proposed balcony would be approximately two metres deep and would sit a short distance above a window that appears to serve the kitchen area to the same ground floor flat. The daylight and sunlight received through this window is already affected by the projecting walls and balconies of the attached flats immediately to the west. Due to the depth of the western side of the deeper section of the proposed balcony the proposal would result in further loss of daylight and sunlight and the enclosing impact within the room served by this window. This cumulative impact would materially detract from the living environment and outlook from the living area served by this window. Conversely, due to their siting and modest form the proposed balcony supports would not have a materially harmful impact on the outlook from this ground floor flat.
17. The adjacent first floor flat to the west currently has an open and spacious southerly and southeasterly outlook. Due to the distance between and orientation of the adjacent window and patio doors to this flat I am satisfied that the proposal would not result in a material and unacceptable loss of outlook, daylight or sunlight within the Flat
18. Conversely the western edge of the wider section of the proposed balcony would project close to and some two metres forward of the northern part of the balcony that serves the adjacent first floor flat. Due to its full height the proposed privacy screen would partially obscure and have an enclosing impact on the outlook from the adjacent balcony. On its own this would not amount to a reason for dismissing this appeal. However, it adds to my concerns regarding

the overall impact of the proposal on living conditions and the appearance of the proposed balcony.

19. As the above concerns could not be satisfactorily addressed without materially changing the depth of the western end of the proposed balcony it is not a matter that could be satisfactorily addressed through the imposition of conditions.
20. I conclude on the second main issue that the proposal would unacceptably harm the living conditions of the occupiers of the ground floor flat below the appeal flat, due to its overbearing impact and loss of light. Accordingly, in this respect the proposal would conflict with LP Policy HB1.

Conclusion

21. Having regard to the conclusions on both main issues and all other matters raised the appeal is dismissed.

Elizabeth Lawrence

INSPECTOR