



Appeal Decision

Site visit made on 17 December 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2025

Appeal Ref: APP/L2250/W/24/3341951

Clifton Hotel, 1-6 Clifton Gardens, Folkstone, Kent CT20 2EB

- 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 Mr K Rajamenon of Leaf Hotels against the decision of Folkestone and Hythe District Council.
 - The application Ref is 23/1764/FH.
 - The development proposed is described as window renewals 2nd, 3rd and 4th floors.
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Decision

1. The appeal is allowed, and planning permission is granted for window renewals 2nd, 3rd and 4th floors at Clifton Hotel, 1-6 Clifton Gardens, Folkstone, Kent CT20 2EB in accordance with the terms of the application, Ref 23/1764/FH, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos 551-100, 551-103, 551-107 and 551-108A

Applications for costs

2. The application for costs made by the appellant against the Council is the subject of a separate decision.

Preliminary Matters

3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. There are no changes to the heritage section that are material to the scheme before me, thus no further comments were sought by parties. Consequently, I have determined the appeal having regard to the revised Framework, and any references are to this version.
4. At the time of my site visit, I could see that the replacement windows in the 2nd, 3rd and 4th floors were already in situ, and the appeal is therefore being considered retrospectively. Nevertheless, for the avoidance of doubt, I have determined the appeal based on the proposed plans before me.
5. I am obliged to use the description of the development as included on the planning application form which is different from how the appellant described it in their appeal form and the Council in their decision notice.

Main Issue

6. The main issue is whether the development preserves or enhances the character or appearance of the host property and the Folkestone Leas and Bayle Conservation Area (FLBCA).

Reasons

Character and appearance of the FLBCA

7. I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the FLBCA.
8. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 212 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
9. The significance of the FLBCA is principally derived from its traditional historic core and the town centre. The built environment spread westward from the mid-19th century, due in part to the development of the railway and port, and a growth in tourism given its seaside location. Currently the surrounding area is mixed use with commercial/tourist premises and residential properties located in close proximity to one another.
10. The appeal site overlooks Clifton Gardens one of the centrepiece compositions of the formally planned suburb of West Folkestone laid out during the last quarter of the 19th Century by Lord Radnor. The character of this section of the FLBCA comprises mainly large stucco villas which contribute to the architectural and historic value of the area. The appeal site comprises one of the large 5-storey stucco villas and given the proximity to Clifton Gardens occupies a prominent location, forming a strong focal point from views within the conservation area itself.
11. The appeal site has a variety of classical decorative features such as cornices, pediments, columns, stone balcony supports, and metalwork. The original windows were timber double hung sliding sashes, consisting of curved and straight heads. It appears that the original single glazed timber sash windows have been retained at the ground floor level. However, during my site visit I noted that the original timber openings at the upper floor levels have been replaced with uPVC windows, which is similar to other properties in the area adding variation to window treatments found in the locality.
12. The appellant highlights that the replacement of the windows was required as the existing timber sash windows had reached the end of their economic life. The original windows were unable to be repaired, and were poor fitting, providing sub-standard accommodation given the exposed sea front location of the hotel.
13. It is acknowledged that the use of uPVC is generally discouraged within such a setting, given that it is not an authentic or sustainable material. However, the new uPVC units were proposed as like-for-like replacements using a heritage style appearance, in order to provide a complementary treatment to the original detailing of the windows. In terms of the design and proportion, the overall appearance of the replacement units is similar to the previous windows, although there appears to be some minor variation in the thickness of the glazing bars and visible framework compared to the original windows. Nevertheless, these differences appear

minimal, which would provide a less than substantial harm to the host property and the FLBCA, as a whole.

14. Paragraph 215 of the Framework, states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. As stated above, the use of uPVC materials is generally regarded as inappropriate in a historic setting, and the re-use of the original timber frames could have provided a more sensitive approach to the significance of the host property and the FLBCA. Nevertheless, given the poor quality and state of repair of the original windows, I am conscious of the need to maintain the properties optimum viable use as a hotel in connection with local tourism. Heritage assets are best preserved by being in active use, as such the continued use as a hotel would provide a viable use at the appeal site. This would also accord with paragraph 98.d) of the Framework, in ensuring that services are able to develop and modernise and are retained for the benefit of the community.
16. Overall, the collective public benefits are sufficient to outweigh the less than substantial harm that would occur as a result of the scheme, and consequently the development would at the very least preserve the character and appearance of the host property and the FLBCA. The development would therefore accord with policies HB1, HB8 and HE1 of the Folkstone and Hythe District Places and Policies Local Plan, adopted September 2020. Collectively these seek to ensure that developments make a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings, and promote an appropriate and viable use of heritage assets, consistent with their conservation and their significance. The proposal would also be consistent with the Framework which seeks high standards of design that would conserve and enhance the historic environment, amongst other things.

Conditions

17. Given that the permission is being granted retrospectively it is not necessary to attach the standard time limit condition or any materials condition. However, I have attached a condition to ensure the development is in accordance with the approved plans in the interests of certainty.

Conclusion

18. The appeal scheme would accord with the development plan, when read as a whole and the Framework. Having considered all material considerations and other relevant matters raised, I therefore conclude that the appeal is allowed.

Robert Naylor

INSPECTOR