



Appeal Decision

Site visit made on 14 August 2025

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/L2250/Y/25/3364392

22 High Street, Hythe, Kent CT21 5AT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr D Pullumbi against the decision of Folkestone and Hythe District Council.
 - The application reference is 24/0938/FH.
 - The works proposed relate to 'a new external staircase to first floor flat at rear of building and replacement of window with door.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the proposal description from the decision notice and appeal form, as they more accurately represent the proposal description.
3. As the appeal site lies within a conservation area and relates to a listed building, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the proposal would preserve a Grade II listed building, known as 'The Oak Inn' (Ref: 1185881) and any of the features of special architectural or historic interest that it possesses.

Reasons

5. 'The Oak Inn' is three storeys high and forms part of a terrace, which fronts onto the High Street. It is a Grade II listed building. Although the list entry states that the building is from the 18th century, the presence of a jetty on the front elevation and the building's complex roof form suggest that the building is of earlier origins. The building has a restaurant on the ground floor with residential accommodation above. There are a series of single storey, flat-roof extensions to the rear of the property, which include historic and modern fabric. While the rear elevation of the single storey projection incorporates modern, UPVC windows, a historic window and doorway remain visible internally. When viewed externally, the single storey rear projection does not make a positive contribution to the special interest of the listed building.

6. The appellant suggests that the single storey rear projection is curtilage listed. However, Section 1 (5) of the Act states that for the purposes of the Act, any object or structure fixed to the listed building shall be treated as part of the listed building. As a result, the single storey rear projection forms part of the listed building. While the rear of the building is not referenced in the list description, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest.
7. Based on my site visit and the evidence before me, I find that the listed building's special interest insofar as is relevant to this appeal is derived from its historic and architectural interest, as an illustration of architecture which dates back to at least the 18th century. The building's surviving historic fabric and its pleasing architectural design make important contributions in this regard.
8. The proposal seeks to provide a metal stair to the rear of the building, which would provide access to the flat above. Part of the existing flat roof would be removed to form a new opening for the stair. The proposed stair and handrail would be largely screened from the public realm by the existing built form and additional section of parapet wall that is proposed. The car port and dwellings to the rear of the site would provide further screening from the public realm. However, there would be glimpsed views of the proposal from the public realm and views from the upper floor windows of neighbouring properties. Nevertheless, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
9. The proposed stair and handrail would erode the special interest of the listed building by introducing materials that would be incongruent with the historic character of the building. The provision of the handrail would introduce visual clutter and appear out of place on this designated heritage asset. The creation of a new doorway at first floor level would introduce pedestrian movement across the flat roof of the building, which would harmfully alter the historic access arrangement of the building.
10. The proposal would replace an existing first floor UPVC window with a timber door. During the course of the listed building consent application, the appellant submitted amended plans revising the design of the new door in line with the Council's Heritage Consultant's recommendations. I appreciate that the proposal would replace a UPVC window, with a door of a more traditional material. However, based on the evidence before me it is not clear whether this window has consent and I therefore give its replacement limited weight in my decision.
11. While the existing first floor windows are of differing sizes; their arrangement offers a relative sense of symmetry. The replacement of one of the first floor windows with a door would harmfully disrupt this sense of symmetry at first floor level and would not be historically accurate. While the proposed door would be the same width as the existing window, the proposal would result in the loss of historic fabric below the existing window to facilitate the new door opening. I appreciate that the Council do not object to the loss of this historic fabric given the relatively small area of fabric that would be impacted. Nevertheless, it further adds to the harm that I have identified above.
12. In addition, the proposal seeks to block in an existing internal window on part of the historic single storey rear projection. It is unclear from the information before

me whether the adjacent door is proposed to be removed as this is not shown on the proposed plans. There is insufficient information before me on the historic significance of this fabric to understand the potential impact of this part of the proposal on the significance and special interest of the listed building.

13. The appellant has drawn my attention to other properties in the locality that have external stairs and/or roof terraces. Some of the examples provided relate to modern buildings and are therefore not comparable. Where they relate to historic buildings, there are limited details before me of the circumstances of such schemes. Nevertheless, I do not find that the presence of external stairs and/or roof terraces in the locality justifies the harm that I have identified. Consequently, I give the existing stairs and roof terraces limited weight in my decision.
14. I find that the proposal would fail to preserve the special interest of the Grade II listed building. In finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the nature and extent of the development proposed, I find the harm to the significance of the listed building to be 'less than substantial' and at the lower end of the scale. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Paragraph 215 of the National Planning Policy Framework (the Framework) advises that this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
15. There would be a small economic benefit from the proposal during the construction of the development, which I give limited weight as an economic benefit. The appellant contends that the proposal would free up space within the restaurant to enable additional seating to be provided, when compared to the consented scheme, which includes a new access from the front of the building. However, there is limited evidence before me on the economic benefit of such a proposal and I therefore give it limited weight in my decision. The continued viable use of the appeal property as a restaurant and residential dwelling is not dependent on the proposal, as the building has an ongoing use(s), which would not cease in the absence of the proposal.
16. Collectively, the proposed public benefits carry limited weight in favour of the development and are insufficient to outweigh the great weight afforded to the preservation of heritage assets.
17. For the reasons given above, I conclude that the proposal would fail to preserve the special interest of the Grade II listed building. The proposal would fail to accord with the requirements of the Act and the historic environment policies of the Framework. The proposal would conflict with Policies HB1 and HB8 of the Folkestone and Hythe District Places and Policies Local Plan, September 2020. These policies among other things require that alterations and extensions respect the character of the host building, in terms of materials and detailing and should not result in unacceptable harm to heritage assets.

Other Matters

18. The appeal site lies within the Hythe Conservation Area (CA). The CA covers a large part of the town centre, including its historic core. The CA has a medieval street pattern and features a range of historic buildings of various dates and ages. The significance of the CA insofar as is relevant to this appeal is derived from the

concentration of high quality historic buildings and medieval walls, which depicts the town's evolution as a historic military and market town.

19. Despite the harm that would be caused to the listed building, I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposal would have limited prominence from the public and private domain. Unlike listed buildings, the significance of a CA is dependent upon how it is experienced. Under such circumstances, case law¹ has established that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA as a whole and would thus preserve its significance.
20. I acknowledge the support for the proposal by the Town Council; however, this does not alter my findings set out above.

Conclusion

21. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A James

INSPECTOR

¹ South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89