

OFFICERS REPORT

Application No: Y19/1302/FH
Location: Flat 1 5 Grimston Gardens Folkestone Kent CT20 2PT
Proposal Installation of 5 uPVC sash windows to replace existing timber windows.

ASSESSMENT

Performance data:-

Date application valid: 12.11.2019

Applicable 8/13/16 week target date: 07.01.2020

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA)? No

If Yes, revised 8/13/16 week target date:

Is the application being determined after 26 weeks without a PPA or a PEA? No

SITE VISIT

A site visit has been carried out.

The site and proposals were assessed from the public highway and key features are noted in the assessment.

SITE

The application site is located within the Folkestone settlement boundary and within the Folkestone, Leas and Bayle conservation area.

The building subject of this application is a large semi-detached property that has been converted to flats. The building is located on the south side of Grimston Gardens and the building is finished in red brick at ground floor with pebbledash render on the upper floors, with two-storey bay window and two gable end roof features with a balcony at first floor level.

The property forms a matching pair with number No.4 and the windows subject of this application are located to the ground floor front elevation. The existing windows are white painted timber.

The wider Grimston Gardens street scene is formed of other large three-storey buildings constructed in the Victorian era, many of which have timber-framed sash windows replicating their original material and opening method as originally constructed.

HISTORY

None relevant

PROPOSAL

This application seeks planning permission for the installation of 5 replacement windows to the ground floor front elevation. The proposed replacement windows would be vertical sliding uPVC.

CONSULTATION RESPONSES

Folkestone Town Council offered no objection to the proposal.

REPRESENTATIONS

None received

PUBLICITY

Neighbours notified by letter. Expiry date 09.12.2019

Site notice displayed. Expiry date 16.12.2019

Advertised in press. Expiry date 19.12.2019

RELEVANT POLICIES

Shepway District Local Plan Review (SDLPR): SD1, BE1, BE4, BE8

Shepway Core Strategy Local Plan: DSD

Places and Policies Local Plan Submission Draft: HB1, HB8, HE1

The Submission draft of the Places and Policies Local Plan (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

Core Strategy Review Submission Draft 2019: SS1

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

NPPF: Paragraphs 12, 124, 127, 189, 190, 192, 193, 194, 196

NPPG

APPRAISAL

Policy

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving and enhancing the character or appearance of conservation areas.

Saved policy SD1 of the SDLPR - amongst other matters seeks to maintain and improve the character and vitality of the built environment with policy BE1 requiring a high standard of layout and design and requires development to accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height and elevational details.

Saved policy BE4 of the SDLPR requires the height, scale, form and materials of new development, including alterations or extensions to existing buildings, to respect the character of the Conservation Areas. In addition it seeks to retain materials, features and details of unlisted buildings which preserve or enhance the character or appearance of Conservation Areas.

Saved policy BE8 of the SDLPR requires alterations and extensions to existing buildings to reflect the scale, proportions, materials, roof line and detailing of the original building and should not have a detrimental impact upon the streetscene.

In addition to the above, emerging policy HB8 and HE1 of the Places and Policies Local Plan would also apply.

Neither of these policies have any significant outstanding objections against them and are consistent with the NPPF, therefore they carry significant weight in the determination of this application as per paragraph 48 of the NPPF 2015.

The more recently published Government guidance in the National Planning Policy Framework 2018 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The document further states that it is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraphs 193, 194 and 196 refers to the significance of designated heritage assets (in this case the Folkestone, Leas and Bayle conservation area).

Design and impact upon the building and conservation area

The proposed replacement windows would be positioned at on the front elevation of the property at ground floor level, highly visible in the street scene. The proposed uPVC windows would look substantially different to the existing timber windows they would replace. The use of uPVC as opposed to timber would materially alter the external appearance of the host property and wider Conservation Area, which is considered to be to its detriment.

UPVC windows have a distinctive sheen, which is not the case with timber/wood, which gives them a noticeably different appearance and it is therefore very difficult to achieve the same level of detailing with uPVC and thus they are not an appropriate solution for replacement windows in historic areas.

UPVC by its very nature is thicker than timber to enable it to support the weight of the glass and as a result, the uPVC windows would fail to sufficiently replicate the existing timber windows in terms of thickness of the top and bottom rails, transoms and mullions.

The prominence of the proposed windows on the front elevation of the property means that the replacement windows would be unsympathetic to the original style and design of the host building and to the character and appearance of the Conservation Area.

Given the scale of the proposal it is considered that there would be less than substantial harm caused by the proposal to the character and appearance of the Conservation Area. Paragraph 196 of the National Planning Policy Framework (NPPF) therefore applies. In this instance the visual harm must be weight against the proposal benefit of the proposal. Although uPVC windows may bring about less maintenance and better thermal qualities than the single pane sash, the public benefit of the scheme is considered to be limited and insufficient to outweigh the harm to the Conservation Area.

Whist the design of the proposed fenestration attempts to replicate the appearance of the existing in terms of method of opening, this would not sufficiently mitigate the harm that would be caused.

In this instance it is also considered that the existence of some uPVC windows on the host building (seemingly without permission) and in the nearby area does not justify the insertion of further uPVC windows and further degradation of the historic quality of the building and wider area. The windows on the top floor of the building are a clear example of how uPVC fails to replicate original windows and detracts from the character of the building. Whilst the replacement of poor-quality windows is not objected to in principle, the appropriate material for such development is timber, not uPVC.

Amenities of neighbouring occupiers

It is considered that the amenity enjoyed by the occupying neighbours is not adversely affected by this proposal as issues with potential overlooking have not increased.

RECOMMENDATION

In light of the above, it is considered that planning permission should be refused.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: Katy Claw Position: Planning Officer Date: 07.01.2020

Report and draft decision notice agreed and file passed to admin to issue decision.

Name: D Campbell Position: DM Team Leader Date: 07.01.2020