

DELEGATED REPORT

APPLICATION NUMBER : Y19/0471/FH
PROPOSAL : Listed Building Consent for replacement windows.
LOCATION OF SITE : Berwick House, Stone Street, Lympe, Kent, CT21 4JW
APPLICATION TYPE : Listed Building Consent
CASE OFFICER : Danielle Wilkins
DECISION : Refused

Officer Checklist	
Relevant Planning History:	91/0597/SH – Provision of dormer windows. Approved with conditions 91/0488/SH – Listed Building consent for internal and external alterations including provision of dormer windows. Approved with conditions
Pre-application Advice:	None

Representations received are available in full on the planning file. The main points raised are summarised below.

Representations:	Support	Object	Comments
Neighbours / Third parties			No comments received

Consultation responses are available in full on the planning file. The main points raised are summarised below.

Consultees:	Support	Object	Not Applicable	No Comment Rec'd
Parish Council				✓
KCC Highways			✓	
KCC Archaeology			✓	
KCC Ecology			✓	
Heritage consultant		✓		

Publicity:	Neighbours notified by letter.	Expiry date:	N/A
	Site notice displayed.	Expiry date:	30.07.2019
	Advertised in press.	Expiry date:	01.08.2019

Policy Considerations:	
National Planning Policy Framework (NPPF)	- Paragraph 12. Presumption in favour of sustainable development. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

	- Paragraph 189, 190, 192, 193, 194 and 196 – Proposals affecting heritage assets.
Shepway District Local Plan Review 2006 (saved policies):	BE5 - Control of works to listed buildings.
Emerging Places and Policies Local Plan (Submission Draft) 2018:	HE1 – Heritage assets 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.
Supplementary Planning Documents	None relevant
Constraints:	Grade II Listed Building

Assessment of Impact	Acceptable / Not applicable	Comments
Residential Amenity	Not applicable	
Impact upon the Listed Building	Not acceptable	The replacement windows are all proposed to have much heavier sections than the existing and, as a result, the appearance of the windows will be coarsened to the detriment of the appearance of the building. The existing c18th multi-paned windows have slender sections with, typically, sash sections of circa 35x35mm – the proposed windows are nearly 50% thicker, with slightly thicker false glazing bars and the cills slenderer than the original. The proposed casement frame sections will be nearly twice the

		thickness of the existing and so the appearance of the casements will be radically changed. The existing dormer windows, although currently with modern storm proof sections, will also be coarsened by the changes to heavier sections – as above. The existing windows to the over-porch room does have stouter sections but the extra thickness of the sash box construction will still lead to a heavier appearance at the corners of this small extension. Conclusion – The changes to the appearances of the early c19th sashes and casements, caused by a change to double glazing, would be unacceptable. These windows should be retained or replaced in replica and with single glazing and upgrade internally with secondary glazing. The dormer casements are modern and so the use of double glazed units is less problematic. However, the proposed sash sizes need to be reduced to the minimum possible, and this is only possible if the windows using Slimlite double glazed units of a maximum 12mm thickness overall, glazed into the casement in the traditional way with non-setting glazing compound and with “real” glazing bars. The heavier windows to the late c19th porch room could also be capable of being upgraded in this way as long as the overall thickness of the sashes does not increase from the existing, so as to avoid problems with the detailing of the sash box frames at the corners.
Streetscene / Character of Area	Not applicable	
Conservation Area	Not applicable	
Parking & Access	Not applicable	
Archaeology	Not applicable	
Ecology	Not applicable	
Trees	Not applicable	

Public Right of Way	Not applicable	
Flood Risk	Not applicable	
AONB / SLA	Not applicable	
Compliant with Policy	No	
Environmental Impact Assessment	In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.	
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.	
Public Sector Equality Duty	In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to: - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty. It is considered that the application proposals would not conflict with objectives of the Duty.	

Recommendation	Refusal	In light of the above, it is considered that Listed Building Consent should be refused.	
Case Officer:	Danielle Wilkins	Date:	16/08/19
Checked by:	David Campbell	Date:	16/08/2019