

OFFICERS REPORT

Application No: Y19/0968/FH

Location: Flat 2 48 Earls Avenue Folkestone Kent CT20 2HD

Proposal Replacement of the existing single glazed crittall front elevation bay window, 5no. side windows, 1no. rear window and garden door with double glazed uPVC windows.

ASSESSMENT

Performance data:-

Date application valid: 16.09.19

Applicable 8/13/16 week target date: 11.11.19

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? Yes

If Yes, revised 8/13/16 week target date: 04.12.2019

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

SITE VISIT

A visit to the application site has been carried out. The key features noted are set out within the report.

SITE

The application relates to Earlstone Court, a three-storey detached block of flats within the settlement boundary of Folkestone. The building has a brick frontage with symmetrical gable-ends, three-storey bay windows with tile-hanging detail and two balconies on the first and second floor level. The roof form is pitched with two chimney structures. The ground floor of the building has original crittall-framed windows. The upper floors have installed UPVC windows although there is no recent planning history for this work.

The building lies within the Folkestone Leas & Bayle Conservation Area. The wider street scene comprises large, mainly four-storey Victorian buildings which have been subdivided into flats. The majority of the windows on the faade of these buildings are timber-framed sash to reflect the original design and materials of these historic buildings.

RELEVANT HISTORY

Flat 1, 48 Earls Avenue

Y19/1100/FH: Replacement of ground floor windows. Under consideration.

PROPOSAL

Planning permission is sought to replace the existing crittall-framed windows of the property with double-glazed upvc frames. This would include the front bay window, five windows on the southern side elevation of the building and one window and door on the rear elevation.

CONSULTATION RESPONSES

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

Folkestone Town Council
Comment- noted.

REPRESENTATIONS

None received.

PUBLICITY

Neighbours notified by letter. Expiry date 15.10.19
Site notice displayed. Expiry date N/A
Advertised in press. Expiry date 24.10.19

RELEVANT POLICIES

Local Plan Review Saved Policies: SD1, BE1, BE4, BE8

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

NPPG: Paragraph: 006 Reference ID: 21b-006-20190315, Paragraph: 001 Reference ID: 26-001-20140306, Paragraph: 001 Reference ID: 8-001-20140306

APPRAISAL

Design and visual appearance

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 Local Plan Review seeks to maintain and improve the character and vitality of the built environment. Policy BE1 requires a high standard of design and policy BE4 requires the materials of new development to respect the character of Conservation Areas. It seeks to retain materials, features and details of unlisted buildings which preserve or enhance the appearance of Conservation Areas.

Emerging policy HB8 of the Places and Policies Local Plan states that alterations to existing buildings should reflect the material and detailing of the original building and should not have a detrimental impact on the street scene.

The proposed UPVC-framed windows would be positioned at the ground floor level of the property, replacing the existing crittall-framed windows. The proposed upvc frames would look substantially different to the existing windows they would replace. The use of upvc as opposed to crittall 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 sheen, which crittall does not, giving upvc windows a noticeably different appearance. Whilst the applicant's comments around securing slimline upvc to match the detailing of the existing frames are noted, it is difficult to achieve the same level of detailing with upvc thus they are not an appropriate solution for replacement windows in historic areas. Upvc by its very nature is much thicker than crittall to enable it to support the weight of the glass and as a result, the upvc frames would fail to sufficiently replicate the existing windows in terms of thickness. The front and side windows to be replaced would be readily visible from street level, appearing unsympathetic to the setting of the Conservation Area.

Whilst it is noted that the upper floors of the building have installed upvc windows, there is no recent planning history for this work. To accept the replacement of all windows on a property within the boundary of a Conservation Area based on previous unsympathetic development would set a significantly detrimental precedent in the area, leading to a gradual degradation of the features of historic areas. The windows on the upper floor windows of the building are a clear example of how upvc fails to replication original windows and detracts from the character of the building.

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 existing windows, the public benefit of the scheme is considered to be limited and insufficient to outweigh the harm to the Conservation Area.

Amenities of neighbouring occupiers

The amenity of neighbouring properties would be not adversely affected by the proposed window replacements.

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

In light of the above, it is considered that planning permission should be refused due to the visual impact of the upvc inserts that would detract from the visual quality of the host property and wider Conservation Area.

Case Officer: I.Hills

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

Name: I.Hills Position: Planning Officer Date: 27.11.2019

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

Name: D Campbell Position: DM Team Leader Date: 28.11.19