

Officer Report

Application No.	23/1726/FH
Site Address	17 Portland Road, Hythe, CT21 6JA
Officer Name	Danielle Wilkins
Proposal	Listed Building Consent to reposition a door and window

Recommendation

Report Number	RD-433409
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	20 December 2023

Report

SITE

No. 17 Portland Rd is towards the western end of Hythe and is a part of a cluster of three buildings together with 13/15 Dymchurch Rd and 13/15 Portland Pl. This is at the junction of Portland Road and Dymchurch Road on the Western side of where Dymchurch Road crosses the Royal military Canal.

Nos. 11 Portland and 13 Dymchurch Rd appear to be all part of the same building – a pair of simple late C.18th/early C.19th timber framed cottages with 8/8 sash windows and simple door cases. The elevation to Portland Road is clad in white painted feather edge boarding, whereas the frontage to Dymchurch Road is rendered.

13-17 Portland Road is a Grade II Listed Building, the Listing Entry states:

An early C19 range. No 13 has been refaced with cement later in the century and given a gable. Old tiled roof. 2 storeys. 1 window. It retains a small bay window on the ground floor, with glazing bars intact. Hood moulding to 1st floor window. Doorcase in fluted frame with projecting cornice, very low rectangular fanlight and 6-panel moulded door. No 15 is of 3 storeys brown brick. Renewed hipped tiled roof and modillion cornice. 2 sashes with glazing bars intact. Doorcase in fluted frame with projecting cornice, very low rectangular fanlight and 6-panel moulded door. No 17 is really the rear elevation to No 13 Dymchurch Road qv. 2 storeys, fronted with weatherboarding, Hipped slate roof. Glazing bars intact.

Nos 13 to 17 (odd) form a group with No 13 to 17 (odd) Dymchurch Road.

RELEVANT HISTORY

95/0312/SH – Listed Building Consent for provision of casement doors and balcony. Approved

83/0989/SH – Listed Building Consent for alterations

PROPOSAL

This application seeks Listed Building Consent for the reposition of one door and one window on the rear and rear/side elevations.

The proposal would include widening and increasing the height of the window opening to form patio doors and infilling the existing door opening with matching brickwork and installing a one no. window.

CONSULTATION RESPONSES

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

Hythe Town Council – no objection

Heritage Consultant – no objection

REPRESENTATIONS

0 representations received.

PUBLICITY

Site notice displayed. Expiry date 01/12/2023

Advertised in press. Expiry date 14/12/2023

RELEVANT POLICIES

Core Strategy Local Plan:

Places and Policies Local Plan: HE1 HE2

NPPF: 12, 200-201, 203, 205-208

NPPG:

APPRAISAL

The main issue to be considered is the impact on the Listed Building and the statutory test to preserve the special architectural or historic interest of the listed building as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed alterations would be to the rear of the building facing the courtyard in an area that has been altered in the past with a small extension added in the corner with a door and sidelight window and an arch-topped sash window and porthole window, neither of which are the original features of the building. The proposed new windows and doors would be constructed of timber and painted to match the windows within the host building. It is therefore considered that the altering of the ground floor door and window into a pair of windows and the arched window to a pair of French doors is acceptable and would not result in the loss of any significantly historic fabric of the building or any harm to the character or appearance of the Listed Building. As such the application is

considered to be acceptable and is considered to conform to the criteria of the NPPF and policy HB1 of the PPLP.

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.

DUTY TO COOPERATE

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance the application was acceptable as submitted.

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 the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

Recommended Conditions (4)

of three years beginning with the date on which this consent is granted.

Reason:

☐ In pursuance of Section 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2

The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents: 05174_MH02 Rev A

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

3

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason:

In the interests of visual amenity.

4

Prior to the installation of the new window/doors hereby approved detailed drawings at a scale of 1:5 of all new external and internal joinery work and fittings together with sections through glazing bars, frames and mouldings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained as such thereafter.

Reason:

In the interest of the special architectural or historic interest of the listed building.

