

Officer Report

Application No.	23/1976/FH
Site Address	4 Earlscliffe Mews, Shorncliffe Road, Folkestone, CT20 2NB
Officer Name	Katy Claw
Proposal	Replacement of wooden double glazed rear French doors with R9 UPVC equivalent

Recommendation

Report Number	RD-434067
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	20 March 2024

Report

SITE

The application site forms a terraced three-storey property within the fringes of the Folkestone Leas & Bayle Conservation Area.

The property is a fairly new build on the southern side of Shorncliffe Road. The site benefits from private parking and garaging and has a shared access with the other properties in the block.

It is understood that the plot originally belonged to the property which sits to the immediate East of the site, known as Earlscliffe.

Planning permission was approved in 2011 to divide the plot and develop the land for 5 dwellings with associated parking and garaging.

RELEVANT HISTORY

Y09/0413/SH – Erection of a terrace of five three-storey dwellings with an attached single garage to the west elevation, together with the erection of a further two detached double garages.
Approved with conditions

Y11/0742/SH – Erection of a terrace of five, three storey dwellings with five garages to the rear.
Approved with conditions

PROPOSAL

This application seeks planning permission for the installation of replacement ground floor rear patio doors/windows.

The existing doors/windows are white timber and the application proposes to replace them with white uPVC.

CONSULTATION RESPONSES

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

Folkestone Town Council – object due to being in a conservation area and this will adversely affect the character of the area.

REPRESENTATIONS

None received

PUBLICITY

Neighbours notified by letter. Expiry date 04.03.2024

Site notice displayed. Expiry date 14.03.2024

Advertised in press. Expiry date 06.03.2024

RELEVANT POLICIES

Places and Policies Local Plan 2020: HB1, HB8, HE1

Core Strategy Review 2022: SS1

NPPF: 195-208

NPPG: Historic Environment

APPRAISAL

Background

Planning permission was granted in 2011 for the block of 5 houses and the application decision included two conditions. One condition removed permitted development rights and another condition sought to ensure that timber sash windows were installed and retained to the front elevation of the property.

Design and visual appearance

Section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires special regard to be had to the desirability of preserving the Listed Building or its setting or any special architectural or historic features it possesses.

The NPPF requires the impact on the significance of the designated heritage asset to be considered and where potential harm is identified, the harm needs to be categorised as either "less than substantial harm" or "substantial harm". The National Planning Practice Guidance (NPPG) states that whether a proposal causes substantial harm will be a judgement for the decision maker, but it also makes it clear that substantial harm is a high test.

Paragraph 205 of the NPPF states that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise, that harm might be. Paragraph 206 states that any harm to or loss of the significance of a designated heritage asset should require clear and convincing justification. Where a proposal would result in less than substantial harm, the NPPF requires that it is weighed against the public benefits of a proposal in the manner described in paragraph 208. Heritage benefits are a public benefit to consider in the weighing exercise.

The application site is a terraced property within a block of five fairly new, uniform houses, on the periphery of the Folkestone Leas & Bayle Conservation Area. The Conservation Area designation is older than the current houses on the site and the plot was formally part of the period property which sits to the immediate East of the group.

The block do not necessarily contribute to the significance of the Conservation Area but they do not detract from it as they have been sensitively designed and they generally reflect the established pattern of development and layout principles of the surroundings.

UPVC in the conservation area is not generally supported as it can have an eroding effect on the historic character of the heritage asset, especially where those buildings are also of a historical nature. In this case, the property is a modern addition to the Conservation Area, but notwithstanding, the finished material choice of such buildings should be visually acceptable so as to not detract from the historical and unique qualities of the area. This stance is highlighted by the imposition of the 2011 planning condition ensuring the windows on the front elevations of these properties to be timber sash.

The proposed replacement patio doors/windows would be located on the ground floor rear elevation. Having visited the site, the rear garden is contained within the wider development plot which also provides the car parking and garages in association with the block of dwellings. The gardens are well-screened with 2m high fences and planting, views into the site are also further obscured by the garages. As such, the ground floor rear elevation of the application site is not visible from views within the development plot, the streetscene or the wider Conservation Area. The proposed replacement patio doors/windows would fit within the existing opening and the method of opening would remain as per the existing situation.

On balance, taking the site-specific circumstances into account it is considered that the proposal would preserve the character and appearance of the wider Conservation Area in general and the proposal would result in no harm to the designated heritage asset (Conservation Area) as set out in the NPPF.

It must be noted that this particular application is deemed acceptable on the basis that it only impacts the ground floor rear elevation and not the upper elevations or the front elevation, which are all more visible from within the Conservation Area and where the use of upvc fenestration would likely result in harm to the heritage asset.

Residential amenity

The proposal would not increase instances of overlooking above the existing situation and as the floor area would not increase, there would be no impact upon neighbouring properties in terms of overbearing or overshadowing.

Other matters

Folkestone Town Council has objected to the proposal.

The concerns raised by the town council regarding the use of uPVC are noted but in this particular case, for the reasons set out above it is considered that uPVC at the ground floor rear elevation would not amount to harm as to warrant a reason for refusal.

The Council's scheme of delegation allows this type of decision to be determined under delegated authority and so the scheme does not need to be reported to the planning and licensing committee.

Archaeological Potential

Given the minor nature of the application it is not considered likely to result in harm to any buried items of archaeological interest. As such it is considered that no further information or mitigation is required in this regard.

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.

Local finance considerations

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for the CIL charge.

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 (3)

1

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason:

In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2

The development hereby permitted shall not be carried out except in accordance

with the details shown on the submitted drawings:

Location Plan – 31.01.2024

Proposed Elevations (produced by Channel Windows), ref: 27513 showing product 'R9', dated 29/11/2023 – 31.01.2024

Proposed Elevations – 31.01.2024

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of policy HB1 of the Places and Policies Local Plan.

3

The development hereby approved shall be carried out in accordance with the details of materials as specified in the application documents approved in condition 2, above.

Reason:

To ensure the appropriate appearance of the completed development and in the interests of visual amenity.