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Application No: Y19/1235/FH (Planning Application) & Y19/1236/FH (Listed Building Consent)

Location of Site: 30 Sandgate High Street, Sandgate, Kent, CT20 3AP

Development: Retrospective application for replacement timber first floor front window to match approved adjoining replacement windows together with listed building consent for the same works.

Applicant: Mr Barry & Paul Messrs. Bushell & Ollerenshaw

Agent: Mr Stuart Ingleston

Officer Contact: Katy Claw

SUMMARY

This report considers whether planning permission and listed building consent should be granted for the installation of replacement white painted timber windows on the first floor front elevation of the host building. The report recommends that planning permission and listed building consent be granted as it is considered that the replacement windows would result in an overall enhancement of the group of buildings (Nos 26, 28, 30 and 30A), all of which are Grade II Listed.

RECOMMENDATION A (Y19/1235/FH):

That planning permission be granted subject to the condition set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

RECOMMENDATION B (Y19/1236/FH):

That Listed Building Consent be granted subject to the condition set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. INTRODUCTION

- 1.1. The applications are reported to Committee as per the Council's Scheme of Delegation due to Sandgate Parish Council objecting to the applications and as the recommendation is for approval.

2. SITE AND SURROUNDINGS

- 2.1. The application site is a Grade II Listed Building located within the settlement boundary of Sandgate, within the Sandgate High Street Conservation Area and Area of Archaeological Potential. The applications relate to replacement windows located on the first floor front elevation of the host building. The first floor windows serve a staff room that is used in association with the existing ground floor commercial unit, currently operating as a restaurant.
- 2.2. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission and Listed Building Consent is sought for replacement timber windows at first floor to match those windows which received planning permission at 26-28 Sandgate High Street in May 2017 in connection with a change of use of the building.
- 3.2 The following reports were submitted by the applicant in support of the proposals:
- Design & Access and Heritage Statement
- 3.3 The submitted report sets out the use of the site, explains what was discussed with the officer and heritage officer during the life of the 2017 application for the property next door, it refers to relevant local and national plan polices and concludes with why the applicant feels the works are acceptable. A copy of the submitted statement can be found on the public file.

4. RELEVANT PLANNING HISTORY

- 4.1 There is no recent or relevant planning history relating to No.30 Sandgate High Street. Relevant planning history relating to 26-28 Sandgate High Street is set out below:

Y17/0379/SH	Change of use and conversion of existing vacant first floor offices into two self-contained flats and replacement of front elevation windows.	Approved with conditions
Y17/0380/SH	Listed building consent for internal alterations, including making new openings in walls and replacement of two front elevation windows, to allow for the conversion of first floor into two self-contained flats.	Approved with conditions
90/0189/SH	Listed building consent for internal alterations	Approved
90/0190/SH	Change of use of first floor to offices	Approved

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Sandgate Parish Council: Object on the basis that the applicant has replaced a window with a different design citing historical precedence without evidence. This is a material change which they are concerned will affect the listed status of the building.

Heritage Consultant: Recommended to grant consent

Local Residents Comments

5.2 13 neighbours directly consulted. 1 letter of objection, 0 letters of support received and 0 letters neither supporting nor objecting to the application.

5.3 I have read all of the letters received. The key issues are summarised below:

Objections

- No evidence of consultation with the listing authority, only applicants' assurance that the change of windows on the listed building will have no detrimental effect upon the listed building status.
- Early photographs show 26-30 Sandgate High Street prior to the buildings east of it were demolished. The applicant states that the windows have not been restored, but the photographs show windows similar to the ones removed and a single different window. Photos can be viewed online.

<http://archive.sandgatesociety.com/>

5.4 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)

6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject of public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.

6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

6.4 The relevant development plan policies are as follows:-

Shepway District Local Plan Review (2013) (SDLPR)

SD1 – Sustainable Development

BE1 - Standards expected for new development in terms of layout, design, materials etc.

BE4 - Criteria for considering development within conservation areas.

BE5 - Control of works to listed buildings.

BE8 - Criteria for considering extensions to dwellings.

Shepway Local Plan Core Strategy (2013) (SLPCS)

DSD – Delivering Sustainable Development

Places and Policies Local Plan Submission Draft (2019) (PPLP)

HB1 – Quality Places through Design

HB8 - Alterations and extensions to residential buildings.

HE1 – Heritage assets

Core Strategy Review Submission draft (2019)

SS1 – District Spatial Strategy

Sandgate Design Statement 2013

SDS1 – Compliance with the Design Statement

SDS2 – Compliance with the development plan

SDS4 – Conservation Areas

SDS5 – Character Areas (The High Street Area)

SDS6 – Street Scene Detailing

6.5 The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Government Advice

National Planning Policy Framework (NPPF) 2019

Of particular relevance are paragraphs 12, 189, 190, 192, 193, 194, 196

Paragraph 193 of the NPPF says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 196 of the NPPF refers to proposals affecting heritage assets and says that where a development proposal will lead to less than substantial harm to the

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significance of a heritage asset, this harm should be weighed against the public benefits of the proposed building including, where appropriate, securing its optimum viable use.

- 6.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

National Planning Policy Guidance (NPPG)

Design: process and tools

National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context
- I2 - Well-designed, high quality and attractive
Paragraph 53 *'Well designed places are visually attractive and aim to delight their occupants and passers-by'*.

7. APPRAISAL

Background Information

- 7.1 It is understood that the South street frontage to Sandgate High Street is a later re-fronting of render with a stucco parapet cornice, these external works took place around the mid c19th, presumably when the building was converted into office space. The re-fronting spans across no's 26, 28, 30 and 32 Sandgate High Street, giving the current frontage a unified appearance across the properties. As a result of those works in the mid c19th taking place, it is likely that the original windows were replaced with all-bar windows and these all-bar windows were in situ at the time of the assessment of applications Y17/0379/SH and Y17/0380/SH. During the assessment of the 2017 applications these all-bar windows were not considered to be the originals, due to their design and that they also did not sit back in the reveal as would be expected of windows in a building of this age, and so were considered by the Council's heritage consultant to be more modern due to their design/placement vs the age of the main building. The original submission of the 2017 applications did not include any external works, only the internal works for the conversion to residential. During the life of those applications the Council's heritage consultant suggested to the case officer at the time, that whilst the internal conversion works were acceptable (the historic interior had been lost many years ago, likely during the conversion to offices) that the modern windows should be removed and that the applicant should reinstate the sash window arrangement on the south elevation, to mirror the older windows as found above the bakery at 30A Sandgate High Street. The suggestion was then that the windows needed to be box

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sashes - unequal sliding sashes with horns, and they needed to be set back in the reveal (unlike the more modern windows that appeared more flush, and therefore out of keeping with the historical building). The windows could be Slimlite double glazed. This was specifically requested to be undertaken in order to achieve improvements to the uniformity and historic content of the original listed group. These suggestions were taken on board and acted upon by the applicant and amended plans showing the replacement windows were subsequently submitted and approved on 31st May 2017. The works approved to the front elevation windows were to Nos 26 and 28 only, leaving No 30 with the larger all-bar window as this was outside of the red line of the application site being assessed under the 2017 applications.

7.2 In light of the above background information, the main issues for consideration are:

- a) Design/visual amenity of streetscene and conservation area
- b) Impact upon the Listed Building and group of Listed Buildings/ statutory duty to preserve the character of the Listed Building

a) Design/visual amenity of streetscene and conservation area

7.3 Saved local plan policies require development to be of a high standard of design and choice of materials and that development should accord with existing development in the locality, where site and surrounding development are physically and visually interrelated in respect of building form, mass, height, and elevational details.

7.4 Saved local plan policies that relate specifically to the conservation area states that the District Authority will require the height, scale, form and materials of new development, including alterations and extensions to buildings, to respect the character of conservation areas.

7.5 The sentiments of the saved Local Plan policies above are echoed in the emerging Places & Policies Local Plan and their combined weight is further supported by the Sandgate Design Statement. The NPPF guides that great weight should be given to the conservation of heritage assets and that their significance should not be harmed or lost through development

7.6 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.

7.7 It is considered that the works carried out to the first floor windows at No 30 Sandgate High Street do physically and visually interrelate with the site and surrounding area given what has already been granted and carried out at Nos 26 and 28 Sandgate High Street. Officers are of the opinion that the replacement windows fully unify the group of buildings and, as a result, has enhanced the character of the conservation area, and has improved the overall appearance of this group of buildings when read from the streetscene and wider conservation area.

b) Impact upon the Listed Building and group of Listed Buildings

7.8 Saved local plan policy BE5 refers specifically to Listed Buildings and, in part, says that the District Planning Authority will refuse Listed Building Consent for demolition,

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extension, alteration or partial demolition, including internal or external works, if the proposals are considered to be detrimental to the character of the building. These sentiments are again echoed in the emerging PPLP and supported by the Sandgate Design Statement.

- 7.9 Paragraph 132 of the NPPF refers to the historic environment and says that great weight should be given to the assets conservation. Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.10 The proposed replacement windows are considered to enhance the character of the Listed Building and improve the appearance of the listed group overall by replacing non-original windows with windows more appropriate to the period and appearance of the buildings, to mirror the historic windows found at the first floor South elevation of No 30A Sandgate High Street. The result is one of unifying the listed building with the group (Nos 26, 28 and 30A) preserving the character of the listed building. The works have resulted in reinstating more period appropriate windows and these works could be considered within the realms of a public benefit and a better understanding of the historic building that exists under the more modern c19th

Environmental Impact Assessment

- 7.11 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

- 7.12 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

- 7.13 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.

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It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the applicant

- 7.14 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

8. CONCLUSION

- 8.1 The main issues are the impact of the works upon the streetscene, conservation area, Listed Building and group of Listed Buildings as a whole. The works have resulted in a more uniform appearance to the group of listed buildings and has resulted installation of windows more befitting the period of the building. It is accepted that the works have been carried out without first obtaining planning permission or listed building consent, however in this instance planning permission and listed building consent were both granted in 2017 for the same design or replacement windows at Nos 26 and 28 Sandgate High Street as is currently being sought under these current applications. The local plan policies used to assess the 2017 applications are still relevant as well as now being bolstered by the PPLP, which is similar in its policy standing. For these reasons it is concluded that planning permission and listed building consent should be granted.

9. BACKGROUND DOCUMENTS

- 9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

RECOMMENDATION A (Y19/1235/FH):

That planning permission be granted subject to the condition set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

RECOMMENDATION B (Y19/1236/FH):

That Listed Building Consent be granted subject to the condition set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

Conditions:

1. The development hereby permitted shall be retained in accordance with the details shown on drawing number 044/19/02, received 29.10.2019.

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