

Application No: 21/0926/FH

Location of Site: 1 Cherry Garden Avenue, Folkestone, CT19 5LB

Development: Listed Building Consent for the removal of existing outbuilding structure and replacement with 2-bed dwelling within the curtilage of a Grade II listed property.

Applicant: Ms Shuxiang Wang

Agent: Guy Hollaway
The Tramway Stables, Rampart Road, Hythe, CT21 5BG

Officer Contact: Emma Hawthorne

SUMMARY

The proposal seeks Listed Building Consent for the demolition of an existing outbuilding structure and replacement with 2-bed dwelling within the curtilage of a Grade II listed property and accompanies the application for formal planning permission for the demolition of the structure and redevelopment of and to form new residential property under 20/0765/FH. The scheme is considered to be acceptable in terms of the impact to the special qualities of the Farmhouse, a Grade II listed building, or its setting, and therefore is considered to be appropriate development and recommended for approval subject to conditions.

RECOMMENDATION:

<p>That listed building consent be granted subject to the conditions 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.</p>
--

1. INTRODUCTION

1.1. The application is reported to Committee because Folkestone Town Council has objected to the proposal.

2. SITE AND SURROUNDINGS

2.1. Cherry Garden Farmhouse is located on the west side of Cherry Garden Avenue, close to its junction with Cheriton Road and about 2km west of the centre of Folkestone. The farmhouse is ancient, double fronted, timber framed house re-fronted in the c18th with a main roof range and four hipped roof ranges extending to the rear.

2.2. The outbuilding is located to the south side of the house and is a brick built former stable building with a Kent peg tile roof. It would appear to date from the C18th. The building is separate from the listed farmhouse but linked to it by a high timber fence.

At the southern end, the building abuts a block of flat roof garages belonging to Cherry Court.

2.3. A group TPO is located to the front boundary of the site.

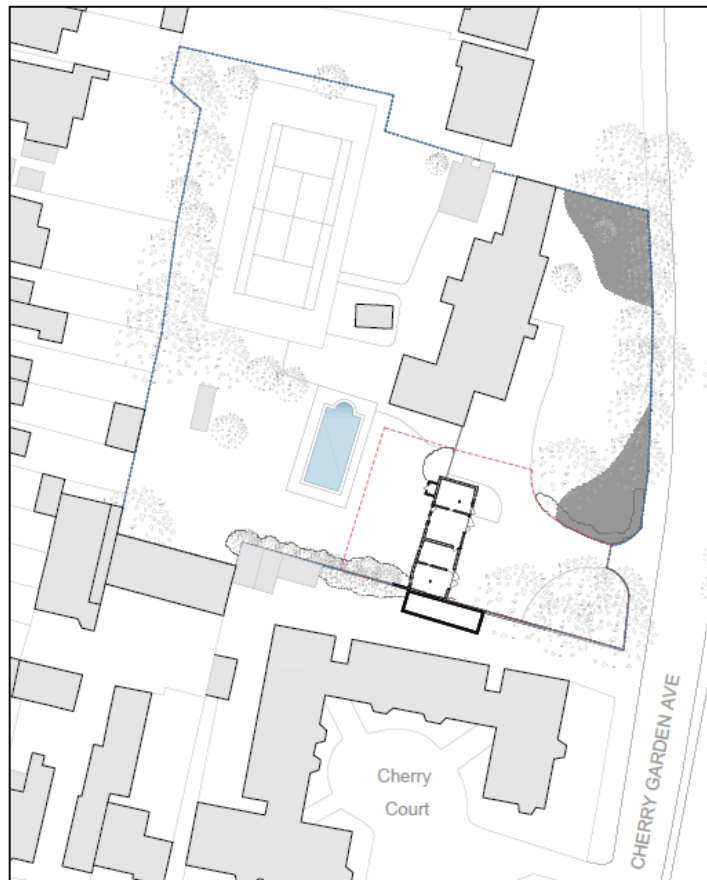


Fig1. Existing block plan



Fig2. Outbuilding prior to collapse



Fig3. Outbuilding prior to collapse

2.4. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Listed Building consent is sought for the demolition of existing outbuilding structure and its replacement with a two bed dwelling, within the curtilage of a Grade II listed property. The application accompanies planning application 20/0765/FH for the same works.
- 3.2 The outbuilding, proposed to be demolished, is a dilapidated barn. The walls are all red brick with a clay tile roof and timber doors and window frames. The barn has been in poor condition for a number of years, and due to strong winds and the continued deterioration of the building, the ancillary building collapsed (January 2021) with the gable ends and roof structure failing.
- 3.3 The proposed replacement dwelling on the site, would be of single storey, with traditional pitched roof. Barn doors would be incorporated to the principle elevation and house a large window, a small stable widow would also be kept in a similar position and another window marks the former edge of the large doors. The rear of the dwelling proposed two gable extensions that create a small external courtyard. The external materials proposed consist of Kent peg tiles to the roof, zinc cladding to the gable ends, and red brick to the façade.
- 3.4 The proposed dwelling would have one point of access for both pedestrians and vehicles with a moderate sized front garden and building frontage largely masked by trees from the road.

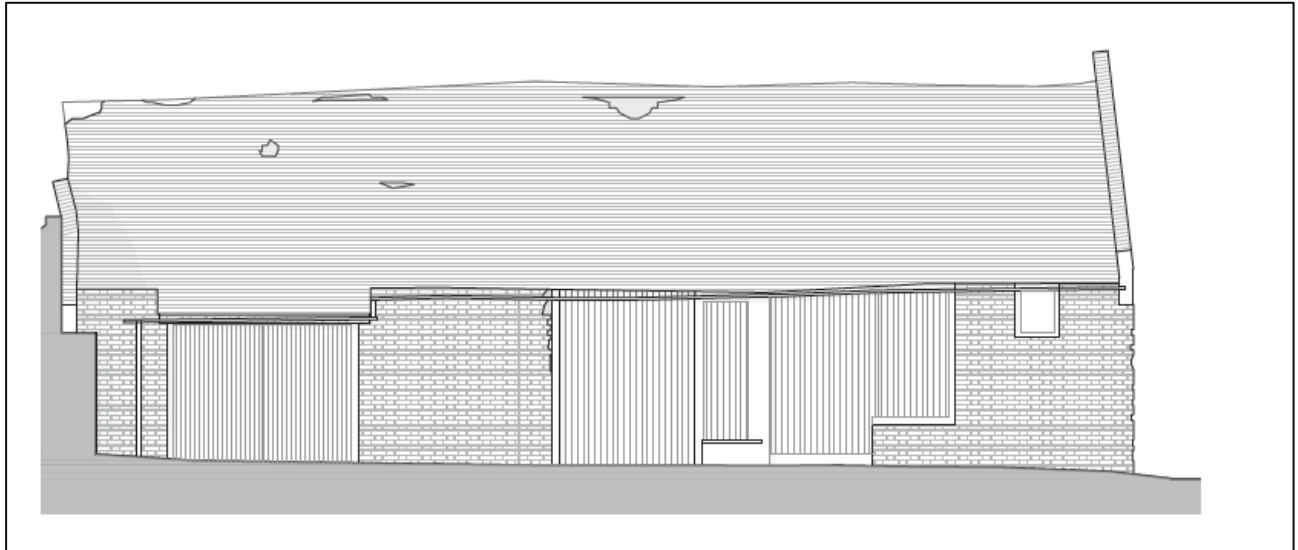


Fig4. Existing barn (pre collapse)

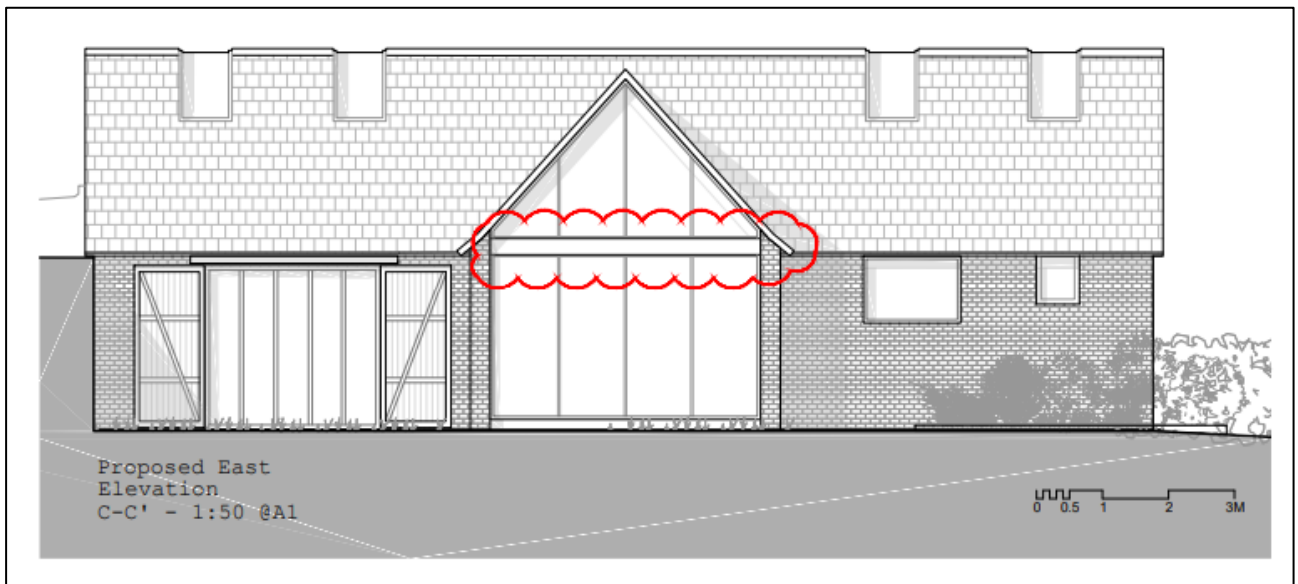


Fig5. Proposed dwelling front elevation (east)



Fig6. CGI of proposed, replacement dwelling from street scene



Fig7. CGI of proposed dwelling from front garden

3.5 The following reports were submitted by the applicant in support of the proposals:

Design and Access Statement

The Design and Access Statement discuss the key elements of the design and how this relates to the site and locality. The report states that the structural condition of the existing building following the collapse of the outbuilding in January 2021, means retaining any walls would be unpractical, however the street facing elevation aims to replicate as many features of the original facade as possible. Access to the site would be via the existing access point.

Heritage Statement

The Heritage Statement confirms that the significance of the grade II Broadmead primarily relates to its historic and architectural interest as a late medieval or early post medieval timber framed dwelling which was re-fronted and gentrified in the 18th century. The ancillary detached red brick building on the site appears to date from the late 18th century. It further states that while not listed in its own right this building would appear to be part of the listed building under Section 1(5)(b) of the Planning (Listed Building and Conservation Area) Act 1990, and is therefore classified as 'curtilage listed'. Section 4 of this report concludes that the collapse of the building and its subsequent removal would cause a low level of harm to the significance of Broadmead.

In summary, the Heritage Statement states that the proposed works to the ancillary building ('curtilage listed' as part of the grade II listed Broadmead) are considered to be proportionate and compliant with relevant policies contained within Section 16 of the NPPF and relevant local planning policy and guidance. There would be preservation for the purpose of the decision maker's duty under section 16 of the Act.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

20/0765/FH	Planning application accompany the listed building application, for the erection of a 2 bedroom detached dwelling following the demolition of an existing dilapidated garage.	Recommended for approval with conditions
------------	---	--

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Folkestone Town Council: Objection, the Committee now understand the important heritage of this building but also the state of disrepair it is in and felt that in the event this building could not be saved, as much of the original materials as possible should be used in rebuilding in the same footprint to a sympathetic design. Committee asked that a structural survey be carried out and expressed concern that no tree plan had been included in the application. Councillor Jonathan Graham maintained his comment of no objection.

Historic England: No comment.

Consultant Conservation Architect: On balance the proposed demolition of the barn could be considered to be acceptable, provided that the replacement building is constructed in accordance with the plans.

Local Residents Comments

5.2 No neighbours directly consulted, but a site notice and press advert were published to notify of the proposal. Three letters of objection received to the application.

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

Objections

- Curtilage listed barn and its removal would cause significant harm to the setting and heritage if the listed farmhouse;
- Neglect to a listed building requires you to discount the current condition of the building;
- Suggestions that the barn was neglected;
- Roof was to be repaired previously;
- Replacement dwelling not in keeping;

- No boundaries proposed;
- Barn is one of very few remaining examples in Folkestone agricultural history;
- Insufficient information that material is unusable;
- Damage looks a lot more than the alleged bad weather;
- Documentation should be submitted as historical record if allowed to be demolished;
- Loss of trees within the site;
- Overdevelopment of the site;
- Building should be restored.

5.4 **Ward Member**: No response.

5.5 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 Places and Policies Local Plan 2020 and the Core Strategy Local Plan 2013.

6.2 The Folkestone & Hythe District Core Strategy Review Submission Draft was submitted to the Secretary of State on 10 March 2020. Inspectors were appointed to examine the plan on 19th March 2020 and public hearings were held from 15th to 18th December 2020, from 5th to 12th January 2021 and from 29th June to 1st July 2021. The Inspectors wrote to the council on 1st July 2021 to state that the Core Strategy Review complies with the duty to cooperate and can be made 'sound' by amendment through main modifications. The Inspectors followed up their initial assessment by letter on 16th July 2021, stating that, subject to main modifications concerning detailed policy wording, they consider that the plan's spatial strategy and overall approach to the district's character areas and settlements is sound. The Inspectors find that the housing requirement is justified and that the Core Strategy Review will provide an adequate supply of housing over the plan period and at least a five year supply of housing land at the point of adoption. In accordance with National Planning Policy Framework (2021) paragraph 48, the policies in the Core Strategy Review should therefore be afforded significant weight, having regard to the Inspectors' outline of main modifications required.

6.3 The relevant development plan policies are as follows:-

Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development

Places and Policies Local Plan (2020)

HE1 – Heritage Assets

Core Strategy Review Submission draft (2019)

DSD – Delivering Sustainable Development

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

Government Advice

National Planning Policy Framework (NPPF) 2021

6.5 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 189 – 202 Proposals affecting heritage assets

National Planning Policy Guidance (NPPG)

Historic Environment

7. APPRAISAL

7.1 In light of the above the main issue for consideration is the impact on the grade II listed building.

a) Impact on the grade II listed building

7.2 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.

7.3 The property the subject of the application is not listed in its own right. It is however within the curtilage of a listed building and is therefore considered to be curtilage listed, and a designated heritage asset. The NPPF, states that these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In relation to the determination of proposals that affect heritage assets, paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:

a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

7.4 Paragraph 201 of the NPPF goes on to say that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

7.5 In this case therefore, the impact of the loss of the curtilage building should be assessed, as well as the impact of the replacement building on the setting of the existing listed building.

7.6 Paragraphs 200 and 202 of the NPPF are specifically relevant to the consideration of this proposal and state that, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 202 continues to explain 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 including, where appropriate, securing its optimum viable use."

7.7 Policy HE1 of the Places and Policies Local Plan provides measures that seek to preserve listed buildings and which promote appropriate and viable uses of heritage assets, consistent with their conservation and significance.

7.8 The outbuilding is located to the south side of the house and is a brick built former stable building with a Kent peg tile roof, which would appear to date from the C18th. Examination of historic mapping shows that the farmhouse and its outbuildings are the last remaining buildings associated with Broadmead Farmstead, which was once in open country and occupied a corner plot between Cherry Garden Road and Cheriton Road. The area has become 'swallowed up' by the expansion of West Folkestone at the end of the C.19th with the rest of the plot -replaced by a block of flats built either in the late 1930s or early 1950s.

7.9 The proposal seeks the complete demolition of the outbuilding, and the redevelopment of the site with a new 2 bedroomed house on the same site in the same position. The outbuilding suffered damage during bad weather in January 2021 and as a result of this the roof of the building has collapsed in on itself and the remaining structure of it lying as rubble within the external walls. The building is now essentially roof-less and the external walls are also in a distressed state with parts of the external walls having

collapsed in with the roof and other parts of the building leaning outwards, particularly at the rear (garden) side.

- 7.10 Examination of the collapsed roof suggested that it dated back to the very late C.18th/early C.19th, a date consistent also with the nature of the exterior brickwork which is built of soft red Kentish bricks typical of the period.
- 7.11 An up-to-date and detailed report on the condition of the building has been submitted in support of the application. This report was prepared following a site visit with the Council's Consultant Conservation Architect, together with planning enforcement officer on 15 February 2021. The conclusion of the report states that the collapsed outbuilding would need further significant dismantling prior to any reconstruction, whether this was for a simple reconstruction to its former state (for use as a barn structure) or for conversion to another use.
- 7.12 Notwithstanding the updated report compiled post collapse, it should be highlighted that an assessment of the building had previously been completed around the time of the initial submission in July 2020. At this time the building was still standing with its roof in place. The July 2020 report concluded that the outbuilding was in a poor condition exhibiting holes in the roof, especially at the southern end and significantly distorted over the main entrance doorway on the East (front) side, which was due to over stressing of the doorway lintel. The brickwork was also highlighted as being in a poor state of repair, with a significant inward lean to the north gable end parapet wall and with many individual bricks eroded back significantly.
- 7.13 It is accepted, given the above, that the condition of the building would require the major part of the external walls on the east (front), north (gable end) and west (garden) frontages to be demolished and rebuilt, so as to remove areas of unstable and distorted brickwork. Given the subservient status of the building as a farm building, it is likely that the existing foundations are not in accordance with modern standards and it is more than likely that the remnant walls would need underpinning prior to reconstruction. The Council's Consultant Conservation Architect has advised that whilst it may be possible to retain some of the original structure, with half the existing walls needing to be removed, any partial rebuild of the existing structure would still result in any heritage value the original structure had being lost and in consideration of this, it is concluded that it would be more practical and reasonable to allow complete demolition and re-build in this case.
- 7.14 In light of this, and in consideration of the advice obtained from the Council's Consultant Conservation Architect, it is considered that because of the dilapidated state of the building, any proposal to conserve what is left of the structure and rebuild of it would be likely to be unsympathetic and unrealistic, and a reconstruction, even to its previous form, would involve the complete removal of the standing structures to enable the construction of a replacement, replica building.
- 7.15 Paragraph 196 of the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. Given the evidence submitted to the Council, which includes CCTV footage of the building collapsing in windy conditions, deliberate neglect (leading to collapse of the building) cannot be proven and it is not considered that there was deliberate neglect to the existing outbuilding over a number of years.

- 7.16 In light of the above-mentioned policy requirements, and taking into account the findings of the Heritage Report and advice obtained from the Council's Consultant Conservation Architect, it is not considered desirable or sustainable to re-build the existing building given its current state of repair.
- 7.17 Clearly the current condition of the building no longer makes a positive contribution to the site and wider street scene and can no longer be considered an asset to the local community. Rather, its current state renders the site untidy and rundown, which in itself has a negative impact on the locality, and in particular the setting of the listed farmhouse. As referred to in the design and appearance section of the accompanying report for planning application (ref: 20/0765/FH), the proposed replacement building used as a dwelling house would make a positive contribution to local character and distinctiveness and is a far more desirable option than to leave the site as it is and allowing the existing structure to fall further into disrepair.
- 7.18 Turning to the impact on the listed building, heritage assets may be affected by direct physical change or by change in their setting. In this case the proposed demolition of the existing barn/outbuilding and development of a new residential unit in its place has the potential to affect the setting of the listed host dwelling – Broadmead Farmhouse. As stated, the replacement dwelling proposed, in place of the barn, would share a similar footprint to that of the demolished outbuilding and is of a similar form – a long building, north-south with a narrow plan depth, with a steep pitched roof and occupying approximately the same footprint. This part of the building is proposed to be of approximately the same section but, within, contains an upper floor level contained within the steep tiled roof.
- 7.19 The plan form is, however, proposed to be extended out with a pair of wings projecting to the rear, either side of the central external courtyard area and projecting at the front to form a glazed gabled entrance feature facing out to the east towards the road. On the front, east side the architectural treatment consists of a central gable fully glazed and set within brick return walls, connecting back to the front of the main body of the building. At the rear, the centre glazed gable is set back on the line of the body of the building, with the two projecting gables pulled forward into the garden to contain a small central courtyard space. The western gable element is proposed to be mostly brick and the south-east is proposed to be half brick/with a glazed corner element with boarding above. All gabled roof elements would be covered in Kent peg tile, at the same pitch as the main roof, with a traditional version detail without barge boards and fascia. Given this design, the proposal is not considered to detract from the setting of Broadmead farmhouse, a grade II listed building.
- 7.20 Overall the proposal is considered appropriate in terms of the impact on the setting of the listed building, as the main north-south body of the new building is located on the footprint of the demolished outbuilding, and would be of similar height and with a similar roof form. The plan arrangement of the proposal is also acceptable as there is a simple logic to the plan with a projecting element to the front and twin projections at the rear. The choice of material, which includes brick and plain tile, responds to the outbuilding to be lost, and also relates to the listed building further to the north.
- 7.21 The form of the proposed replacement building is a combination of the traditional and the modern. The overall form of the main body of the house references back to the barn/outbuilding and the materials are traditional brick and plain tile, but the detailing is modern with ridge level rooflights and fully glazed central gables. At the rear a mix of brickwork glass and cladding arranged in a contemporary fashion creates a more

open informal relationship between the proposed house and its garden. The proposed use of materials is considered appropriate in this instance, referencing materials found within the wider street scene but also within Broadmead farmhouse itself, referencing the traditional fabric of the site and its surrounds. The proposed materials are not considered to detract from the setting of the listed building.

- 7.22 Notwithstanding the above, details of any proposed fencing/boundary treatment have not been provided, and therefore this would be required to be secured by way of a planning condition to ensure that the proposed fence materials at the front, the front gate and the fence linking the new build to the listed house and at the rear are in keeping and preserve the setting of the listed building.
- 7.23 For the reasons set out above, the proposed demolition of the existing outbuilding is considered to be acceptable. As paragraph 204 of the NPPF advises that local planning authorities 'should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred' any forthcoming planning permission would be conditioned such that the building must not be demolished prior to a contract for the construction of the replacement building being signed. Its replacement with a new dwelling would not be considered to cause harm to the special qualities of the Farmhouse, a Grade II listed building, or its setting, and therefore is considered to be appropriate development. The proposal is considered to accord with policy HE1 of the Local Plan (2020) and the aims of the NPPF (2021).

Environmental Impact Assessment

- 7.24 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

- 7.25 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.
- 7.26 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. The CIL levy in the application area is charged at £57.86 per square metre for new residential floor space.

Human Rights

- 7.27 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

7.28 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.

Working with the applicant

7.29 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 proposal seeks Listed Building Consent for the demolition of an existing outbuilding structure and replacement with 2-bed dwelling within the curtilage of a Grade II listed property. While objections to the proposals are noted the scheme is considered to be acceptable in terms of the proposal's impact on the significance of the outbuilding as a designated heritage asset and the harm to the special qualities of the Farmhouse, a Grade II listed building, or its setting, and therefore is considered to be appropriate development.

8.2 In light of the above, it is considered that the proposal accords with the adopted Development Plan subject to appropriate conditions. As such it is recommended that planning permission be granted, subject to the conditions set out below (subject to the Chief Planning Officer's delegated authority to agree and finalise the wording of the conditions and add any other conditions that he considers necessary).

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

That planning permission be granted subject to the following conditions 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 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 complete accordance with the details shown on the submitted plans;

Drawing no. 001 P00, Drawing no. 020 P02, Drawing no. 021 P02, Drawing no. 022 P01, Drawing no. 030 P01, Drawing no. 050 P02, Design and Access Statement, Heritage Statement, ref 5144B and Preliminary Ecological Appraisal.

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

3. The development hereby approved shall be carried out in complete accordance with the details of materials as specified in the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the special qualities of the Listed Building are preserved.

4. Notwithstanding condition 3 above, samples of the brick, tiles and cladding to be used are to be submitted to the Local Planning Authority for written approval prior to the commencement of any work above slab level. The development shall be carried out in full accordance with the details approved. The brickwork to be laid shall be Flemish bond.

Reason: In the interests of the special qualities of the Listed Building.

5. Notwithstanding condition 3 and 4 above, a sample panel of the brickwork and pointing technique to be used in the dwelling hereby approved shall be constructed on site and approved in writing by the Local Planning Authority prior to the commencement of that element of the works beginning. The development shall be carried out in full accordance with the details approved. The brickwork to be laid shall be Flemish bond.

Reason: In the interests of the special qualities of the Listed Building.

6. Notwithstanding condition 3 above, details of the following shall be submitted to the Local Planning Authority for written approval prior to the commencement of any work above slab level. The development shall be carried out in full accordance with the details approved.

Details of construction of eaves/verges/ridges – scale 1:5 or 1:10

Details of windows and doors – scale 1:1 or 1:2 and 1:5 or 1:10
Details of rainwater goods and downpipes
Details of rooflights and their junction with the roof tiling
Details of vents and outlets
Details of all hard surfacing, fencing and railings.

Reason: In the interests of the special qualities of the Listed Building.

Informatives:

1. Your attention is drawn to the requirements of the Building Regulations 2000 and the possibility of the need to obtain consent under such regulations.

Prior to implementing this permission, you should seek advice from Building Control as to whether or not to make an application. Advice and application forms are available from the Civic Centre, Folkestone (telephone numbers 01303 853538). Alternatively another building control body may be able to assist.

2. Please view the Considerate Constructors Scheme at <http://www.ccscheme.org.uk/index.php/company-registration/how-to-be-veryconsiderate/company-code-of-considerate-practice>.

Appendix 1 – Site Location Plan