

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 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, and its setting, and therefore is recommended for approval subject to conditions.

RECOMMENDATION:

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.

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. 1 Cherry Garden Avenue, also known as Broadmead 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 proposed to be demolished, 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. Examination of historic mapping shows that the farmhouse and its outbuildings are the last remaining buildings associated with Broadmead

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Farmstead, which was once in open countryside and occupied a corner plot between Cherry Garden Road and Cheriton Road. The area has become more developed by the expansion of West Folkestone at the end of the C.19th, and the site is now within a substantially built up part of Folkestone and close to a busy road junction. Although curtilage listed, the outbuilding is separated 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.

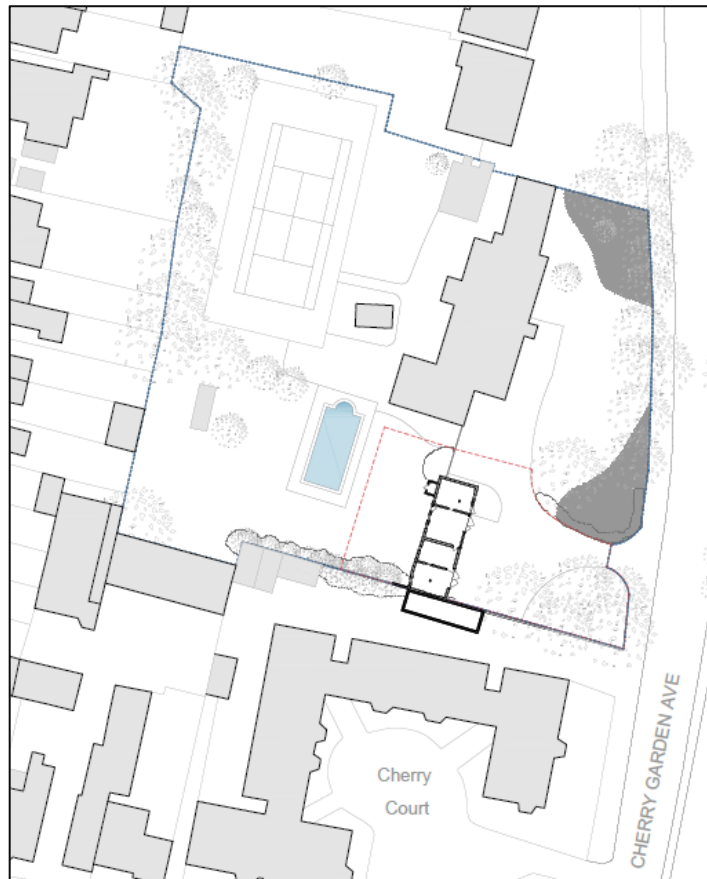


Fig1. Existing block plan



Fig2. Photograph of existing outbuilding



Fig3. Photograph of existing outbuilding

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 an 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. Amended drawings were submitted under both applications to amend the design of the proposed scheme, mainly to the principle elevation.

3.2 The outbuilding, proposed to be demolished, is a barn in a poor state of repair. 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 applicant advises that the building collapsed (January 2021) with the gable ends and roof structure failing.

3.3 The proposed replacement dwelling on the site, would be single storey, with rooms in the traditional pitched roof. Four rooflights are proposed to straddle the ridge of the roof. Barn doors would be incorporated to the principle elevation which would also include a large window. A small stable window is also proposed where one existed in the original building and another window is located at the edge of the original large doors. Two gable extensions are proposed on the rear elevation which create a small external courtyard, either side of a central glazed gable set back on the roof line. 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. The building frontage would be largely masked by trees from the road.

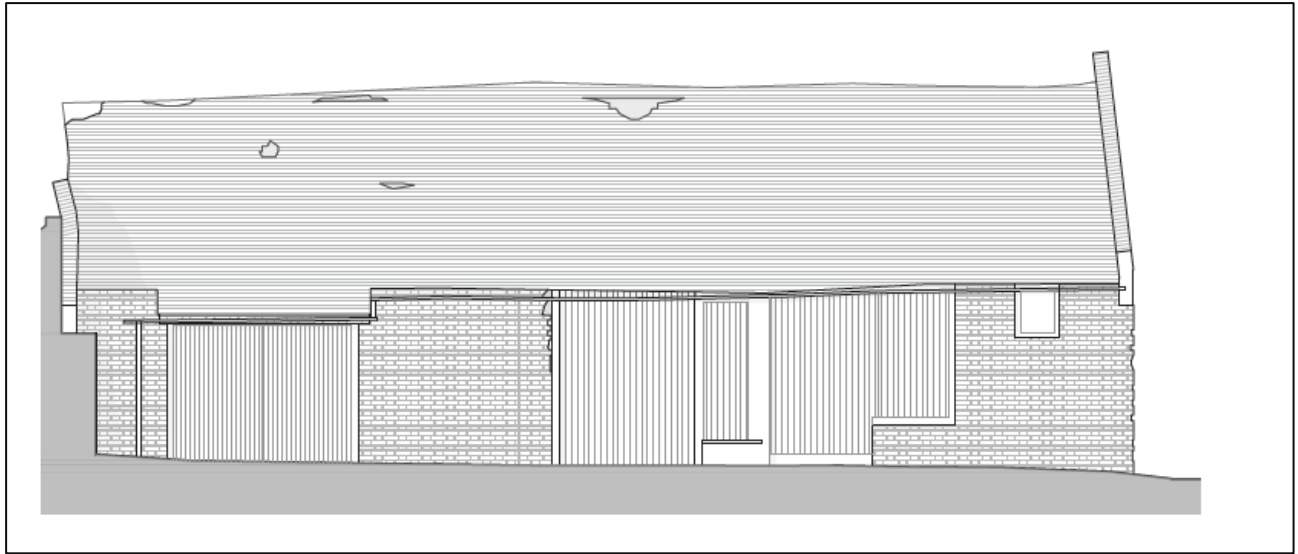


Fig4. Existing barn (pre collapse)



Fig5. Proposed dwelling front elevation (east)



Fig6. CGI of proposed, replacement dwelling from street scene



Fig7. Proposed site plan

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.

It states that the main house derives its significance from a combination of its architectural, historic and archaeological interest as a "robust multiphase and illustrative farmhouse". In terms of the ancillary building, it states that it is of some limited historic interest in its own right due to association with the historic farmstead and as a result of its surviving historic fabric. Architectural interest in the building, it states, prior to its collapse, was limited as a result of the high levels of alterations, but resulted from the building's general aesthetics, its ancillary agricultural form and appearance and the use of local established material in a vernacular character. However, the collapse of the building leaving limited upstanding remains, has significantly eroded the architectural values of the building.

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.	Current application due for consideration on the same agenda as this application. Recommended for approval with conditions
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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: No objection as 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. Four 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.

New Folkestone Society made the following objection:

- This curtilage-listed building was neglected, and the owner is taking advantage of its demise. The 18th century barn should be made safe and retained. A comprehensive restoration should be possible.
- This is a complete rebuild, rather than a restoration of a heritage building.
- In principle, the original building will disappear – it is being removed to be replaced with the ridge height raised, which does not respect the form of the existing building.

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 Review 2022. (The Folkestone and Hythe District Core Strategy Review was adopted by Council on 30 March 2022. There is a period of six weeks during which any person aggrieved by the adoption may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004. This period will elapse on 11 May 2022). As set out in the National Planning Policy Framework 2021, paragraph 47, 'Planning law requires that application for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'.

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan (2020)

HE1 – Heritage Assets

Core Strategy Review Submission draft (2019)

DSD – Delivering Sustainable Development

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

Government Advice

National Planning Policy Framework (NPPF) 2021

- 6.4 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 The main issue for consideration is whether the proposal will result in any harm to, or loss of significance of the Grade II listed building, and whether the loss of the curtilage listed building is acceptable.

a) Heritage Impact

- 7.2 The outbuilding the subject of the application is not listed in its own right. It is however, within the curtilage of 1 Cherry Garden Avenue (formerly Broadmead), which is Grade II listed, and is therefore considered to be curtilage listed, and a designated heritage asset. Curtilage listing is criteria-based and does not reflect on any qualitative considerations (i.e. historic interest or character etc) and does not necessarily reflect inherent special interest. It is however relevant in terms of how the structures are dealt with procedurally in terms of planning and development management. Essentially they are assessed as part of the listed building.
- 7.3 The way in which decisions which affect listed buildings and conservation areas are to be approached is determined by legislation, the NPPF and the NPPG. At the local level, PPLP Policy HE1 supports proposals that provide, where possible, a viable use that assists in social and economic regeneration and ensures the long term protection, conservation and where appropriate, the enhancement of heritage assets in line with Government legislation.
- 7.4 The Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving a listed building and its setting when making planning decisions. In order to do this, the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking account of the available evidence and any necessary expertise.
- 7.5 The NPPF defines the significance of a heritage asset as being made up of four main constituents: architectural interest, historical interest, archaeological interest and artistic interest. The setting of a heritage asset can contribute to its significance. Setting is defined in the NPPF as;

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“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.

7.6 The NPPF requires the impact on the significance of the designated heritage asset to be considered in terms of either “substantial harm” or “less than substantial harm” as described within paragraphs 195 and 196 of that document. 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, and case law describes substantial harm in terms of an effect that would negate or drain away much of the significance of a heritage asset. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed.

7.7 Paragraphs 195 and 196 of the NPPF refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit, and the NPPG makes it clear that some heritage-specific benefits can be public benefits. The NPPG also makes it clear that it is important to be explicit about the category of harm (that is, whether paragraphs 195 or 196 of the NPPF applies, if at all), and the extent of harm, when dealing with decisions affecting designated heritage assets, as follows:

“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated”.

7.8 Paragraphs 193 and 194 of the NPPF state 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.

7.9 Policy HE1 of the PPLP states that planning permission will be granted for proposals which promote an appropriate and viable use of heritage assets, consistent with their conservation and their significance, particularly where these bring at risk or under-used heritage assets back into use or improve public accessibility to the asset.

7.10 The Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, 2017) recognises that the protection of the setting of heritage assets need not prevent change. It also recognises that not all heritage assets are of equal importance and states that the contribution made by their setting to their significance will also vary.

7.11 The Heritage Assessment submitted with the application has assessed the significance of both 1 Cherry Garden Avenue and the ancillary building the subject of the application, in accordance with the requirements of the NPPF and NPPG.

7.12 As stated in para 3.5 above, the Assessment states that the main house derives its significance from a combination of its architectural, historic and archaeological interest as a “robust multiphase and illustrative farmhouse”. In terms of the ancillary building, it states that it is of some limited historic interest in its own right due to association with the historic farmstead and as a result of its surviving historic fabric. Architectural interest in the building, it states, prior to its collapse, was limited as a result of the high

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levels of alterations, but resulted from the building's general aesthetics, its ancillary agricultural form and appearance and the use of local established material in a vernacular character. However, the collapse of the building leaving limited upstanding remains, has significantly eroded the architectural values of the building.

- 7.13 Nonetheless, the Heritage Assessment concludes that when considered holistically, the building is not, in its own right, of any special interest. It states that instead, the building's value is, to a large extent, borrowed from the main house and its contribution to its significance (both individually and as a group with the other surviving ancillary features) is largely by virtue of forming the residual part of a farmstead that has evolved much later than the original timber framed listed building. While its contribution to significance has been heavily affected by the building's collapse, the structure better reveals the historic interest of the main house by providing tangible evidence as to the former farmstead.
- 7.14 In terms of the impact on the setting of the main house, the Assessment states that the considerable changes within its setting and curtilage have considerably altered the context of the site and have reduced the ability to appreciate the building's former agricultural use. As such the building is now most readily appreciated as a historic residential building located within a domestic curtilage and a context of modern residential form. The Assessment concludes that as a result of its (albeit limited) contribution to the significance of the main house, it is acknowledged that the demolition of the building would result in a low level of less than substantial harm to the significance of the listed building. Due to the recent collapse of the building, this harm has, for the most part, already occurred. In terms of reinstatement, the Assessment concludes that the significantly deteriorated state of the building with limited upstanding remains and compromised structural stability means that its retention and restoration would not be possible without an entire reconstruction with large areas of modern fabric. Its replacement with an appropriate building on the site could outweigh the harm incurred by the collapse of the building.
- 7.15 In addressing the proposed replacement dwelling, the Assessment states that it is carefully scaled, sited and detailed, making use of retained materials wherever possible, and the high quality and carefully considered character of the replacement dwelling would ensure that, when considered holistically, the proposed development would preserve the significance of Broadmead as a whole.
- 7.16 The Council's Conservation Advisor has been consulted on the proposals and concurs with the Assessment submitted with the application in terms of the historic evaluation of the building the subject of the application. He also agrees that the condition of the building is such that any reconstruction of it would require the major part of the external walls to be demolished and rebuilt, and the remnant walls would need underpinning prior to reconstruction. He therefore considers that any proposal to conserve what is left of the structure and build off it would be 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.
- 7.17 In terms of the proposed replacement dwelling, he has assessed the design and the relationship with 1 Cherry Garden Avenue. This is more fully assessed in the report on the planning application (21/0765/FH on the Schedule), but essentially, he considers the proposal to work well as the main body of the new house sits on the footprint of the

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demolished building, is of similar height with a similar roof form, and the choice of material also relates to the listed building. He does not consider it to detract from the setting of the listed building.

- 7.18 The advice from Historic England makes it clear that the setting of heritage assets need not prevent change, and recognises that not all heritage assets are of equal importance. The Heritage Assessment provides a thorough appraisal of the proposal against the relevant NPPF and NPPG tests, the outcome of which is also supported by the Council's Conservation Advisor. Having considered the proposal in light of the advice, in my view, the proposal, when considered holistically, will not result in any harm to, or loss of significance of the Grade II listed building.

Environmental Impact Assessment

- 7.19 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

- 7.20 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.
- 7.21 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

- 7.22 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

- 7.23 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:

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- 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

7.24 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 impact on the significance of the heritage assets.

8.1 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 listed building consent 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 listed building consent 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 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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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 P03, Drawing no. 021 P03, Drawing no. 022 P01, Drawing no. 030 P02, Drawing no. 050 P03, Heritage Statement, ref 5144B.

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:

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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>.