

Application No: 23/1008/FH

Location of Site: Grafton Cottage, Sandgate Esplanade, Sandgate, CT20 3DP

Development: Listed Building Consent for replacement windows

Applicant: Mr & Mrs Hammond

Agent: Mr Josh Daruvala

Officer Contact: Katy Claw

RECOMMENDATION:

<p>That Listed Building Consent be refused for the reason set out at the end of the report.</p>
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1. INTRODUCTION

- 1.1. The application is reported to Committee at the request of Councillor Goddard. Reasons given are that the practical circumstances of the applicant is relevant and is of weight that has not been reflected in the balancing exercise. Appropriate for members to debate the merits of achieving efficient replacements.

2. SITE AND SURROUNDINGS

- 2.1. Grafton Cottage is Grade II Listed and is one of a pair of white weatherboarded houses located on the corner of The Esplanade Conservation Area (CA).

Grafton Cottage and Regency Cottage, the neighbouring property (also a Grade II Listed Building) to the west are both similar, two storey timber framed buildings set up on a basement level to accommodate the slope up from the road. Once separate, the two houses are now connected by a two storey link block with garaging.

Both Grafton Cottage and Regency Cottage are in the Regency style and are white weatherboarded with slate hipped roofs. The link block is modern but traditionally designed. The weatherboarding extends right around to the rear and here there are traditional windows and a modern glazed door.

The garden land slopes steeply upwards from the back of the property with terracing and steps.

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

3. PROPOSAL

DCL/23/36

- 3.1 Listed Building Consent is sought for the replacement of the existing single timber sash windows with double glazed timber sash. In total there are twelve windows proposed to be replaced. Seven on the front elevation (2 at basement, 2 at ground floor and 3 at first floor), four windows on the side (west) elevation (2 at ground floor and 2 at first floor) and one window on the rear elevation at first floor.
- 3.2 The existing windows on the front elevation are 8/8 format, the windows on the side elevation are 6/6 format and the window to the rear is 8/8 format. The replacement windows would all match this layout pattern.

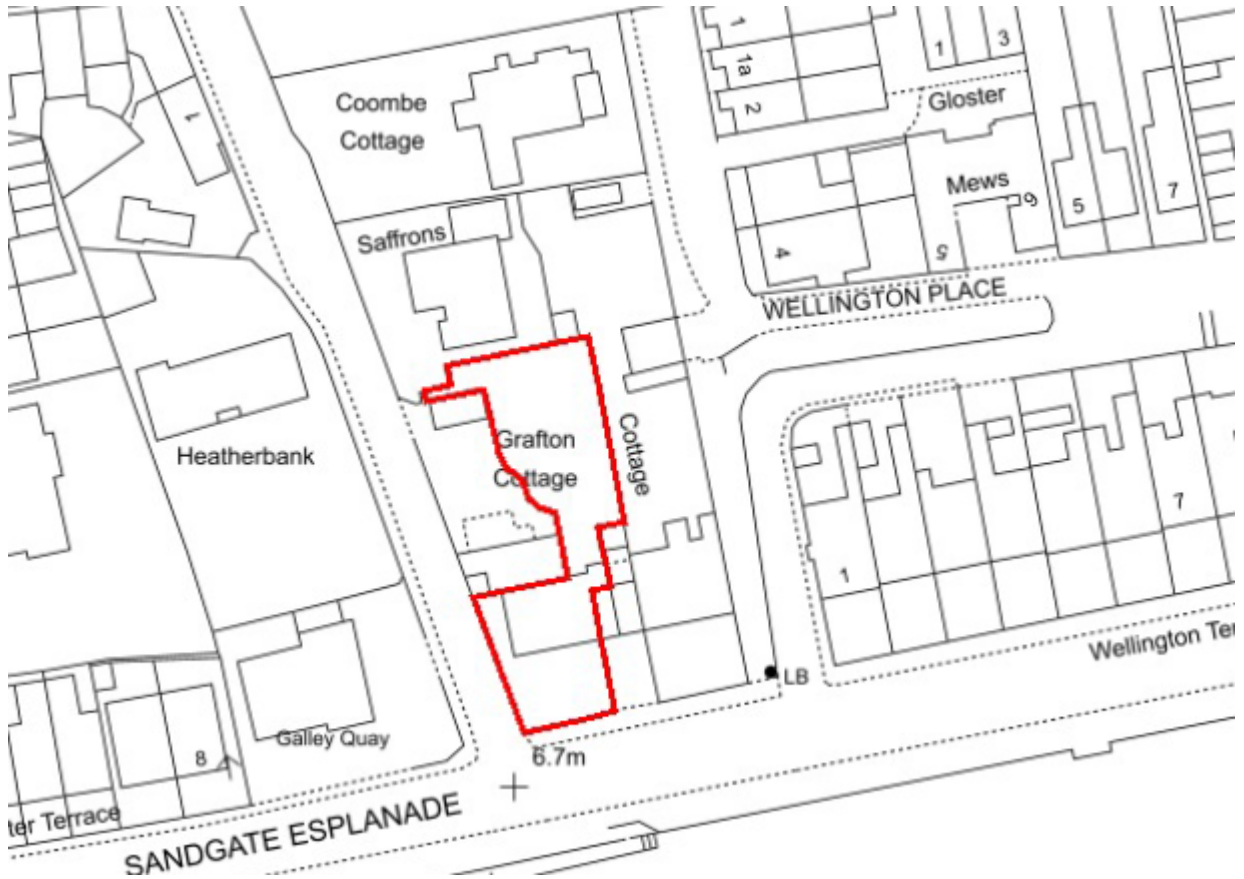
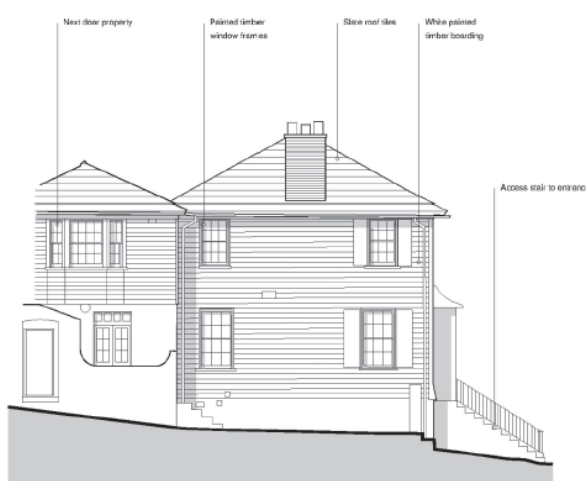


Figure 1: Site Location Plan showing Grafton Cottage and its rear garden area.



PROPOSED SIDE ELEVATION



PROPOSED FRONT ELEVATION

Figure 2: To the right-hand side section of the side elevation are shown the 4 windows to be replaced. All 7 windows on the main front façade of the front elevation are to also be replaced.

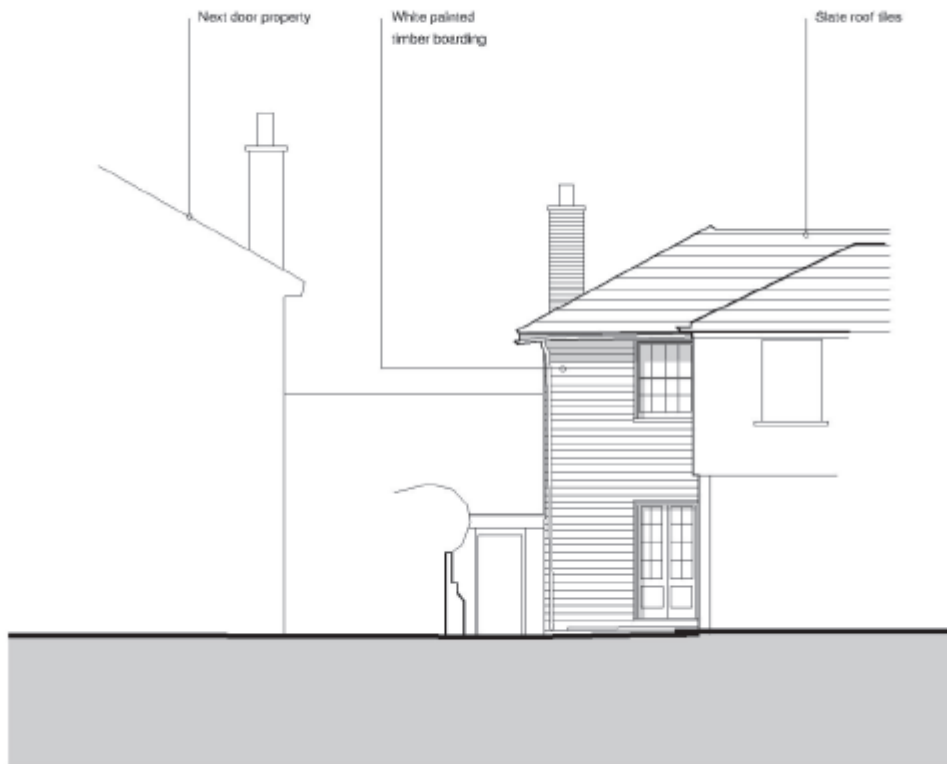


Figure 3: The rear elevation showing the single window at first floor to be replaced.

- 3.3 The application forms a resubmission of previously refused application 22/2129/FH.
- 3.4 The following reports were submitted by the applicant in support of the proposals:

Planning & Heritage Statement

This document sets out the site particulars and the history of the site. The report details the windows to be replaced and includes images of the existing and proposed windows. The report goes on to assess the impact on the heritage significance and provides a justification for the works. The report concludes that the property is in a prominent location on the seafront which is exposed to the elements which weathers the property and that the original windows are now beyond economic repair and the failing windows are having an impact upon the fabric of the building in areas around the windows (walls, sills, floors) through moisture ingress. The windows are also poor in terms of energy efficiency. The conclusion sets out that the addition of double glazing can be delivered in a low-profile form and that it would not have any material visual impact on the appearance of the windows or the building and will enhance the energy efficiency of the property, making the openings watertight and draft-free, preventing further decay of the fabric of the building and causing less than significant harm to the LB.

Planning Statement

DCL/23/36

This report provides the listing description, quotes local and national planning policy and guidance, including Historic England guidance on 'Traditional Windows, Their Care and Upgrading (2017)' and 'Modifying historic Windows as part of retrofitting Energy-Saving Measures (2023)'. The report goes over the previous reason for refusal and concludes that the proposal should be accepted at District level (as it has been at parish and local amenity society level), as being compliant with the spirit of the NPPF, and local plan policies, and the revised window details should be approved so that the building does not endure any further adverse weather conditions.

4. RELEVANT PLANNING HISTORY

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

99/0253/SH	Erection of an extension and alterations to the existing dwelling to sub-divide it into two separate dwellings, including the erection of a detached garage with access from Sunnyside Road.	Approved with conditions
99/0254/SH	Listed Building Consent for the erection of an extension and alterations to the existing dwelling in connection with the sub-division into two separate dwellings.	Approved with conditions
Y01/0649/SH	Listed building consent for reconstruction of existing chimneys with rendered brickwork painted white.	Approved with conditions
Y15/0603/SH	Erection of a single storey rear extension together with alterations and landscaping to the rear garden.	Approved with conditions
Y15/0675/SH	Listed building consent for the erection of a single storey rear extension and internal alterations to include demolition of wall, erection of new partition walls, blocking of existing and creation of new internal openings.	Approved with conditions
22/2129/FH	Listed Building Consent for replacement of windows.	Refused on the grounds that by virtue of their design and detailing would cause less than substantial harm to the significance of the designated asset, and would not give rise to any public benefits sufficient to outweigh the harm. Appeal pending
23/0897/FH	Rear extension	Approved with conditions

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Sandgate Parish Council: no objection

Heritage Consultant: Recommend refusal. This is a repeat application for replacement windows incorporating slimline double-glazed panels But with the omission of horn details. The proposed windows are framed with thicker sections than the existing, in addition the ovolo details are different. The replacement windows would result in a coarsening of the detail of the joinery, which will detract from the character of the building and would be further highlighted by the comparison with the original joinery of the adjoining house.

Local Residents Comments

5.2 The application was publicised by the posting of a site notice, and an advertisement in the local press. No letters of representation have been received to date.

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

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

Ward Member

5.4 The Ward Member for Walland and Denge Marsh, Cllr Goddard requested that the application be called-in due to officer recommendation for refusal.

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 Local Plan 2022.

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

HB1 – Quality Places Through Design
HB8 – Alterations and Extensions to Buildings
HE1 – Heritage Assets

Core Strategy Review (2022)

SS1 – District Spatial Strategy

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

Supplementary Planning Guidance/Documents

Sandgate Village Design Statement 2013

SDS1 – Compliance with the Sandgate Design Statement

SDS 2 - Compliance with the Development Plan

SDS5 – Character Areas (The Esplanade Area)

SDS6 – Street Scene Detailing

Government Advice

National Planning Policy Framework (NPPF) 2023

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.

Paragraphs 195 - 214 – Conserving and Enhancing the Historic Environment

National Planning Policy Guidance

Historic Environment

Historic England Guidance

Traditional Windows, Their Care and Upgrading

Modifying Historic Windows as Part of Retrofitting Energy-Saving Measures

7. APPRAISAL

Background

7.1 Application reference number 22/2129/FH sought Listed Building Consent to replace the same windows as per this current application. The previous application was

refused on the grounds that the proposed replacement windows by virtue of their design and detailing would cause less than substantial harm to the significance of the designated heritage asset, and would not give rise to any public benefits sufficient to outweigh the special architectural or historic character of the Listed Building resulting in unacceptable harm to the Listed Building.

7.2 This resubmission application has sought to overcome the reason for refusal by omitting the horn details from the proposed windows. The profiles of the replacement windows remain the same as those submitted under 22/2129/FH.

7.3 In light of the above the main issues for consideration are:

a) Design/impact upon the Listed Building

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7.4 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.

7.5 Historic England provides guidance on the suitability of replacement windows in listed buildings – ‘Traditional Windows, Their Care and Upgrading (2017), and ‘Modifying Historic Windows as part of retrofitting Energy-Saving Measures (2023)’. This confirms that the loss of traditional windows from older buildings poses one of the major threats to heritage. Traditional windows and their glazing makes an important contribution to the significance of historic areas. They form an integral part of the design of older buildings and can be important artifacts in their own right. Where historic windows, whether original or later insertions, make a positive contribution to the significance of a listed building they should be retained and repaired where possible. If beyond repair, they should be replaced with accurate copies. Further, where historic windows or replacement windows of historic pattern survive without harming the significance of the listed building, there may be compatibility issues to consider as the introduction of double-glazing can require the renewal of the window frames to accommodate thicker glazing, thereby harming significance.

7.6 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.

7.7 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.

7.8 In this case, the significance of this listed building is derived from its strong architectural presence and detailing. The application site is one of a pair, with Regency Cottage being the adjoining neighbour. Both properties are similar two storey framed buildings, clad in white weatherboarding and with slate roofs. Once separate, the two houses are now connected by a two-storey link block with garaging which is modern but traditionally designed.

7.9 As noted above, this current application forms a resubmission of the previously refused application 22/2129/FH. The detailing of the replacement windows submitted under this application is generally identical to that submitted under the previous application with the only difference being the omittance of the horn details to the windows.

7.10 Most of the affected windows appear to be original although the presence of horn details on some of them at first floor suggests that the sliding sash parts of these particular windows are replacements. The windows are, as is commonly the case with Regency window detailing, framed up with very slender joinery sections. The sashes are typically 35mm thick with sash styles 40mm wide overall, 25mm deep meeting rails and 16mm glazing bars. The slenderness of the construction was made possible by the use of thin glass, and this is the essence of the design of these sorts of multi-pane sash windows.

7.11 The proposed replacement windows would be heavier framed, with much thicker sections compared to the existing. For comparison (further demonstrated by Figure x below):

- Sash styles (face dimension excluding putty rebate) 46mm (currently 36mm)
- Sash style width 50mm (currently 36mm)
- Meeting styles (face dimension excluding putty rebate) 31mm (currently 22mm)
- Glazing bars 22mm (currently 16mm)

The thickening of the window details here would substantially alter the character and appearance of the dwelling, failing to respect its historical nature and impacting the overall appearance, to its detriment, especially as it would be read as a pair with the neighbouring property, Regency Cottage, which still retains its original windows.

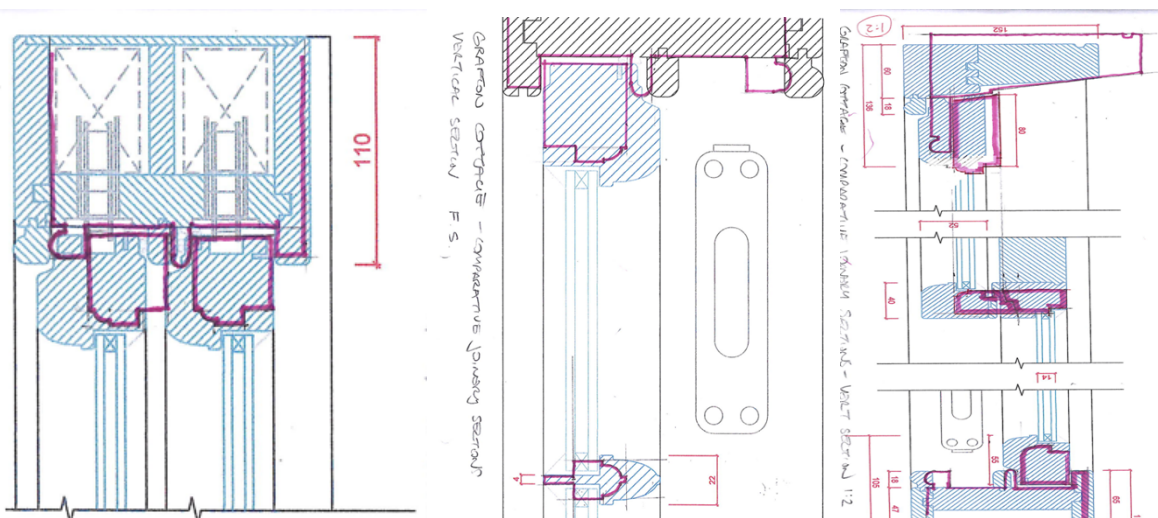


Figure 4: Comparison between existing and proposed windows. Originals drawn purple.

7.12 In addition to the increased thickness concerns mentioned above, the ovolo details are different, shown with a more extended 'flatter' ovolo than the original glazing bar

profiles, the sash box front detail is different – thicker at 18mm with rounded arises. The originals are 14mm, resulting in a more clumsy appearance.

The coarsening of the details mentioned above comes from the need to accommodate the 14mm Slimlite double glazed units, which are significantly heavier than the original single glazing. It is accepted that Slimlite glazing can work in place of single glazing in some situations, the use of thicker glazing is usually more successful in Victorian properties where the original window joinery is more substantial and where thicker glazing bars, and the use of horns (horns help support the weight of the glass) formed part of the original design of the windows, thereby replacement windows on such properties would have less impact upon the fabric of the Listed Building.

- 7.13 Each case must be decided on its own merits, taking the site and the situation into account. At Grafton Cottage it is considered that the result of the replacements submitted as part of this application would result in a coarsening of the detail of the joinery, which would detrimentally impact the appearance and character of the designated heritage asset. The change in window profiling here would be even more apparent due to the unavoidable comparison that would occur against the original window joinery of Regency Cottage.
- 7.14 Notwithstanding the supporting information submitted as part of the application, it is considered that the difference between the traditional slender Georgian sections and the replacements would be noticeably different, resulting in a significant visual alteration that would cause harm to the character and appearance of the heritage asset.
- 7.15 It is accepted that the existing windows in Grafton Cottage are in a poor state of repair and that the secondary glazing may therefore not necessarily overcome the issues surrounding damp and water ingress which is currently impacting the fabric of the listed building. Notwithstanding this however, no information has been provided to address why the windows cannot be replaced with more sympathetic and historically accurate replacements, in line with Historic England's Guidance.
- 7.16 Providing more thermal efficient windows within the building would accord with the sustainability policies set out within the NPPF, however this should not be to the detriment of a designated heritage asset without clear and convincing justification. In this case, without justification to the contrary, the resultant harm to the significance of the heritage asset outweighs the sustainability gains to the property as a result of the windows proposed in this case.
- 7.17 Overall, there would be no objection to the principle of replacing the windows subject of this application, but they would need to be more historically sympathetic to the building they would be installed within. For the reasons stated above, in this case, the proposed replacement windows would result in 'less than substantial harm' to the heritage asset, which cannot be supported. Whilst replacement windows would prevent further decay and water ingress, the visual harm caused as a result of the windows proposed in this instance would not amount to a public benefit in this case (normally where works to a listed building would support the general maintenance and up-keep of the building for the public good) which would not out-weigh the harm caused.

Environmental Impact Assessment

7.18 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

7.19 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

7.20 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

7.21 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 For the reasons set out above, it is recommended that Listed Building Consent be refused on the grounds that the proposed windows, by virtue of their design and detailing would cause less than substantial harm to the significance of the designated heritage asset (Grafton Cottage), and would not give rise to any public benefits sufficient to outweigh this harm. As such the proposal would detract from and fail to preserve the special architectural or historic character of the Listed Building resulting in unacceptable harm to the Listed Building. As such the proposal would be contrary to the PPLP Policy HE1 and to the provisions of the NPPF 2023.

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 refused/for the following reason:

1. The proposed windows by virtue of their design and detailing would cause less than substantial harm to the significance of the designated heritage asset and would not give rise to any public benefits sufficient to outweigh this harm. The proposed windows would harm the special architectural and historic character of the Listed Building. As such the proposal would be contrary to PPLP Policy HE1 and to the provisions of the NPPF.

