



Appeal Decision

Site visit made on 4 June 2020

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 1 July 2020

Appeal Ref: APP/Z2260/Y/20/3247174

**Quay Edge, Crosswall and West Pier, Ramsgate Harbour,
Ramsgate, CT11 9LG**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Mike Humber on behalf of Operational Services, Thanet District Council against the decision of Thanet District Council.
- The application Ref L/TH/19/0674, dated 16 May 2019, was refused by notice dated 22 August 2019.
- The works proposed are described as:
'The proposed development consists of the installation of 652 metres of quayside railing on a grade 2 maritime harbour structure (the Crosswall and West Pier) at Ramsgate Royal Harbour.'*

The proposed railings shall consist of 3 horizontal rails with poses at approximately 2.2 metre centres. The railings shall be 1,100 millimetres high to the upper surface of the top rail. The rails and posts shall be constructed from 49.3 millimetre diameter galvanised steel tube with a white polyester powder coat finish. The fittings which form the joints between railing posts and horizontal rails shall be galvanised malleable iron with the same white polyester coated finish. It is proposed that the railing post be grouted into diamond cored holes in the granite coping on the quayside. The railings shall be positioned such that they are 150 millimetres from the vertical quay edge.'

Decision

1. The appeal is allowed and listed building consent is granted for the installation of quayside railings at Quay Edge, Crosswall and West Pier, Ramsgate Harbour, Ramsgate, CT11 9LG in accordance with the terms of the application Ref L/TH/19/0674 dated 16 May 2019 and the plans submitted with it subject to the following conditions:
 - 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 3608_501, 3608_502B, 3608_503, 3608_501, 3608_504 and 3608_505.
 - 3) The developer shall give the local planning authority 14 days advance notice of the start of any works, and access to the building and/or structures shall be given to any person/body nominated and/or authorised by the local planning authority for the purpose of recording the building by making measured drawings or taking photographs.

- 4) Upon completion of the works authorised by this consent, any damage caused to the listed building in the course of carrying out the works shall be made good within 3 months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.

Preliminary matters

2. Listed building consent was refused for 'the installation of quayside railings' on the decision notice and also the Appellant's Appeal Statement. Whilst it is not necessarily in my gift to change the wording of what consent has been sought for, it is clear that the briefer description used by the LPA is more precise. What is more the submitted drawings clearly show the location, dimensions and finishes proposed. As such I have proceeded on this basis.
3. I note, as per the submitted application form, that in 2017 an application was approved (ref L/TH/17/0964) where the scheme was amended to exclude the proposed railings as part of this proposal.
4. The appeal site lies within the Ramsgate Conservation Area. Whilst mindful of the duties under s72(1) of the PLBCA as amended, neither main party raises detailed concerns with respect to this heritage asset and I see no reason to disagree.

Main Issue

5. Whether the proposed works preserve the listed building or its setting or any features of special architectural or historic interest it possesses.

Reasons

6. Ramsgate Royal Harbour is a Grade II* listed building¹ and located within the Ramsgate Conservation Area. It was built around 1779 with two harbour walls known respectively as East and West Pier. There is also a cross wall (known as the Crosswall) that help form the inner and outer basins – with the inner basin now used as a yacht marina with the outer also containing some berths. Beyond West Pier, the harbour opens up to a more commercial arrangement, including areas used by the Port of Ramsgate. In 1821 King George IV visited the harbour and soon after Ramsgate became the only 'Royal Harbour' in the UK. It is from both the historical associations and architectural features; including the granite coping stones, that the significance of the listed building derives.
7. The proposal seeks the erection of around 650 metres of railings on the quayside in the vicinity of the Crosswall and part of the West Pier. I saw during my site inspection that there are a number of different railing and enclosure types around the inner basin; including palisade style and more decorative white railings along Harbour Parade. The proposed railings would be painted or polyester coated finished to match similar railings at the Harbour that were approved in 2017. To secure the railings diamond cut holes would be created within the granite coping stones. In this respect, the proposal would result in harm to the historic and architectural fabric of the listed building; to which

¹ The Officer's report and the Appellant's Design and Access statement infer that the listed building may be graded at Grade II/II*. The listing description of Historic England provided indicates that 'Harbour Cross Wall, Sluices, Bollards, Dry dock, Basin Gates, Wing Wall and Dundee Steps' in October 1985 indicates these features are listed GVII*. I have proceeded on the basis that the appeal site is listed Grade II*.

special regard to the desirability of preserving should be had under Section 16(2) of the PLBCA 1990, as amended.

8. In this respect the proposal would result in less than substantial harm under Paragraph 196 of the National Planning Policy Framework to the significance of the designated heritage asset. Paragraph 196 goes on to explain that where this occurs, it needs to be weighed against the public benefits including securing the optimum viable use.
9. In this case, the Appellant points out that the harbour is a publicly accessible space which is used by pedestrians (such as boat owners, tourists, quay/harbour workers) and motor traffic. I saw that beyond the location of the proposed railings towards the water, in many places there was a sizeable drop off the edges of the Crosswalk and West Pier. Moreover, the Appellant has submitted examples of where health and safety issues have arisen over the past few years, owing in part to the lack of barriers in the places sought. In this respect, the erection of the railings sought would provide a substantial public benefit that would significantly reduce the potential of accidents of vehicles, cyclists or pedestrians using the harbour.
10. In this respect, whilst the proposal would fail to preserve the special interest of the Grade II* listed building and therefore result in less than substantial harm (for which I give considerable weight to), the manifest and significant public benefits outweigh the harm in this case. Accordingly, the proposed works should be allowed.

Conditions

11. The Officer's report suggested two conditions relating to time limit for implementations and to be completed in accordance with drawings. Both conditions are necessary to provide certainty.
12. Given the status of the heritage asset as the UK's only Royal Harbour and its listed Grade II* status, a condition requiring notification and access 14 days before works occur for recording purposes is reasonable to ensure that a historic record of the evolution of the harbour is made if required. Lastly, a condition requiring the making good of any unintended damage identified within an agreed scheme within three months is necessary and reasonable to ensure that the harm to the listed building is minimised.

Conclusion

13. For the reasons given above, I conclude that the appeal should succeed subject to the conditions imposed.

Cullum J A Parker

INSPECTOR