



Appeal Decisions

Site visit made on 3 November 2020

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

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

Decision date: 16 November 2020

Appeal A Ref: APP/Z2260/W/19/3242906

15 Harbour Street, Broadstairs, CT10 1ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr F Reed against the decision of Thanet District Council.
 - The application Ref L/TH/19/0577, dated 26 April 2019, was refused by notice dated 19 September 2019.
 - The development proposed is described as '*Creation of flat roof terrace with glazed balustrade including internal alterations to form access via paddle stair*'.
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Appeal B Ref: APP/Z2260/Y/19/3242907

15 Harbour Street, Broadstairs, CT10 1ET

- 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 F Reed against the decision of Thanet District Council.
 - The application Ref L/TH/19/0578, dated 26 April 2019, was refused by notice dated 19 September 2019.
 - The works proposed are '*Creation of flat roof terrace with glazed balustrade including internal alterations to form access via paddle stair*'.
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Decisions

Appeal A and Appeal B

1. Both appeals are dismissed.

Procedural Matter

2. This decision letter considers two appeals. Appeal A concerning planning permission and Appeal B concerning listed building consent. Whilst separate and distinct considerations between the two exist, given the similarities of the issues arising and that the main parties have dealt with them in a concurrent fashion I have done the same here.

Main Issues

3. The effect of the proposed development and works on the Broadstairs Conservation Area and the Grade II listed building.

Reasons

4. The appeal site comprises a three storey, mid terrace Grade II listed building situated within the Broadstairs Conservation Area. The listing description dates the building to early-to-mid nineteenth Century. As identified in the Appellant's

Statement of Case, the appeal building is the tallest in the terrace with the adjoining listed buildings being two storey in form. Moreover, the two adjoining buildings have pitched style roofs whereas No 15 has a flat roof situated behind a brick topped parapet.

5. In terms of materials, No 15 appears to have retained significant elements of 19th Century fabric or styles including timber vertical sliding sash windows in two over two arrangement within the first and second floor flat roofed projecting bay. The Broadstairs Conservation Area covers a large part of the historic town of Broadstairs, with a mixture of historic buildings. It is from the retention of historic materials and styles together with the overall historic architectural details of both the listed building and conservation area covering this part of the historic coastal town that the significance of the heritage assets derives.
6. The appeal scheme seeks the installation of a roof terrace enclosed by glass balustrade behind the existing parapet. The terrace would extend to roughly half of the depth of the existing roof and accessed by means of an openable rooflight. Access to the terrace would be provided by the installation of a staircase extending from an existing storage cupboard.
7. In terms of the listed building, the main works would be the creation of a rooflight and insertion of a staircase involving relatively little intervention or loss of historic fabric. However, the proposal would introduce a large terrace area onto the flat roof where currently there is none. I acknowledge that the glass balcony screen (including obscure glazed elements to the rear) with metal frame is unlikely to be especially prominent when viewed from the surrounding area – for example from ground level at Harbour Street. Nonetheless, it would introduce a relatively modern feature at odds with the age and style of the listed building. In this respect, the modern terrace and its balustrade would have a negative impact on the listed building.
8. This incongruity would be further compounded when the terrace is occupied with the visibility of the terrace likely to increase significantly. This increased visibility would not only arise with the use of furniture, associated paraphernalia, and/or plants and humans using the terrace. There is highly likely to be a need to illuminate the terrace at dusk and night-time. The effect of this would be to highlight the alien nature of the roof terrace in an area where examples of such terraces are relatively scarce. Whilst in theory it might be possible to impose planning conditions restricting the amount of paraphernalia on the terrace and/or levels of lighting I am doubtful that such conditions would be reasonable or enforceable. The strong likelihood of these aspects occurring, and the adverse impact arising would have a negative impact on both the listed building and also the character of the Broadstairs Conservation Area.
9. In terms of the Conservation Area, the Appellant has identified the importance of the long narrow view down Harbour Street. However, it is important to note that whilst this is one key feature identified within the Conservation Area Appraisal it is not the only feature of the Conservation Area. Moreover, the fact remains that the proposal would introduce a relatively alien and adverse feature to the listed building which would erode the character of the wider Conservation Area. Whilst such impacts might be limited by the quantum of development proposed, the fact remains that the proposed terrace would fail to

preserve or enhance the character of the Conservation Area. This is principally, but not exclusively, through the likely usage of domestic paraphernalia and lighting at odds with prevailing pattern of development within the historic core of Broadstairs in relation to historic buildings.

10. I note the Appellant's observation that there are various forms of roof terraces at Nos 6, 29, 33 and 35 Harbour Street. However, as detailed within the Officer's Report, these buildings are with either not listed, or relate to a commercial property, or may not have planning permission. I see no reason to disagree with these points, nor do I find the existence of these examples overcome or address the specific harm I have found in this case.
11. I therefore find that the proposal under both Appeals would fail to preserve the special interest of the listed building and fail to preserve or enhance the character of the Conservation Area. Given the scale of the development and works proposed this would constitute no more than 'less than substantial harm' as set out in Paragraph 196 of the *National Planning Policy Framework* (the Framework). Considerable weight should be afforded to any harm to heritage assets. Paragraph 196 requires that less than substantial harm to the significance of heritage assets is weighed against any public benefits. In this case no obvious public benefits have been cited by the Appellant. Accordingly, the less than substantial harm is not outweighed.
12. The proposal would therefore be contrary to saved Policy D1 of the *Thanet District Local Plan 2006* which, amongst other aims, seeks to ensure that all new developments respects the character or appearance of the surrounding area and does not lead to unacceptable loss of amenity through light pollution. It would also be contrary to the Policies of the Framework relating to conserving and enhancing the historic environment including Paragraph 196.

Other Matters

13. I note the parties' reference to an appeal decision relating to a site in Margate (ref 3185442). However, it is clear that not only does that refer to a location within a completely different settlement, but also within a different context to that before me. Whilst I have come to a different conclusion overall, I concur with the Appellant that the circumstances in that case are not comparable to that before me. This decision does not therefore alter my assessment of the proposal before me.

Conclusion

14. For the reasons given above, I conclude that both appeals should be dismissed.

Cullum J A Parker

INSPECTOR