



Appeal Decisions

Site visit made on 21 September 2021

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2022

Appeal A: APP/Z2260/W/20/3262044

Legion House, 18 St Johns Road, Margate CT9 1LU

- 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 De Negri against the decision of Thanet District Council.
 - The application Ref F/TH/19/0631, dated 3 May 2019, was refused by notice dated 30 June 2020.
 - The development proposed is described as: The conversion and extension of the existing Grade 2 listed building to create 8 flats over 4 floors including the basement.
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Appeal B: APP/Z2260/Y/20/3262047

Legion House, 18 St Johns Road, Margate CT9 1LU

- 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 De Negri against the decision of Thanet District Council.
 - The application Ref L/TH/19/0632, dated 3 May 2019, was refused by notice dated 30 June 2020.
 - The works proposed are described as: The conversion and extension of the existing Grade 2 listed building to create 8 flats over 4 floors including the basement.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. Since the application was determined the Council have adopted the Thanet Local Plan (July 2020) (LP). All parties were made aware of the relevant emerging policies at the time of the Council's determination and they have not fundamentally changed the policies which they replaced. No one would therefore be prejudiced by my determining the appeal on the basis of the newly adopted plan.
3. There is a discrepancy between the name of the appellant on the application form and that on the appeal form. I have therefore used the name as it appears on the application form in my banner heading above.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed works on the special architectural and historic interest of 18 St Johns Road, which is Grade II listed, and linked to that,

whether it would preserve or enhance the character or appearance of the Margate Conservation Area;

- The effect of the proposal on the living conditions of future occupiers of the development having particular regard to outlook from Flat 1, and;
- The effect of the development on community facilities in the area.

Reasons

Heritage assets

5. Legion House or 18 St Johns Road is a Grade II listed building. Much of its significance comes from its architectural form being that of an early C19 brown brick house. It is a particularly large building set over three to four storeys with a basement and is prominently sited on the corner of St Johns Road and Princes Crescent. It also has a number of distinguishing architectural features which include central canted bays over five floors to the front elevation and a canted flank wall on Princes Crescent. It is one of the most prominent buildings in the immediate surrounding area, due to its size, design features, and siting.
6. Margate Conservation Area includes the historic seafront and the more historic parts of the town such as St Johns Road and Princes Crescent. These roads are occupied by a number of historic buildings, some of which are listed, such as, the appeal building, the neighbouring property 18a St Johns Road and 14-19 Princes Crescent. These historic buildings are largely well preserved and consequently they contribute to the significance of the conservation area as a whole.
7. The proposed works would include a three-storey extension to the rear of the property. This would obscure much of the rear elevation of the building which contains historic brickwork and window openings. It would also, due to the height and projection of the extension up to and along the splayed side boundary of the property, partially obscure the canted flank wall when viewed from Princes Crescent and compete with and detract from this architectural feature. Furthermore, the proposed extension would result in the removal of large sections of what remains of a traditional side boundary wall at the property which is of some age and adds to historic character.
8. Internally I have concerns about the layout which would result in a number of bathrooms having no natural ventilation. They would therefore require mechanical ventilation. Without full details before me I cannot be satisfied this would not result in the loss of and/or disruption to historic building fabric, as well as harm to the external appearance of the building. The proposals would also involve the creation of new openings through the rear wall at first and second floor in order to link the extension to the existing building resulting in an additional loss of historic building fabric.
9. For these reasons the proposal would cause harm to the special historic and architectural interest of the building. It is also a highly visible building within the Margate Conservation Area due to its size and siting. Consequently, the proposed works would also neither preserve nor enhance the character or appearance of Margate Conservation Area. Furthermore, it would conflict with Policies HE02 and HE03 of the Thanet Local Plan (LP) which seek to protect conservation areas and listed buildings.

10. The harm I have found would be 'less than substantial' given its scale and impact. As per para 202 of the National Planning Policy Framework, this harm should be weighed against the public benefits of the proposal. In this case there would be the benefit of the removal of the front entrance porch which currently obscures part of the doorcase with its fluted ionic half columns, semi-circular fan light, and six panel moulded door, all of which is noted in the listing description. There would also be some benefits to the street scene along Princes Crescent in terms of natural surveillance. I give these benefits moderate weight. The proposal would also provide a modest benefit in terms of creating additional housing.
11. I accept that the uncertainty over the future use of the listed building has contributed to its deterioration. However, whilst the proposals could, to an extent, secure restoration works and the future of the building, they would also result in harm to its special architectural and historic interest, as described above. I therefore give this benefit only modest weight. Whilst an existing unsympathetic single storey rear extension would be removed this would be replaced with a much larger and more harmful extension. I therefore find no benefit in this respect.
12. Even taken together, I find that the weight to be attached to these public benefits is not sufficient to justify the harm that would be caused to the listed building; harm that must be given considerable importance and weight in the balancing exercise.

Living conditions

13. Proposed Flat 1 in the basement of the building would have a very limited outlook, the main outlook being from bedroom 2 where there is a canted bay window set largely below pavement height. The remainder of the living spaces; kitchen, living room and bedroom 1 would have no outlook at all. This would be contrary to Policy QD03 of the LP which specifically requires new development to not lead to unacceptable living conditions through a sense of enclosure and to be of appropriate layout to facilitate comfortable living conditions.

Community facilities

14. The appeal building was previously used by the Royal British Legion, which is a charitable organisation, and was used in conjunction with this charitable work as a private members' club. Such a use does not fall within those noted as being community facilities in the supporting text to Policy CM02 of the LP. There is also nothing before me to suggest its former use met the needs of the local community generally. Its loss to residential use would not, therefore, conflict with Policy CM02 of the LP which seeks to protect against the loss of community facilities.

Other matters

15. The proposed development would result in increased recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI). However, notwithstanding the submitted unilateral undertaking, there is no need for me to consider the implications of the proposal on either the SPA or SSSI because the proposal is unacceptable for other reasons.

16. The appellant references a planning permission for the use of the upper floors of the building as four-self-contained flats¹. However, that was a materially different application in terms of scale and extent of works to the listed building. It does not, therefore, alter my findings above. Any delay in determining the application on the part of the Council, whilst understandably frustrating, similarly does not alter the outcome of this appeal.

Conclusion

17. The proposal would result in harm to the special architectural and historic interest of 18 St Johns Road, which is Grade II listed, and would neither preserve nor enhance the character or appearance of the Margate Conservation Area. This harm would not be outweighed by the public benefits of the proposal.
18. In addition to this it would also result in harm to the living conditions of future occupiers of Flat 1 due to inadequate outlook. Whilst I find no harm in terms of a loss of community facilities, this is only a neutral factor to be weighed into the overall planning balance. Overall, therefore, I find that the harms outweigh the benefits in this case and that the proposal would not accord with the development plan when read as a whole. Consequently, having regard to all matters raised, the appeals are dismissed.

Hayley Butcher

INSPECTOR

¹ F/TH/17/0364