



Appeal Decision

Site visit made on 12 October 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/Z2260/W/21/3283893

Chilton Tavern, 187 Pegwell Road, Ramsgate, CT11 0LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by LVN1 Ltd against Thanet District Council.
 - The application Ref F/TH/21/0689, is dated 25 April 2021.
 - The development proposed is erection of a terrace of 5 x 3 bed dwellings with associated parking, cycle and refuse store and landscaping, following demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. The application for costs made by the appellant against the Council is the subject of a separate decision.

Preliminary Matter

3. As part of the appeal, revised drawings have been submitted which give detailed dimensions of the proposed parking spaces. There would be no prejudice caused in taking these into account.

Main Issues

4. Based on the reasons for refusal the Council would have used if it had determined the application, the main issues are:-
 - The effect on the provision of existing community facilities having regard to relevant development plan policy;
 - Whether the Chilton Tavern is a non-designated heritage asset;
 - The effect on the character and appearance of the surrounding area;
 - Whether satisfactory living conditions would result for adjoining and future occupiers; and
 - The effect on pedestrian safety.

Background

5. In October 2022 a fire occurred which has badly damaged the appeal property. In particular, there is no roof and the interior has been seriously affected. The

current state of the building is likely to have a bearing on the first two identified issues. However, given the findings that will be made, I have not requested further evidence to be provided about the implications of this recent event. My assessment in those respects will therefore largely assume that the building is in the same condition as it was before the fire.

Reasons

Community facilities

6. The public house would be demolished to make way for the proposed houses. Policy CM02 of the Thanet Local Plan 2020 seeks to protect existing community facilities. Proposals resulting in their loss will not be permitted unless it can be demonstrated that one of three criteria have been met.
7. The Chilton Tavern has been marketed since September 2019 and has been empty for about the same time. The uncontested evidence is that due to various physical constraints and limited local demand, the premises have no long term viability for use as a public house. However, the policy expects that every reasonable attempt be made to secure an alternative community use. The evidence provided is unconvincing in this respect and, in particular, it is not clear that the steps advocated in the supporting text to the Local Plan have been taken.
8. However, there are three establishments in close proximity which also serve alcoholic drinks. They also have food and accommodation on offer as well as a favourable location close to the sea. Whilst they may cater for visitors to the area, there is no reason to suppose that they do not also provide a potential social hub for those living in the Chilton area. It is also notable that there have been no representations from the local community opposing the loss of the pub. As there is accessible and alternative local provision, the proposal would not undermine the ability of the community to meet its day to day needs. The terms of criterion 1) of the policy would therefore be complied with.
9. Therefore, notwithstanding the serious damage caused by the fire, the effect on the provision of existing community facilities would be acceptable. There would be no conflict with Policy CM02.

Non-designated heritage asset

10. The Chilton Tavern was rebuilt around 1888. Externally it is typical of a late Victorian public house with a corner entrance and rendered elevations under a shallow slate roof. The front sash windows are later replacements. Internally there are no features of interest other than two fireplaces. The appellant's heritage impact assessment describes it as having limited historical interest with no remarkable or special features or historical connections. It is also not a particularly good or rare example of this type of building from that period.
11. The Council considers the building to be a non-designated heritage asset. However, it has provided no detailed evidence of its own to contradict the assessment made on behalf of the appellant. The Ramsgate Heritage and Design Forum claims that there are many features of architectural and historic merit but these are not specified. The Planning Practice Guidance (PPG) on *Historic Environment* observes that only a minority of buildings have enough significance to warrant identification as non-designated heritage assets.

12. The PPG also describes the processes by which they may be identified. There is no indication that the Chilton Tavern appears on a local list. The Council's position appears to have been taken in conjunction with pre-application discussions about redevelopment of the site. That is not, in itself, decisive. However, the absence of any assessment criteria does not assist in indicating that the building is of the requisite interest to be considered as a non-designated heritage asset.
13. Before the fire, the pub was clearly recognisable for what it was and had a certain charm that had not been spoiled by later additions or alterations. No doubt it is a local landmark and has been a feature of the area for well over a hundred years. But the same could be said of many older buildings on corner plots. No contextual information has been provided to show that the Chilton Tavern is a particularly important example of a Victorian public house in Ramsgate. There is also no indication that the building is particularly loved or valued by the local community.
14. At the end of the day, based on the evidence provided, the qualities of the building are insufficient to elevate it into the category of a non-designated heritage asset. Even ignoring the impact of the fire damage caused in October 2022, its heritage significance is limited. Whilst any significance would be lost by virtue of its demolition, the provisions of paragraph 203 of the National Planning Policy Framework do not apply.
15. As such, the impact on the historic environment does not amount to an objection to the proposal and there would be no conflict with any of the general design principles in Policy QD02 in this respect.

Character and appearance

16. The proposed terrace of houses would be on three floors with the upper level lit by dormers. The block would be set back from the line of houses to the south along Pegwell Road and positioned close to the corner of Downs Road. The detailed design has a Victorian flavour with the use of bays, yellow stock bricks and dividing parapets. The wider surroundings are residential but with a mixture of bungalows, semi-detached and terraces from different eras. However, the appeal site has the greatest affinity with the gabled ended pairs of houses directly to the south and the more diminutive cottages to the east.
17. The proposed building would be similar in eaves and ridge height to the existing public house. However, it would be significantly wider and, in its context, would be an overly bulky structure in a prominent position. Whilst frontage parking and hardstandings are common features nearby, the hard surfaced site frontage would be extensive. This would be a harsh and barren feature that would not be alleviated by the proposed railings, contrasting paving or token planting. The bay windows in the side elevation would also appear odd. These could be removed by condition but, even then, the development would not 'turn the corner' in a visually satisfactory way.
18. By introducing another style and type of building, the proposal would fail to grasp the opportunity of achieving greater coherence with its more immediate neighbours. Its recessed position along Pegwell Road would weaken the enclosure that is otherwise experienced to the south and the large front parking area and poor relationship with Downs Road are further negative

elements. All in all, the proposal would be out of place and would not be well related to the surrounding development.

19. Therefore, there would be harm to the character and appearance of the area. As the proposed development would not promote or reinforce the local character of the area or provide high quality design it would be contrary to Local Plan Policy QD02.

Living conditions

20. The front elevations of 1 and 2 Chilton Cottages and 3 Tavern Cottages would face directly towards the rear elevation of the proposed development. These properties are set down lower than the appeal site. According to the appellant the gap between the two would be some 13m.
21. Although their aspect is currently towards the public house building and its car park, the proposed development would be noticeably nearer to the cottages. Moreover, it would be more imposing because of its increased width. Indeed, the sheer scale and mass of the rear wall would have a significant overbearing impact and seriously detract from the outlook from within the houses, especially at first floor level. Even allowing for the built-up nature of the locality and the previous permission for a two-storey rear extension, the proposal would simply be too large and too close.
22. The lower portion of the proposed rear windows would be obscure glazed. Notwithstanding this, the amount of fenestration and its proximity would be likely to be uncomfortable for the adjoining occupiers and result in some perception of overlooking and loss of privacy.
23. As the upper rooms are bedrooms and as the site is higher than the cottages opposite, the standard of internal accommodation would be satisfactory for future occupiers. Furthermore, the rear garden area would be of adequate dimensions for a doorstep play area and so would accord with Policy GI04 in this respect. As it would be for the sole use of the occupiers it would be private and some oversight by adjoining properties is normal in suburban areas.
24. However, the proposal would harm the living conditions of the occupiers of the adjoining cottages by reason of an unacceptable sense of enclosure and, to a lesser degree, overlooking. As such, it would not accord with Policy QD03.

Pedestrian safety

25. The revised drawings show that all the proposed parking spaces would exceed 5m in length. As a result it should be possible for vehicles to not overhang the footway or obstruct pedestrians. The Council's expectation is that the spaces should be 2.7m wide. However, in practice, the adjoining path would provide an additional hard surfaced area that could be used to gain access to the vehicle. In accordance with Policy TP06 the provision for vehicle parking would be satisfactory and pedestrian safety would not be compromised.

Other Matters

26. The Framework points out that small sites can make an important contribution to meeting the housing requirement of an area. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes. Furthermore, the Council is unable to demonstrate a five year supply

of specific deliverable housing sites. The latest published position is that this equates to 3.63 years and the shortfall amounts to 839 units. The number of completions since 2018 has been increasing and in 2020-21 exceeded the requirement. So while delivery has been improving, the deficit in supply is significant. In these circumstances five additional homes weigh heavily in favour of the proposal.

27. Due to the relationship with, and separation from, the listed Chilton Farmhouse there would be no adverse impact on its setting.

Final balance

28. The proposed development would harm the character and appearance of the area and the living conditions of the occupiers of 1 and 2 Chilton Cottages and 3 Tavern Cottages. Although there is no objection to the loss of this community facility or on heritage grounds, the proposal would not accord with the development plan. Significant weight should be given to this.
29. On the other hand, the proposed dwellings would be within the built-up area of Ramsgate and the Framework indicates that windfall sites should be supported. There is a significant shortfall in the supply of housing sites in Thanet which the proposal would go some way towards addressing. However, the support for the proposal in the Framework is countered by the importance it attaches to design as a key aspect of sustainable development and its expectation that there should be a high standard of amenity for existing users. The proposal falls down in both these respects. Furthermore, it would seem feasible to devise a revised scheme that would address these objections and so deliver extra housing at the same time. Therefore, the importance attached to this positive aspect of the proposed development is somewhat reduced.
30. Consequently the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result the presumption in favour of sustainable development does not apply.
31. In combination with other development in Thanet, the proposal would have a likely significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The planning obligation dated 4 March 2022 would secure an SPA sum towards mitigation in line with Local Plan Policy SP29 and the Strategic Access Management and Monitoring Plan. However, as the appeal is to be dismissed, there is no need to undertake an appropriate assessment or to give consideration to the Conservation of Habitats and Species Regulations.

Conclusion

32. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the proposal is unacceptable and the appeal should not succeed.

David Smith

INSPECTOR