



Appeal Decision

Site visit made on 1 June 2023

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2023

Appeal Ref: APP/Z2260/D/22/3294446

East Northdown House, East Northdown, Margate CT9 3TS

- 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 P Miles against the decision of Thanet District Council.
 - The application Ref FH/TH/18/0800, dated 4 June 2018, was refused by notice dated 22 December 2021.
 - The development proposed is described as *extension to existing side boundary wall and erection of timber gates*.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant submits that listed building consent was granted in 1996 for much of the work now proposed in the appeal application, in connection with other works to Mockett Cottage which have since been implemented. The Council states that the height and design of the proposal has changed since that approval was given. The appropriate procedure for resolving that matter, should resolution be required, would be through the submission for an application to determine the lawfulness of the proposed works in relation to any need for listed building consent.
3. In any event, the current appeal relates to an application for planning permission, which I am bound to consider on its merits having regard to the development plan and other material considerations. Whilst a previous listed building consent is capable of being a material consideration, in this case I attach limited weight to the previous listed building consent given the changes in caselaw and policy relating to designated heritage assets that have taken place since 1996.
4. The appellant also submits that planning permission was granted in April 2018 to raise the boundary wall, although it is stated that this permission did not cover the link wall between the site boundary and the house. There is no evidence that this permission was implemented and I attach limited weight to it. I shall consider the planning merits of the appeal scheme as a whole.
5. As the proposal is in a conservation area and affects the settings of listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act).

Main issue

6. The main issue is the effect of the proposal on the settings of East Northdown House, Cottage Adjoining East Northdown House to the Southwest (now known as Mockett Cottage) and East Northdown Cottage with Barn Attached, which are Grade II listed buildings, and on the Northdown Conservation Area.

Reasons

7. The Northdown Conservation Area covers Northdown House and its associated parkland together with a group of listed buildings at East Northdown. These are grouped on either side of a private road. Those on the west side include East Northdown House, Mockett Cottage and East Northdown Cottage. The road has the character of a rural lane. It is bounded by walls of varying heights and materials, mainly brick or flint. The area has a verdant appearance with open spaces, mature trees and vegetation around the buildings.
8. The listing description states that East Northdown House dates from the early 18th century, although a heritage assessment provided by the appellant states that parts of it may date from the 17th century. It also has later ranges, dating from the early 19th century, when the building was extended and bay windows were added at ground and first floor levels to the front elevation, together with a porch with fluted columns. The principal elevation faces east, towards the lane.
9. Mockett Cottage is a more modest two-storey cottage, dated 1721, located immediately to the south west of East Northdown House. East Northdown Cottage is also close by, on the opposite side of a shared access way. It is a two-storey, flint-faced cottage dating from 1731, attached to a flint-faced barn which has been converted to living accommodation. The listed buildings have both architectural and historic interest, possessing a group value which adds much to their individual significance. Their setting within the conservation area also contributes to their significance. In turn, they make an important contribution to the significance of the conservation area as part of the former farmstead at East Northdown.
10. The southern boundary of East Northdown House, where it adjoins the shared access way, is enclosed with a low wall, trees and vegetation. This provides plot definition and enclosure whilst allowing East Northdown House, Mockett Cottage and East Northdown Cottage to be appreciated as a group. Raising the height of the boundary wall as proposed would fragment the space, reducing the ability to appreciate the group value and thereby harming the setting and the significance of all three listed buildings. For the same reason, there would be harm to the character and appearance of the conservation area.
11. Part of the raised boundary wall would be directly in front of the entrance to East Northdown Cottage, separated only by the width of the shared access way. This would create a tightly enclosed pinch point, which would be out of keeping with the spacious character of the conservation area. It would be harmful to the setting and the significance of East Northdown Cottage.
12. The proposal includes a pedestrian gate and adjoining brick pier of around 2m in height adjacent to the southern end of the principal elevation. The gate and pier would be set forward of the elevation, in a position where they would clutter the elevation and detract from the ability to appreciate the principal

elevation as a whole. This would be harmful to the setting and the significance of East Northdown House.

Other matters

13. The design and access statement states that the proposal would increase privacy and security. However, the proposed wall would bound a shared private access that only serves East Northdown House/Mockett Cottage and East Northdown Cottage. There is nothing to suggest that these are sufficiently important considerations in this case to justify harm to designated heritage assets. Moreover, to my mind these would not be public benefits in terms of the balancing exercise required by the Framework¹.
14. I have taken account of representations from interested parties. These raised matters that have been discussed above.
15. I have also taken account of the planning history referred to by the appellant but this does not alter my conclusions on the planning merits of the appeal.

Conclusion

16. The proposal would fail to preserve the settings of East Northdown House, Mockett Cottage and East Northdown Cottage. It would also fail to preserve the character and the appearance of the Northdown Conservation Area.
17. In the terms of the Framework, the harm to the significance of each of the listed buildings, and the harm to the significance of the conservation area, would be less than substantial. The Framework makes clear that great weight should be given to conserving the significance of a designated heritage asset. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case I have not identified any public benefits. The proposal would therefore be contrary to the policies of the Framework relating to the historic environment.
18. The proposal would also be contrary to Policies SP35, SP36, HE02, HE03 and QD02 of the Thanet Local Plan which, together, seek to protect conservation areas and other designated heritage assets and to reinforce local character. It follows that the appeal should be dismissed.

David Prentis

Inspector

¹ The Framework, paragraph 202