
Appeal Decision

Site visit made on 25 May 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2023

Appeal Ref: APP/Z2260/W/22/3311122

The Pavilion, Harbour Street, Broadstairs, Kent CT10 1EU

- 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 Thorley Taverns Ltd against the decision of Thanet District Council.
 - The application Ref F/TH/22/0422, dated 20 March 2022, was refused by notice dated 13 September 2022.
 - The proposed development is for an extension to form undercover seating arrangements on the existing balcony.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounds, including the Broadstairs Conservation Area (CA).

Reasons

3. The Pavilion is within the CA, which incorporates the town centre and harbour. It is characterised by an eclectic mix of traditional commercial and residential buildings, which include a wide range of styles, sizes and materials. Much of the special architectural and historic interest arises from the juxtaposition of well-designed yet differing built forms and heritage features. In the vicinity of the site, the area around Harbour Street has a tight urban grain, allowing glimpses of the early historic townscape with narrow views between buildings.
4. The appeal site itself relates to a commercial premises adjacent to the beach at Viking Bay, and below the level of the cliff to the rear. The main part of the building consists of three glazed sections with parallel pitched roofs overlooking the bay, and its facade is clearly visible as part of the wider seafront in views from Harbour Street and the beach.
5. Being situated in the CA, special attention must be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

6. The proposed extension to the front would obscure one of the glazed sections of the appeal building. This would result in an imbalance to the pleasing symmetry that currently exists. The element would draw the eye away from the principal facade, which would reduce the positive contribution that it makes to the seafront. The long section of shallow monopitch roof would be at odds with the pitched roofs above on the main building, appearing as a prominent and jarring feature in the context of the site. From a wider perspective, the projecting element would screen views in both directions along the seafront, which would interrupt panoramic vistas of the area overall and adversely impact upon the wider CA.
7. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The harm would be less than substantial, on account of the fact that the proposal would only affect part of the character of the CA. Nevertheless, taking account of the statutory duty to have special regard to enhancing or preserving the character and appearance of a Conservation Area, importance and weight must be attached to the harm identified. I appreciate that the proposal would provide for additional covered seating at a popular venue in the town, but this benefit does not outweigh the harm outlined previously.
8. Consequently, I conclude that the proposal would result in harm to the character and appearance of the surrounds, including the CA. It would be contrary to Policies HE02 and QD02 of the Thanet District Council Local Plan July 2020, which seek to secure new development of acceptable scale and appearance that preserves and enhances the District's historic environment. It would also be inconsistent with the advice in the National Planning Policy Framework, which states that good design is a key aspect of sustainable development, and it is desirable for new proposals to make a positive contribution to local character and distinctiveness.

Conclusion

9. Having regard to the above and all other matters raised, the appeal is dismissed.

C Hall

INSPECTOR