



Appeal Decision

Site visit made on 5 July 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/Z2260/Y/22/3299673

9 Marine Gardens, Margate CT9 1UN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Simply Crafted Ltd against the decision of Thanet District Council.
 - The application Ref L/TH/22/0102, dated 20 January 2022, was refused by notice dated 23 March 2022.
 - The works proposed are internal and external alterations including alterations to fenestration to the rear.
-

Decision

1. The appeal is allowed and listed building consent is granted for internal and external alterations including alterations to fenestration to the rear at 9 Marine Gardens, Margate CT9 1UN in accordance with the terms of the application Ref L/TH/22/0102 dated 20 January 2022 and the plans and information submitted with it (Plan references 13M PL LOC 2001, 13M PL PRO 2001, 13M PL PRO 2022, 13M PL PRO 2003), subject to the conditions attached to this decision.

Preliminary Matters

2. The Council's reason for refusal relates solely to the proposed insertion of a staircase. It does not object to the remainder of the internal or external works proposed. Based on the evidence before me, and from my site visit, I have no reason to disagree with those findings. I deal with the matter of the proposed staircase below.
3. I have used the Council's description of works as this more accurately and concisely described the works proposed. I note that the appellant used this description on their appeal form.
4. I note the appellant's name on the appeal form is inconsistent with that on the application form. However, this has been confirmed with the appellant and the correct appellant name is included within the banner heading, above.
5. The appeal relates to an application for listed building consent for proposed works. In determining the appeal, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, in line with paragraph 199 of the National Planning Policy Framework 2021 (the Framework), I have given 'great weight' to the asset's conservation.

6. I have also dealt with another appeal at this site¹. That appeal is the subject of a separate decision.

Main Issue

7. The main issue is whether the proposed works would preserve the Grade II listed building, 7-12 and 12A Marine Gardens, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

8. The appeal site comprises a mid-terrace property known as 9 Marine Gardens. It forms part of a Grade II listed building comprising of Nos 7-12 and 12A Marine Gardens². The building dates from the 19th century, with No 8 later rebuilt. The site lies within Margate Conservation Area.
9. The appeal building forms part of a prominent row along Marine Gardens, fronting onto the public gardens and seafront beyond. The evidence before me, together with observations on my site visit, suggests that several significant changes have occurred to the appeal building over time, including its extension to the rear, the replacement of upper floor windows and shopfront and the modification of the internal layout. This has, to some extent, degraded the integrity and heritage merit of the property as part of the listed building and has resulted in the loss of homogeneity within the terrace.
10. Based on the evidence before me, I consider the special interest and significance of the listed building to be largely derived from its architectural and historic interest. Important contributors in these regards, which are pertinent to the appeal, are the architectural composition of the appeal property's primary elevation and its integral relationship with the wider terrace, the extent of the historic floor plan and hierarchy of internal spaces, with large three-bay rooms retained to the front of the building, and surviving historic fabric, including the communal staircase.

Appeal proposal and effects

11. The proposed works involve the internal reorganisation of the ground and first floor levels to form a new maisonette. This would include the insertion of a new internal staircase to link the floors of the proposed maisonette.
12. The ground floor of the building is currently in use as a retail unit. The modifications that have taken place on this floor previously are considerable, with no evidence of any significant historic fabric retained. Similarly, the first floor has been modified previously, including through the relatively recent subdivision of the rear part of the floor to provide a bedroom and bathroom. As a result, the ground and first floors no longer fully reflect the building's original plan or unadulterated historic fabric.
13. The proposed works would result in the loss of some historic fabric (in particular, the floorboards within the first floor). Moreover, a staircase would be inserted in a location where this is not likely to have been the case historically. However, the amount of historic fabric lost as part of the works would be

¹ APP/Z2260/W/22/3299670

² List Entry Number 1203814

minimal. From that perspective, the works would not have any tangible effect on the attributes that underly the special interest and significance of the building, and the historic floor plan, hierarchy of internal spaces and circulation through the building would still be discernible, particularly as the separate communal staircase would be retained and continue to be used.

14. Overall, I conclude that the proposed works would preserve the Grade II listed building, 7-12 and 12A Marine Gardens, or any features of special architectural or historic interest which it possesses. Consequently, they would not harm the significance of this designated heritage asset. In doing so, they would satisfy the requirements of Section 16(2) of the Act, paragraph 199 of the Framework and would not conflict with Policy HE03 of the Thanet District Council Local Plan (2020) which, in summary, seeks to sustain the historic environment.
15. In finding no harmful effects to the special interest and significance of the designated heritage asset, it is not incumbent on me to consider any public benefits that would flow from the proposal.

Other Matters

16. The appeal property is located within Margate Conservation Area (CA). In line with Section 72(1) of the Act, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
17. The character and appearance of the CA, and thus its special interest and significance, is in part derived from the variety and architectural richness of its historic buildings and spaces. These denote the town's evolution as an historic seaside resort. By reason of its heritage merit, 7-12 and 12A Marine Gardens adds to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.
18. Bearing in mind the position, nature and extent of the proposed works, I consider that they would have a neutral effect on, and would therefore preserve, the character and appearance of the CA as a whole. As such, the proposed works would not harm the significance of this designated heritage asset. I note the Council has no concerns in these respects. Nevertheless, this weighs neither for nor against the appeals and does not alter my conclusions on the main issue.
19. That there are other consents for works to the building which have not been carried out has not led me to an alternative conclusion on the main issue.

Conditions

20. In addition to the standard time limit condition, further conditions are imposed requesting details of the internal joinery work and fittings and external windows and doors are needed to preserve the special interest of the listed building.
21. In imposing conditions, I have had regard to the tests within the National Planning Policy Framework, the Planning Practice Guidance, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.

Conclusion

22. For the reasons given above, having had regard to all other relevant material considerations, I conclude that the appeal should be allowed.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Prior to the installation of the new internal walls and staircase, detailed drawings at a scale of 1:5 all new internal joinery work and fittings, including insulation, skirting boards, coving and doors shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 3) Prior to the installation of any external windows and doors, joinery details at a scale of 1:5 of the windows and doors to include glazing bars, frames and mouldings shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.