



Appeal Decision

Site visit made on 19 November 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2024

Appeal Ref: APP/Z2260/W/24/3338245

Land to the rear of 3 Ethelbert Terrace, Margate, Kent CT9 1RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Thomas against the decision of Thanet District Council.
 - The application Ref is F/TH/23/0730.
 - The development proposed is described on the application form as the demolition of existing detached garage and creation of new 3-storey holiday-let annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the site address set out on the application form, I have used the site address from the Council's decision notice. I consider that this more accurately describes the location of the proposed development.

Main Issues

3. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Clifftop Conservation Area;
 - the effect of the proposed development on the living conditions of the occupants of neighbouring dwellings;
 - whether a satisfactory standard of accommodation would be provided; and
 - the effect of the proposed development on mixed and balanced housing provision.

Reasons

Appeal site and proposal

4. The appeal site is positioned at the junction of Ethelbert Terrace with Ethelbert Road. It accommodates a four-storey with basement end-of-terrace building. A single-storey garage structure exists to the rear. This garage fronts Ethelbert Road, with a rear alleyway to its immediate south.
5. The proposed development would involve the demolition of the existing garage structure and its replacement with a three-storey building with a roof top terrace over. A garage/car port would be provided at the ground floor, with a bedroom on the first floor and a living room/kitchen area on the second floor.

Heritage assets

6. The appeal site is positioned within the Clifftop Conservation Area. Statute¹ places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of this conservation area (CA). The special interest and significance of the CA is, in part, derived from its historic townscape of largely intact terraced streets, featuring consistent material treatments and features. Insofar as the appeal is concerned, the properties along this part of Ethelbert Terrace and Ethelbert Road are broadly uniform in their form, scale and position. They are typically setback from the footway behind small forecourts or lightwells, and are finished in similar materials.
7. The small gap in significant built form along Ethelbert Road, formed by the appeal site's garage and rear yard area, provides a sense of separation and spaciousness in an otherwise densely packed area of terraced streets. The small scale and ancillary nature of the rear of the appeal site is entirely in keeping with the surrounding area. This 'relief' in built form is a positive trait which contributes to the character and appearance of the CA as a whole, and thus to its significance as a designated heritage asset.
8. The proposed building (and roof top features) would be highly visible from nearby public vantage points. I acknowledge the design influences of the development, as set out by the appellant in their evidence. However, its scale, consisting of a three-storey building on a very narrow plot, and siting, to the rear of principal buildings which face onto Ethelbert Terrace, would fail to reflect the prevailing character, hierarchy and pattern of development here. The proposed development would appear cramped and discordant in this rear garden setting.
9. Consequently, the proposed development would relate poorly to, and fail to respect, its surrounding context. It would have a harmful effect on, and thereby fail to preserve or enhance the character or appearance of the CA as a whole, in conflict with the requirements of Section 72(1) of the Act. The proposed development also conflicts with the relevant provisions of Policies QD02 and HE02 of the Thanet Local Plan (LP, 2020) which, in summary, seek to preserve or enhance the character or appearance of CAs.
10. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development or works on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
11. With reference to Paragraphs 207 and 208 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the development relative to the CA, I find the harm to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the development. This is a matter I return to subsequently.

¹ Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Living conditions – neighbouring occupants

12. The proposed building would be positioned close to the established 3 Ethelbert Terrace, which contains a series of separate flats. It would also back onto the rear amenity space of 4 Ethelbert Terrace. Although the proposed building would provide internal accommodation over three floors, the roof terrace would provide an access structure and screening, which would be tantamount to a fourth storey here. Overall, the proposed development would be significantly taller and bulkier than the existing garage structure. This would undoubtedly change the outlook from the rear of properties fronting Ethelbert Terrace and the rear amenity space of 4 Ethelbert Terrace. It would have a dominant presence, creating gloomy living conditions and a harmful sense of enclosure.
13. In respect of daylight and overshadowing, the appellant has provided a series of images intended to show the results of a daylight and shadowing analysis. However, these are not accompanied by any substantive commentary, and I am unable to rely on them in respect of this main issue. Consequently, I have insufficient evidence before me to conclude that daylight and sunlight levels to existing properties would be acceptable as a result of the proposed development. Even were I to find this matter acceptable, it would not overcome the harm to outlook.
14. In respect of the established amenity space, there is insufficient detail before me to demonstrate how the space would be reduced or otherwise made unusable, as argued by the Council. Moreover, there is no policy before me which sets out specific space standards for private amenity space, and the proposal includes additional private outdoor space at roof level. Nevertheless, the lack of harm in this respect does not overcome the identified harm above.
15. Overall, I conclude that the proposed development would harm the living conditions of the occupants of neighbouring properties, contrary to the relevant provisions of LP Policy QD03 which, in summary, seeks to ensure that living conditions are protected. This is in a similar vein to the provisions of the Framework insofar as living conditions are concerned.

Standard of accommodation

16. LP Policy QD03 requires that development is of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions. LP Policy QD04 sets out that all new development will be expected to meet the new technical standards set out.
17. The Council argues that the proposed development, excluding the garage, would measure 33sqm. This would fall below the standards set out above for new residential development. However, the policies do not specify whether the stated standards apply to holiday accommodation, rather than new residential floorspace. This is acknowledged by the Council in its officer report. With the proposed use of the development for holiday accommodation (which could be conditioned in the event of an allowed appeal), I do not find that the proposed development would be harmful in this respect.
18. LP Policy E08 has been referenced within the Council's decision notice. This requires that self-catering tourist accommodation is, amongst other requirements, of a form, scale and design appropriate to its surroundings. As

this reason for refusal, and therefore main issue, relates to the standard of accommodation provided, I do not consider this policy to be relevant here.

19. Overall, I conclude, in this particular instance, that the proposed development would provide a satisfactory standard of accommodation for future users, in accordance with the relevant provisions of LP Policies QD03 and QD04. These policies, in summary, seek to ensure a good standard of accommodation. Nevertheless, the lack of harm identified under this main issue does not alter my conclusion under the other main issues.

Effect on mixed and balanced housing provision

20. The proposed development seeks to provide holiday-let accommodation. While the Council allege that the proposal is tantamount to the creation of a new one-bedroom dwelling here, the proposal before me is for annex accommodation, associated with the established holiday accommodation at Flat 2, 3 Ethelbert Terrace (the appeal property), not a separate dwelling. Moreover, a planning condition could be imposed to restrict the use of the property as proposed.
21. LP Policy H08 sets out that proposals to provide residential accommodation in Cliftonville West and Margate Central will be expected to, amongst other requirements, provide high quality homes and contribute to the creation of mixed settled communities in which families and individuals will want to live. The preamble to this policy explains that these neighbourhoods contain the district's most deprived and accommodates a transient population. It encourages the increase in family-sized accommodation. This is in a similar vein to the provisions of LP Policy SP22.
22. While I do not have detailed information before me as to the exact mix of property types in this area, I observed on my site visit how many properties in the surrounding area, including along Ethelbert Terrace and Ethelbert Road contained multiple flats. This was evident from features such as door numbers, doorbells and utility connections. Nevertheless, the proposal before me is for holiday accommodation, not independent residential accommodation.
23. Overall, I conclude that the proposed development, for holiday accommodation, would not conflict with the relevant provisions of LP Policies H08 and SP22. These policies, in summary, seek to encourage greater family-sized accommodation and fewer flats.
24. Reference was also made to Policy CV1 of the Cliftonville Development Plan Document (2010). However, I have not been provided with a full version of this policy and have therefore not taken it into account in making my decision.

Other Matters

25. I note the Council's fifth reason for refusal, relating to the effect of the proposed development on the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI).
26. Habitats Regulation 63(1) states that a competent authority, before deciding to give any consent must make an appropriate assessment to establish likely effects in terms of protected sites. However, given my reasoning in respect of the main issues, there is no duty upon me in that regard and I do not need to

consider it further. However, and even were I to find the proposal acceptable in this respect it would be neutral in my determination of the case and would weigh neither for nor against the proposed development.

27. The appeal site is located within the wider surroundings of a Grade II listed building, Remains of the Clifton Baths at Cliftonville Lido². Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving its setting. The historic built backdrop of this building, of which the appeal site forms part, positively contributes to its significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the setting of this listed building and the contribution it makes to its significance. I note the Council had no concerns in this regard either.

Planning balance and conclusion

28. I have identified that the proposal would result in less than substantial harm to the CA. In weighing this harm against the public benefits of the scheme, I accept that it would provide additional holiday-let accommodation which would serve as an economic benefit through increased tourism. There would also be other economic benefits, including employment during the construction process. I also note that the proposed development would be sustainably sited. Nevertheless, these benefits would be limited by reason of the limited scale and nature of the proposed development. Moreover, the proposal forms an extension to already established holiday-let accommodation, and any construction benefits would be short term.
29. Overall, the weight that I ascribe to the public benefits that would accrue from the proposed development is not sufficient to outweigh the considerable importance and weight that I attach to the heritage harm I have found. I have also found significant harm to the amenity of neighbouring occupants, contrary to the above cited policies of the development plan.
30. Furthermore, the benefits and other matters advanced in favour of the proposal are not of sufficient weight to justify a decision other than in accordance with the development plan, with which the proposal is in clear conflict.
31. Accordingly, for the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR

² List Entry Number: 1392729