



Appeal Decision

Site visit made on 29 October 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2024

Appeal Ref: APP/Z2260/W/24/3342369

27 Harbour Street, Ramsgate, Kent CT11 8HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Lee Phelps (GPML) against the decision of Thanet District Council.
 - The application Ref is F/TH/24/0109.
 - The application sought planning permission for change of use of basement and ground floor from retail to restaurant with erection of part four and two storey rear extension with basement to facilitate the conversion to 6no. one-bedroom self-contained flats without complying with a condition attached to planning permission Ref F/TH/20/0475, dated 10 September 2020.
 - The condition in dispute is No 2 which states that: The proposed development shall be carried out in accordance with the submitted application and the approved drawing numbered DTK/20/12002A (received 28/06/2020).
 - The reason given for the condition is: To secure the proper development of the area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The proposed revisions to the Framework are draft and therefore may be subject to change before the final Framework is published. Moreover, the draft revisions to the Framework and other proposed reforms are not directly relevant to this appeal. Therefore, I am satisfied no party would be disadvantaged by not having the opportunity to comment on them.

Background and Main Issues

3. The change of use and rear extension have been completed. The fenestration in the side elevation of the extension as constructed differs from that shown on the approved plan in its design and materials. The appeal seeks to vary condition 2 so that the plan listed reflects the fenestration as constructed.
4. The main issues are whether the fenestration on the side elevation of the extension as constructed has:
 - i. preserved or enhanced the character or appearance of the Ramsgate Conservation Area; and

- ii. preserved the setting of the Grade II listed buildings known as 15 and 19-21 Harbour Street.

Reasons

Ramsgate Conservation Area (CA)

5. The CA encompasses much of Ramsgate's historic town and waterfront in recognition of its development as a port, harbour, garrison town and popular coastal resort over several centuries. The Historic Commercial Core (HCC) is one of several character areas that contribute to the CA's significance. Having regard to the CA Character Appraisal (CACA), in the case of the HCC this significance is derived largely from the surviving historic street pattern and buildings from a wide range of periods.
6. Harbour Street is one of four principal commercial streets in the HCC. The inter-linked public spaces between it and York Street, including Albert Court, preserve the historic pattern of narrow passageways and courtyards and allow views of the rear elevations of several properties of historic and architectural interest. These include a variety of historic materials and design details that make a collective contribution to the significance of this part of the CA. Some later additions have had a negative effect, so the CACA seeks enhancement through sensitive redevelopment, including restoration when possible of historically appropriate doors, windows and elevational detailing.
7. The approved plan shows regularly spaced and sized fenestration on the side elevation of the extension, comparable in design to the windows on the rear elevation of the main building and using matching white aluminium. On the evidence before me, this was part of a wider agreed approach for the development to enhance the appearance of the CA. I understand this approach included removing some existing unsympathetic materials in No 27, reintroducing some timber windows, and using aluminium sashes elsewhere.
8. The fenestration in the constructed extension differs from the approved design by including smaller windows plus French doors with Juliet balconies. The window arrangement also varies between the ground and upper floors and double windows are positioned at one end of the extension rather than balanced more centrally as originally intended. In addition, the openings in the extension are constructed in white uPVC so do not match the aluminium sashes at the rear of the main building. These factors undermine the rhythm and uniformity of the approved window design and weaken integration of the extension with the host building. Further, the uPVC frames jar with the slimline and historically more sympathetic design of windows in nearby buildings, such as the brick structure next door or the newer building at the rear of No 21.
9. Together, these deviations from the approved window design harm the appearance of the rear elevation townscape within Albert Court and diminish appreciation of the historic and architectural significance of the HCC.
10. It has been put to me the uPVC frames were chosen for their lightweight structure. Be that as it may, they are not sufficiently like the approved aluminium sashes to match their profile or appearance. There is little to substantiate the suggestion that aluminium would be more costly or difficult to maintain in a seaside environment than uPVC, and that material was in any case accepted as part of the approved design. The fact that the extension is a

new structure for domestic use is of little consequence, bearing in mind the main building also includes flats on upper floors.

11. I recognise uPVC windows can be seen on some other rear elevations within Albert Court. However, I do not know the circumstances in which those other windows were installed. Moreover, the presence of those windows does not in itself justify introducing further uPVC where the agreed management approach for the CA is to use more historically sympathetic materials when the opportunity arises. I have considered the appeal scheme on its individual merits, and I find the additional uPVC windows detract from the character and appearance of the CA, notwithstanding the variety of window styles within it.
12. I note the smaller windows in the building in front of the side elevation, which are appropriate in the context of that smaller scale, traditional brick structure. Nevertheless, this does not justify the use of smaller openings on the much taller and wider elevation of No 27's rear extension, which is primarily read in relation to its host building. Similarly, the presence of Juliet balconies on other nearby buildings of different appearance does not in itself render those that have been added on the appeal site acceptable or historically charming.
13. I observed on my visit that, whilst views of the extension's side elevation are limited from some positions in Albert Court, both it and No 27's rear elevation can be clearly seen in other locations in the courtyard. I therefore give the suggestion that the windows are screened from public view little weight.
14. For the above reasons, I conclude the fenestration on the side elevation of the extension as constructed has not preserved or enhanced the character or appearance of the CA. I consider the harm to the significance of the CA to be less than substantial. This is contrary to Policies HE02 and QD02 of the Thanet Local Plan 2020 (TLP), which seek appropriate materials and detailing in Conservation Areas and require development to pay particular attention to the context and identity of the location.

Setting of listed buildings

15. 15 Harbour Street is a relatively intact modest, timber-framed building probably constructed in the late 17th century and one of few surviving from this period in the town centre. 19-21 Harbour Street is a three-storey house and shop built around 1840 with a rendered exterior, slate roof and distinctive frontage. The significance of both assets is derived from their architectural interest and the contribution they make to the historic character of Harbour Street and the town's commercial core. The historic courtyards behind Harbour Street are part of the surroundings in which these buildings are experienced, and their rear elevations are components of the historic townscape described above. The appeal site therefore falls within the setting that makes a positive contribution to the listed buildings' significance as designated heritage assets.
16. For the same reasons given above in relation to the CA, I conclude the fenestration on the side elevation of the extension as constructed has not preserved the setting of the Grade II listed buildings known as 15 and 19-21 Harbour Street. This has resulted in harm to their significance, which I consider to be less than substantial.

Planning Balance

17. Paragraph 205 of the Framework requires great weight to be given to the conservation of a designated heritage asset when considering the impact of a development on its significance, irrespective of the level of harm. Where there is less than substantial harm, Framework paragraph 208 states this should be weighed against the public benefits of the development.
18. I have identified less than substantial harm to the significance of the CA and two listed buildings, for which I have found no clear and convincing justification. I ascribe considerable weight to this harm. The development has provided public benefits in the form of six flats and a contribution to the local economy through construction and additional footfall in the town centre. I give these benefits moderate weight. Nevertheless, this is insufficient to outweigh the harm I have found to the significance of the designated heritage assets.

Conclusion

19. I have found a conflict with TLP Policies HE02 and QD02. I also find a conflict with TLP Policy HE03, which follows the Framework's approach to assessment of harm to designated heritage assets.
20. I therefore conclude the development conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Consequently, the appeal should be dismissed.

C Carpenter

INSPECTOR