



Appeal Decision

Site visit made on 31 January 2025

by **Elizabeth Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th February 2025

Appeal Ref: APP/Z2260/D/24/3353119

8 Arthur Road, Birchington, CT7 9NG

- 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 Sarah Humphreys against the decision of Thanet District Council.
 - The application Ref is FH/24/0713.
 - The development proposed is for the erection of a roof terrace with glazed balustrades and parapet walls.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. In their decision notice the council refers to paragraphs 135 & 139 of the National Planning Policy Framework 2023. This has since been replaced by the National Planning Policy Framework December 2024 (the Framework). Within the newly published Framework paragraphs 135 and 139 remain unchanged. I confirm that in this decision I refer to the 2024 Framework.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host terrace, the street scene and the area.

Reasons

4. The appeal site is located within character area 4 as set out in the Birchington Neighbourhood Plan. As stated by the appellant the BNP advises that the variety of rooflines and architectural style is an important characteristic of the area.
5. Arthur Road is primarily characterised by a diverse range of single, two and three storey detached residential buildings with pitched roofs and which project close to the pavement. Conversely the appeal property forms part of a large three story flat roofed terrace which includes the appeal property and an attached art-deco building.
6. Notwithstanding the differences in their fenestration and some of their detailing, there is a strong sense of rhythm and uniformity between the appeal building and the attached art-deco building. This includes their form, height, materials and some of their detailing. Their second floors are recessed to create a run of balconies at second floor level. The balcony to the front of the appeal property is enclosed at the front by a parapet wall and metal railings, whilst the balconies to the adjoining building are enclosed by parapet walls and glass balustrades.

7. There is a wide gap between the appeal dwelling and the adjacent building to the north, which is three storeys high with a pitched gable roof. At the opposite end of the terrace is a three and half storey high terrace with a pitched roof. Both buildings are taller than the appeal terrace due to their pitched roofs.
8. Directly opposite the appeal site on the other side of Arthur Road is a large flat roofed three storey, flats development. This development includes tiers of projecting balconies at ground, first and second floor levels which are enclosed by metal railings. Within the local area there are a number of properties with balconies of various designs, although none are visible at roof level. This includes the flats developments along Minnis Road and adjacent to the junction of Ethelbert Road and The Parade.
9. Together and amongst other things policy QD02 of the Thanet Local Plan (LP) and paragraph 135 of the Framework seek to ensure that proposals are well designed, relate appropriately and respect and enhance the character of the area, paying particular attention to context and identity. Development should be sympathetic to local character, while not preventing or discouraging appropriate innovation or change.
10. Paragraph 139 of the Framework states that development that is not well designed should be refused, Conversely, significant weight should be given to proposal that take account of local design guides and supplementary planning documents, which raise the standard of design more generally, provides they fit in with the overall form and layout of their surroundings.
11. The proposed parapet walls and glass balustrade would result in the building being taller than the attached art deco-building. It would weaken and materially detract from their strong sense of uniformity and rhythm. This harm would be exacerbated by the prominence of the building within the street scene. Due to the wide gap between the appeal building and the adjacent building to the north the front and side elevations of the appeal building are prominent in views from the north along Arthur Road, as well as in the open views around the junction of Arthur Road and Minnis Road.
12. In these views the roof terrace would appear incongruous and out of keeping with the adjoining building and the nearby flat roofed flats developments. Its impact would be exacerbated by the presence of people, activity and associated paraphernalia when in use.
13. This harm would outweigh the benefits for the appellant resulting from the proposed roof terrace and is not a matter that could be satisfactorily addressed through the imposition of conditions.
14. I conclude that the proposal would unacceptably harm the character and appearance of the terrace, the street scene, and the area. Accordingly, it would conflict with LP Policy QD03 and paragraphs 135 & 139 of the Framework.

Elizabeth Lawrence

INSPECTOR