



Appeal Decisions

Site visit made on 14 March 2025

by **A James BSc (Hons) MA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal A: APP/Z2260/W/24/3352825

Land to the front of Westcliff Terrace Mansions, Ramsgate, Kent CT11 0JD

- 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 Miss T Anastasio of Mont Hamel Investments against the decision of Thanet District Council.
 - The application reference is F/TH/24/0641.
 - The development is described as 'proposed driveway re-surfacing and erection of a hardstanding for bin store with side enclosures and access to the public footway – resubmission.'
-

Appeal B: APP/Z2260/Y/24/3352827

Land to the front of Westcliff Terrace Mansions, Ramsgate, Kent CT11 0JD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Miss T Anastasio of Mont Hamel Investments against the decision of Thanet District Council.
 - The application reference is L/TH/24/0642.
 - The works are described as 'proposed driveway re-surfacing and erection of a hardstanding for bin store with side enclosures and access to the public footway – resubmission.'
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. I have taken the address of the appeal site from the appeal forms and decision notices as it more accurately reflects the location of the development.
4. As the appeal site lies within a conservation area and relates to listed buildings, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. Since the Council issued its decision notices, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 12 December 2024 and amended on 7 February 2025. In this case, the most relevant parts of the Framework remain broadly the same. As a result, I have not sought comments on this matter and I am satisfied that no party has been prejudiced by my approach.

6. The Council raises no objections to the re-surfacing of the driveway. Based on the evidence before me and my site visit, I find no reason to reach a contrary conclusion on this matter.

Main Issues

7. The main issues are whether the proposal would:
- preserve a Grade II listed building, known as ‘Walls and Gate Piers to North and East of West Cliff Terrace’ (Ref: 1336682) and any features of special architectural or historic interest that it possesses;
 - preserve the setting of a Grade II listed building known as ‘Nos 1-23 West Cliff Terrace inclusive, with terracing to south’ (Ref: 1055848); and,
 - preserve or enhance the character or appearance of the Pegwell Conservation Area (CA).

Walls and gate piers

8. The walls and gate piers to the north and east of West Cliff Terrace date back to the mid-19th century. The wall adjacent to the highway is constructed of stock brick, with pilaster buttresses and cornice. It gently steps down in height, addressing the change in levels. The wall features elliptical arcading in stucco, which runs continuously along the length of the wall. While the listing description refers to rendered and rusticated gate piers, with moulded cornices at the north-east corner, these appear to have been replaced by modern piers. The pier on the other side of the wall remains but is in need of some repair.
9. Based on my site visit and the evidence before me, I find that the special interest of the listed building insofar as is relevant to these appeals is derived from its historic and architectural interest as an illustration of mid-19th century boundary treatment. The use of traditional materials; its attractive design, which includes elliptical arcading; and, its relationship to West Cliff Terrace make important contributions in these regards.
10. The proposal seeks to demolish a section of the wall to provide access to a new communal bin store, which would provide a consolidated waste storage and collection area and a new pedestrian access into the site. The appellant advises that a 1.65m section of the wall would be lost to provide the new access. The proposal would result in the loss of historic fabric, which would harm the special interest of this listed wall.
11. The proposed plans show that there would be a change in the elliptical arcading detail on either side of the new opening. Consequently, it appears that a greater section of the wall would be demolished and rebuilt, or substantially altered. At present, the elliptical arcading runs continuously along the wall and provides a sense of symmetry. While smaller arches are proposed either side of the new opening which would have a symmetrical appearance, the new opening is not positioned centrally within the wall. Accordingly, the proposal would disrupt the symmetry of the existing wall and would erode the historic detailing, which would harm the special interest of the listed building.
12. The proposal seeks to provide a gate within the new opening. Railings are also proposed above a section of the wall. While the proposed gate and railings would

utilise a traditional material and be of a high quality design, the proposed ironwork would be highly elaborate in its design. The proposed gate and railings would be higher in height than the existing wall and would fail to respect the materiality, form, height and detailing of the wall. Given the proposed design and height of the gates and railings, they would appear as an incongruous feature and would harm the special interest of the listed wall. In addition, there is limited information before me on how the railings would be fixed to the wall and whether this would impact on any historic fabric.

13. For the reasons given above, I conclude that the proposal would fail to preserve the special interest of the listed wall.

Nos 1-23 West Cliff Terrace

14. West Cliff Terrace is a Grade II listed building, which dates back to the mid-19th century. It is four storeys high, with basement and is designed in an Italianate style. The terrace is constructed of stock brick and part rendered with a slate roof. It is situated in an elevated position overlooking the sea. The terrace exhibits a sense of symmetry and has a regular pattern of fenestration. Arches are a key architectural feature on the building.
15. Based on my site visit and the evidence before me, I find that the special interest of the listed building insofar as is relevant to these appeals derives from its historic and architectural interest as a mid-19th century terrace. The building's grand scale, symmetrical form and its high quality boundary treatment contribute towards its special interest. The listed wall by reason of its use of traditional materials, form, design (including the arch detailing) and its location makes a positive contribution to the setting of West Cliff Terrace.
16. The demolition of part of the wall and the erosion of the elliptical arcading detail would diminish the contribution that the existing wall makes to the setting of the listed building. Furthermore, the proposed gates and railings, by reason of their height, siting and design would appear as an incongruous addition in this location, which would harm the setting of West Cliff Terrace.

Conservation Area

17. The appeal site lies within the Pegwell CA. The significance of the CA insofar as is relevant to this appeal is derived from its historic and architectural interest, as a historic seaside resort. The high quality of architecture, including boundary treatments within the CA and its relationship to the sea, along with the attractive areas of public open space, all contribute towards its significance.
18. While the proposal would be sited to the north of the terrace and would not be visible from the seafront, the wall is highly visible from the public realm, including the adjacent road. For the reasons set out above, the works to the wall would cause harm to the special interest of the listed wall, which would also result in harm to the character and appearance of the CA. Furthermore, the proposed gates and railings would be an incongruous addition, which would cause further harm to the character and appearance of the CA, as a whole.
19. While the proposed bin storage area would be partially screened by the existing vegetation and boundary wall, its presence would be accentuated in the street scene by the overly elaborate ironwork. Views would be available through the

proposed ironwork of the bin storage area. Although not part of the public realm, the proposed bins would be highly prominent from the new pedestrian footway, which would run through the centre of the bin store. Overall, I find that the proposal would fail to preserve the significance of the CA.

Heritage balance

20. For the reasons given above, I find that the proposal would fail to preserve the special interest of the listed buildings and would cause harm to the significance of the CA.
21. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have clear and convincing justification. I find that the proposal would result in less than substantial harm; however, this should not be equated with a lesser planning objection and is still of considerable importance and weight.
22. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
23. The proposal would provide a new central bin store for occupants of the terrace, which the appellant considers would improve access and convenience for residents. While this is solely a private benefit, I do not find the provision of a single central bin store, offers any greater accessibility benefits to residents when compared to the existing two bins stores at either end of the terrace.
24. The proposal seeks to resurface the existing driveway. Although the existing driveway is muddy and uneven, it does not significantly detract from the setting of the listed building. However, I appreciate that occupants have experienced problems with potholes and damage to their vehicles. The proposal seeks to utilise high quality materials for the resurfacing works, which would result in a moderate enhancement to the setting of the listed building. The works to the driveway would also improve access and parking arrangements at the terrace. There is no compelling evidence before me that the proposal would result in highway safety benefits; however, I appreciate that the works to the driveway are likely to minimise the potential for trips or slips. Nonetheless, the bin store and the resurfacing works are not interdependent on each other and there is no convincing evidence before me why the driveway cannot be repaired in the absence of the new bin store. As a result, I give this benefit limited weight in my decision.
25. The proposal seeks to repair and upgrade the boundary wall, which the appellant states would be a benefit to the street scene. While the boundary wall is in need of some repair work, there are limited details before me about the nature of the proposed repair work. As a result, I give this limited weight in my decision as a public benefit.
26. The appellant advises that it has been difficult for waste operators to collect bins from the site, as bins are often left across the site, with no central collection point and vehicular parking has also restricted access. At the time of my site visit, bins

were located a short distance away from the highway, with one set of bins positioned against the side wall of the terrace and the other set of bins located at the access on the other side of the building. This corresponds with the photographs submitted as part of this appeal. The bins were not haphazardly placed across the site, neither did they conflict with car parking or obstruct the access. In addition, the current bin store areas are not significantly further away from the highway than the proposed bin store area.

27. The appellant refers to the Council's Guidance for Waste and Recycling Storage for Developments in Thanet, which among other things specifies bin storage requirements and sets out a maximum 10 metre pull distance for bins. However, this is guidance only. Furthermore, this guidance relates to new build developments, as opposed to existing buildings. Consequently, I give this guidance limited weight in my decision.
28. While the existing bins are visible from the public realm, there is no compelling evidence before me why they could not be screened in a sensitive manner, which could include the provision of soft landscaping on the highway side of the bins. Nevertheless, in the absence of any proposed screening, I find that the current location of the bins stores is less harmful than the appeal scheme.
29. The appellant argues that the proposal would address issues with anti-social behaviour, including fly-tipping. However, there is no compelling evidence before me that such issues would be addressed as part of the proposal and I therefore give this argument limited weight in my decision.
30. The appellant advises that the Council has not collected waste from the site for a number of years and that they are currently paying a private firm to move the bins out on collection days and return them once emptied. I appreciate that the appellant is paying for waste to be moved from all the apartments, including those they do not own. The appellant states that the current arrangement is not tenable or viable going forward. I note that the site is also constrained by the existing trees and that there are issues in respect to land ownership. Furthermore, I acknowledge that an alternative option of utilising approximately 100 seagull proof bags, would result in visual clutter, which could have a negative impact on the heritage assets. However, I am not fully convinced that all options have been adequately explored, including retaining the bins in their current locations, which would be less harmful than the appeal scheme.
31. The proposal would result in investment into the property, which would have a small economic benefit. This carries limited weight in favour of the proposal as a public benefit. There is also no compelling evidence before me that the use of the listed building would cease in the absence of the proposal. Accordingly, I do not find the proposal necessary to secure the viability and long-term conservation of the building as a result.
32. Overall, I give the public benefits limited weight in my decision. Consequently, in attributing great weight to the harm that would be caused to the significance of the designated heritage assets, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm.
33. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest and significance of the listed building. The proposal would fail to satisfy the requirements of the Act and the historic environment

policies of the Framework. The proposal would conflict with Policies HE02, HE03 and QD02 of the Thanet District Council Local Plan July 2020 (the Local Plan). These policies among other things require that proposals: accord with the criteria set out in the Framework in respect to heritage assets; preserve or enhance the character and appearance of the CA; and, that existing features including boundary treatments that positively contribute to the quality and character of an area are retained, enhanced and protected where appropriate.

Other Matters

34. The appellant refers to a consented scheme which included the demolition of parts of a boundary wall.¹ While the approved scheme gave consent for larger openings within a boundary wall than in the appeal scheme, it does not appear from the evidence before me that this wall was listed, formed part of the setting of another listed building or was sited within a CA. As a result, it is materially different than the appeal scheme and I therefore give it limited weight in my decision.
35. The appellant has also drawn my attention to works to a Grade II listed wall, which were approved by the Council in 1984. Full details of the circumstances of this other case are not before me. This other case preceded the Framework and the Local Plan. As a result, it would have been determined under a different policy context. Consequently, I give this other case, limited weight in my decision.
36. I acknowledge that the proposal is supported by the Council's Waste and Recycling team, Street Scene Enforcement team and local residents. However, this does not alter my findings as set out above.

Conclusion

37. For the above reasons and having regard to all other matters raised, I conclude that both appeals should be dismissed.

A James

INSPECTOR

¹ F/TH/23/1466