



Appeal Decisions

Site visit made on 12 March 2025

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal A: APP/Z2260/F/24/3342760

1 Fort Mount, Margate, Kent, CT9 1HQ

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 (hereafter “the Act”).
- The appeal is made by Ms Jen Ng against a listed building enforcement notice issued by the Thanet District Council.
- The listed building enforcement notice was issued on 20 March 2024.
- The contravention of listed building control alleged in the notice is, without listed building consent:
 - 1) **Basement** - concrete screed to basement walls.
 - 2) **Lower floor** - Partition changes to lower floor - enclosing the staircase and alterations in the rear extension to add a utility area. Addition of timber obscure casement window to the rear of the extension. Removal of the chimney breast and structural works.
 - 3) **Ground floor** - Partition changes to enclose the stair. Addition of kitchen area. Removal of the internal chimney wall.
 - 4) **First floor** - Partitions to form a new shower room and enlarged landing area. Addition of timber casement window (2 panes over 2) to new shower area/rear facade. Removal of internal chimney wall.
 - 5) **Second floor** - Addition of kitchenette area and re-configured partitioning and door openings. Removal of the internal chimney wall.
 - 6) **Roof** - inclusion of conservation rooflight to the rear elevation.
 - 7) **External surface** - Plastic drain pipe attached to front elevation.
- The requirements of the notice are:
 - 1) **Basement** - carefully remove the unauthorised concrete screed to basement walls and replaster in lime, making good the area.
 - 2) **Lower floor** - Remove the unauthorised partition changes to the lower floor which enclose the staircase and the alterations in the rear extension to add a utility area. Remove the unauthorised timber obscure casement window to the rear of the extension and make good using the appropriate method and materials. Reinstall the chimney breast using traditional bricks and lime mortar, with lime plaster leaving the layout as before the unauthorised works, as shown on attached plan OFM-P01.
 - 3) **Ground floor** - Remove the partition changes that enclose the stair and remove the addition of kitchen area. Reinstall the internal chimney wall using traditional bricks and lime mortar, with lime plaster leaving the layout as before the unauthorised works, as shown on attached plan OFM-P01.
 - 4) **First floor** - Remove the partitions that form a new shower room and enlarged landing area. Remove the unauthorised timber casement window (2 panes over 2) to the shower area/rear facade. Remove the unauthorised shower and reinstall the internal chimney wall using traditional bricks and lime mortar, with lime plaster leaving the layout as before the unauthorised works, as shown on attached plan OFM-P01.
 - 5) **Second floor** - remove the unauthorised kitchenette area, re-configured partitioning and door openings. Reinstall the internal chimney wall using traditional bricks and lime mortar, with lime plaster leaving the layout as before the unauthorised works, as shown on attached plan OFM-P01.
 - 6) **Roof** - remove the unauthorised conservation rooflight to the rear elevation and reinstall the roof to its original form, using materials to match the existing roof to make good.
 - 7) **Remove** all Upvc pipe throughout the exterior of the property and replace it with metal.
- The period for compliance with the requirements is 6 months.
- The appeal is made on grounds (d), (e) and (j) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (PLBCAA).

Appeal B: APP/Z2260/Y/24/3345356

1 Fort Mount, Margate, Kent, CT9 1HQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter “the Act”) against a refusal to grant listed building consent.
- The appeal is made by Ms Jen Ng against the decision of the Thanet District Council.
- The application Ref. L/TH/23/1417, dated 27 October 2023, was refused by notice dated 13 February 2024.
- The works proposed are internal partition alterations, structural works to rear basement wall, removal of chimney breast to all floors together with installation of 1 No. rooflight to rear roof slope, installation of casement window to first floor rear elevation and installation of casement window to lower ground floor rear extension together with repointing of rear flint elevation and paint to front elevation.

Summary of Decisions: Appeal A and Appeal B succeed in part and consent for those parts is granted, but otherwise the appeals fail, and the listed building enforcement notice is upheld as corrected and varied in the terms set out below in the Formal Decisions.

PROCEDURAL MATTERS

1. Due to an administrative error by the Inspectorate the appellant’s final comments document relating to both appeals had not previously been seen by the Council prior to the Hearing. However, they were able to consider and comment upon it during the Hearing and hence no injustice resulted. I have taken the content of the document and the parties’ oral submissions made in respect of it into account in reaching my decision.
2. *Appeal A – Listed Building Enforcement Notice - corrections*
3. For ease of reference I have numbered the alleged contraventions and corresponding requirements in the notice as (1) to (7), as shown in the banner heading above.
4. Paragraph 2 of the notice should be corrected to refer to s7 and, in this case, s9(1) of the Act.
5. The purpose of the requirements in Schedule 3 of the notice are to *restore the building to its former state*, hence Paragraph 3 of the notice should be corrected to refer to s38(2)(a) of the Act. However, the appellant’s arguments on ground (j) of s39(1) are only applicable to s38(2)(b) requirements. Therefore, in order to avoid any injustice by making such a correction, I will consider the appellant’s ground (j) arguments as if they had been made under ground (g).
6. At the Hearing I agreed with the parties that the description of “concrete screed to basement walls” in the second and third schedules of the notice was imprecise and could be corrected to reflect the more accurate description of the works set out in the appellant’s Heritage Statement¹ as: “reinforced concrete load bearing spine wall” and “reinforced concrete retaining wall” to the party wall. A few other minor alterations to make wording in the notice more precise without altering their meaning were also agreed.
7. I am satisfied that all these corrections can be made to the notice without resulting in injustice to any party. I will therefore do so using powers available to me under s41(1)(a) of the Act, as set out later in the Formal Decision.

¹ Heritage Statement, HCUK, May 2024

8. Although not initially included as part of the appellant's case I also heard ground (h) submissions from both parties in respect of the period of time for compliance with the notice requirements. I return to ground (h) later.

Appeal B - application L/TH/23/1417

9. The refused application for works subject of Appeal B closely align with some of the works already carried out subject of the listed building enforcement notice in Appeal A. For the sake of concision I will deal with ground (e) of Appeal A and Appeal B together as far as possible.
10. A revised scheme of works², different to that used by the Council to determine the application, was submitted by the appellant during the appeal process. There was some discussion at the Hearing as to whether I should accept this revised scheme, but there was disagreement over whether some of the revisions should be accepted.
11. In this regard the appeals procedure guide³ sets out a principle that the appeal process should not be used to evolve a scheme, and that it is important that what is considered by an Inspector at appeal is essentially the same scheme that was considered by the Council and by interested parties at the application stage.
12. Notwithstanding any merit there may be in the appellant's revised scheme, it is not the same scheme used by the Council to determine the application, and the Council were restricted by the limited amount of time they had to consider it relative to deadlines for submitting documents in the appeal timetable. Moreover, while seeking to address some of the Council's concerns over the refused application and enforcement notice, the revisions collectively are not insignificant. The revised scheme contains a number of incremental amendments which taken together would evolve the scheme resulting in a substantial difference overall compared to the original application. Some of the new revisions may also have required consultation with interested parties in the interests of fairness.
13. Consequently, I have not taken account of the revised scheme and the appeals proceed on the basis of the original application drawings. As such, any additional works not part of the refused application would need to be subject of an application to the Council in the first instance.

THE LISTED BUILDING

14. No. 1 Fort Mount an early to mid-19th Century terraced townhouse comprising three storeys and basement with a single storey rear closet wing. To the front elevation there are traditional timber sash windows, a double height canted oriel bay window to ground and first floor, and round-headed doorcases. Other than the full height rear wall, which is constructed in exposed flint and brick rubble, the walls are of brick construction and the roof is in slate. The building is listed in Grade II since 1973.
15. The plan form of the house was originally an open plan single-cell layout on each level with the single storey closet wing to the rear (this latter element appears to be a rebuild of its predecessor). This plan form still existed at basement and ground floor levels prior to the works subject of the appeal being carried out. The subdivision of the first and second floors to create two rooms on each level appears to have taken place prior to listing. All floors are accessed via a steep kite-winder staircase with

² Drawings OFM_P03 Rev A, OFM_P04 – Kitchen Details

³ Procedural Guide: Planning appeals – England, Planning Inspectorate, September 2024

closed string and bun handrail, rising and turning in the south east corner of the building, and directly opening into the corner of the former single cell rooms. Each floor was also served by the full height chimney breasts located off the rear wall.

16. All of these physical features, including use of traditional construction materials, the simple original single-cell layout, the chimney breasts to each room, and the corner kite-winder staircase are key features of the building's historic function and form and which contribute greatly to the building's architectural and historic interest, or, in the language of the Framework⁴, its 'significance'.

GROUND OF APPEAL AND MAIN ISSUES

Appeal A

17. Ground (d): The appeal on this ground, and the main issue, is whether the works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary.
18. Ground (e): An appeal on this ground is that listed building consent ought to be granted for the works carried out. Section 16(2) of the Act requires special regard to be paid to the desirability of preserving the special architectural and historic interest of the listed building. As such, the main issue for this ground is the effect of the works on the special architectural and historic interest of the listed building.
19. Ground (g): An appeal on this ground, and the main issue, is whether the notice requirements exceed what is necessary for restoring the building to its condition before the works were carried out.
20. Ground (h): An appeal on this ground, and the main issue, is whether the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed.

Appeal B

21. Mirroring the requirement of s16(2) of the Act in ground (e) above, the main issue in Appeal B is the effect of the proposed works on the special architectural and historic interest of the listed building.

Appeal A - ground (d)

Basement: Reinforced concrete load bearing spine wall and reinforced concrete retaining wall to the party wall

22. For an appeal on ground (d) to succeed tests as set out in paragraph 17 above must be satisfied.
23. Although there is no convincing evidence before me of works being urgently necessary in respect of the basement party wall (with Mount Villa), the poor condition of the rear spine wall in the basement, following its uncovering, was apparent in the appellant's contemporaneous photographs and correspondence from her engineering consultant. The inner skin of brickwork had effectively peeled away from the flintwork

⁴ National Planning Policy Framework (December 2024) updated 2025

outer facing. Gaps, cracks and earlier poor repairs (by previous owners) with infill blockwork indicate to me the wall was in need of essential works of repair.

24. I heard initial temporary works referred to by the appellant involved use of props and shoring up of the existing wall⁵ in order to secure its stability. While the limited extent of these initial stabilising works would have met the three tests for ground (d), the works to the walls continued well beyond that point without any listed building consent being granted. The whole of the rear spine wall in the basement, including the partially collapsed chimney breast, was removed and replaced by a reinforced concrete (RC) wall set upon a RC foundation block, and incorporating an inner concrete lining (up to eaves level). The party wall with adjoining Mount Villa was repaired and to secure it “a reinforced concrete retaining wall was erected to provide lateral restraint and stabilise the remaining historic fabric”.⁶
25. On the balance of the evidence before me I find that the propping and shoring works were sufficient and practicable minimum measures in order to secure safety and preservation of the building. However, the works did not stop there. The continuation of works, as previously described, beyond that point to their fully completed state were not limited to the minimum measures immediately necessary and urgent for public safety or for preservation of the building.
26. The works carried out to the two basement walls do not therefore satisfy the three tests in s39(1)(d) and the appeal on this ground therefore fails.

Appeal A - grounds (e), (g), and Appeal B

27. Section 16(2) of the Act requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest it possesses. I have also taken into account the provisions of the Framework and Policy HE03 of the Thanet District Council Local Plan (2020) which are material considerations insofar as they seek to interpret and fulfil the requirements of the Act.
28. Whether the works carried out were to facilitate use of the property as a single dwelling (with guest accommodation), or as two separate units of self-contained accommodation, was a point of dispute at the Hearing. In this regard I note that no planning permission has been granted for self-contained units. For the sake of clarity, my reasoning and conclusions are based on the effect of the works on the listed building itself irrespective of the particular type of residential use within the building.
29. As set out earlier, prior to the works subject of the appeals being carried out, the chimney breasts on each floor, the retained single cell plan form at basement and ground floor level, and the kite-winder staircase are key evidential features of the building's historic form and how it functioned and contribute greatly to its architectural and historic interest.

Basement⁷

Listed Building Enforcement Notice (1) - Rear spine wall and party wall

30. The introduction of a new RC spine wall, with its underpinning concrete foundation, removed any historic fabric that remained, albeit in poor condition and with

⁵ Also referred to in the HFK email dated 26.07.2024

⁶ Heritage Statement, HCUK May 2024, pra.3.22

⁷ Marked as 'Lower Ground Floor' on the application plans

inappropriate blockwork to infill gaps. This use of RC is said to have been justified on the basis of being an ‘honest’ alteration, in as much as being referential to a restoration process, with the underlying consideration in mind of a need for longer term structural stability. The same justification was expressed in terms of the new RC wall abutting and lining the party wall with Mount Villa.

31. However, there is little convincing information before me as to what other more traditional materials and methods were considered and discounted before selecting RC as the most appropriate option. I am not persuaded it was the most favourable material, firstly simply as being a modern material at odds with the historic fabric of the building, but more importantly in terms of longer term structural stability. On this second point in particular, RC35 (the grade of concrete used) is not a breathable material and over the longer term is likely to result in surface condensation and damp, particularly so in the basement area of the building, and notably the surface area of the RC extends over a significant area of the two walls taken in combination.
32. My further concern on this point is that the party wall is shared with Mount Villa a Victorian Grade II listed building. The brick party wall, now lined on one side with RC, means that moisture is no longer able to wick through the historic wall as it would have previously done so. This could result in significant long term problems for the historic fabric of the party wall resulting from build-up of moisture and damp. Overall, therefore, I am concerned that the substantial surface area of concrete in the two walls will have a detrimental impact upon the longer term integrity and stability of the historic fabric of the building, harmful to its special interest.
33. In respect of the party wall there are no public benefits which outweigh the harm I have identified and hence the appeal on ground (e) of Appeal A and Appeal B therefore fail with regard to the party wall. The requirement to remove the RC from the party wall does not exceed what is necessary for restoring the building to its condition before the works were carried out. The appeal on ground (g) of Appeal A therefore fails.
34. Turning to the rear spine wall, I acknowledge that undertaking its removal and reconstruction, although not impossible, would carry a real risk of further loss of historic fabric, whereas retaining it as now built would not do so. Also, the potential longer term harm I have described from moisture and damp becomes less of a concern; firstly because the rear wall is not a party wall (being internal between the rear closet wing and the front room), and secondly because the risk of such harm overall would be significantly reduced once the RC is removed from the party wall.
35. Taking account of all these factors I find on balance that consent should be granted for the rear spine wall as constructed. Ground (e) of Appeal A, and Appeal B therefore succeed with regard to the rear spine wall.

Listed Building Enforcement Notice (2) – partitions, window, chimney breast

36. The addition of partitions and the small timber casement window inserted into the rear utility room in order to add a shower would provide a ground floor facility more akin to the needs of modern day living while having very little impact on the legibility of the historic form and fabric of the building. Ground (e) of Appeal A, and Appeal B therefore succeed with regard to the utility room partitions and rear window.
37. However, the introduction of partition walling (incorporating a pocket door) which encloses the staircase at basement level is disruptive to the historic plan form without

any convincing justification for its addition. The staircase itself, formerly readily visible on entering the room, is a key feature that has been obscured. While I note that lightweight partitions are reversible, it is also the case that they may also remain in place indefinitely. Moreover, the removal of the partitions would not prevent the use of the room or the remainder of the property for residential purposes.

38. As such I find that the works result in unjustified harm to the listed building and the appeal on ground (e) of Appeal A and Appeal B therefore fail with regard to this element of the works.
39. The chimney breast is a focal point of the room and important to the understanding of the building's historic form and function. Its removal is a significant loss and there is no persuasive evidence before me to justify why it should not be reinstated. The appeal on ground (e) of Appeal A and Appeal B therefore fail with regard to this element of the works.
40. The requirement to remove the partitions enclosing the staircase and to reinstate the chimney breast do not exceed what is necessary for restoring the building to its condition before the works were carried out. The appeal on ground (g) of Appeal A therefore fails.

Ground Floor

Listed Building Enforcement Notice (3) – partitions, chimney breast, kitchen units

41. The removal of the chimney breast and the addition of partition walling to enclose the staircase is harmful to the architectural and historic interest of the building for the same reasons I set out in respect of the basement with regard to these works.
42. Furthermore, if the partitions were removed and the chimney breast reinstated this would not prevent the room from being used as a kitchen, or for any other residential use. As such, I find the works carried out to have been unnecessary and harmful interventions.
43. Although kitchen units would generally be acceptable in this room consent cannot be granted for them in the current position they occupy given they will need to be removed in order to reinstate the chimney breast. As such, the appeal on ground (e) of Appeal A and Appeal B therefore fail with regard to these works.
44. The requirements to remove the partitions enclosing the staircase and the kitchen units, and to reinstate the chimney breast, do not exceed what is necessary for restoring the building to its condition before the works were carried out. The appeal on ground (g) of Appeal A therefore fails.

First Floor

Listed Building Enforcement Notice (4) – partitions, chimney breast, window

45. In addition to the shower room in the basement utility room, for which consent is to be granted, I accept that relative to a house of this size and configuration a second bathroom/shower room on one of the upper levels is a reasonable requirement for modern day living standards.
46. However, I am not persuaded by the appellant's argument that the need for a shower room facility, even related to a person in need of personal care, justifies the removal of the chimney breast, a key feature, at first floor level (or any other level).

47. Contrary to the appellant's assessment, the shower room in this location does not appear to me to be the only viable option. The property previously had a larger full bathroom at second floor level, which could potentially be used again, or alternatively there appears to be sufficient floor space elsewhere within both of these two upper floors for a shower room of this size without necessitating the removal of the chimney breasts.
48. As such, I find the removal of the chimney breast, the installation of the shower room in its place, and the insertion of partition walls to accommodate the installation is unjustified and harmful to the special interest of the building. The purpose of the window inserted into the rear wall was solely for the purpose of serving the shower room and hence it represents an unjustified loss of historic fabric. Consequently, for these reasons the appeal on ground (e) of Appeal A and Appeal B with regard to these works fail.
49. The requirement to remove the shower room, partitions, and rear window and to reinstate the chimney breast, do not exceed what is necessary for restoring the building to its condition before the works were carried out. The appeal on ground (g) of Appeal A therefore fails.

Second Floor

Listed Building Enforcement Notice (5) and (6) – partitions, chimney breast, rooflight

50. I have previously set out the importance of the chimney breasts on each floor as being key to understanding the historic layout and function of the listed building. The desire for a 'kitchenette' at this uppermost level does not outweigh the harm resulting from the loss of the chimney breast. The rooflight above, the purpose of which is primarily to serve the kitchenette, is also therefore unjustified.
51. The reconfigured partitions on this floor, including the insertion of the folding timber doors, are on a similar alignment to the fixed partitions that previously existed. As such I find their effect on the significance of the building to be minimal. The nature and appearance of the folding doors, more so when fully open, permit the full width of the historic single cell plan form to be seen and understood, and so can reasonably be said to be a slight improvement over the former fixed partitions.
52. For the above reasons ground (e) of Appeal A, and Appeal B succeed with regard to the reconfigured partitions on this floor, but fail in respect of the removal of the chimney breast, the insertion of the kitchenette in its place, and the inserted rooflight.
53. The requirement to remove the kitchenette and rooflight, and to reinstate the chimney breast, do not exceed what is necessary for restoring the building to its condition before the works were carried out. The appeal on ground (g) of Appeal A therefore fails.

External Works

54. External alterations forming part of both Appeals A and B comprise the aforementioned two rear windows, rear rooflight, and also a drain pipe to the front elevation. Appeal B additionally includes the repointing in lime mortar of the flint and rubble rear elevation together with the painting of the front and side elevations. I consider the repointing and painting to be positive in terms of maintaining and preserving the special interest of the listed building and consent will be granted for those works.

55. Consent is not sought for the drainpipe and the parties agreed at the Hearing that the two rear windows and rooflight were not readily visible from the public realm. As such, having regard to my duty to have special regard under section 72(1) of the Act, I find the combination of external works to be retained preserves the character and appearance of the Margate Conservation Area.

Overall Balance – Appeal A, ground (e) and Appeal B

56. References are made in the appellant's Heritage Statement to some positive aspects of the works undertaken and which should be considered as a heritage benefit in terms of preserving the long term viability of the listed building in the public interest. I agree with that assessment.
57. However, the works that have been carried out when taken as a whole have an overall adverse effect, resulting in significant harm to the special interest of the listed building, albeit *less than substantial* harm in terms of Framework paragraph 215. The minor public benefits advanced in support of allowing the appeals do not outweigh the significant harm I have identified.

Personal Circumstances

58. The evidence before me indicates my decision has the potential to affect a person with protected characteristics (disability/old age) for the purposes of the Public Sector Equality Duty (PSED) at s149 Equality Act 2010. Similarly, my decision may affect the family life of occupiers of the dwelling and hence Article 8(1) of the Human Rights Act 1998 (HRA) is engaged.
59. This matter relates to the proposed shower room on the first floor. While I accept an additional shower/bathroom on the same floor as a bedroom, and close to other bedrooms, would be important for the appellant in terms of providing personal care, I am not persuaded that the removal of the chimney breast on the first floor was the only viable option in which to achieve that aim, as I set out previously.
60. The installation of the shower room as proposed would advance the aims of the PSED by meeting the needs of a person with a relevant protected characteristic. Dismissing the appeal would interfere with the occupiers' rights to peaceful enjoyment of their possessions and to a private family life and home. However, these are qualified rights to be weighed against the wider public interest.
61. Interference with their rights under the HRA in this case would accord with the law and with an important and established legitimate aim in the public interest of preserving the special architectural and historic interest of listed buildings. In this case the wider public interest far outweighs the individual rights of the occupiers and the interference (i.e. dismissing the appeals in part) would be a proportionate remedy.
62. Paragraph 213 of the Framework requires that any harm to the significance of a designated heritage resulting from its alteration should have clear and convincing justification. For the reasons given above the personal circumstances of the occupiers do not provide such justification.

Other Matters

63. I have taken account of the matters raised in written comments submitted by third parties as part of my consideration of the relevant grounds of appeal as set out earlier. However, I am not led to any different conclusions.

Appeal A, ground (h)

64. The listed building enforcement notice requires compliance with its requirements within 6 months. In this regard I note that less remedial works are to be carried out than as specified in the notice due to consent being granted for some elements.
65. However, an appellant is entitled to wait until the outcome of an appeal before committing to contracts for specific remedial works. With that in mind, some initial lead-in time is likely to be required to secure an appropriate specialist contractor, or contractors, who may have their own scheduled commitments and differing availability. Also, for practical reasons, rather than all of the works being undertaken on all four floor levels concurrently, they are likely to need some sequencing and coordination (project managed). This would likely add in more time, particularly if more than one contractor is employed.
66. Bearing in mind the notice requirements should be complied with as soon as possible, I consider that 6 months falls short of what should reasonably be allowed, and a period of 12 months for compliance with all of the requirements would be more reasonable.
67. The appeal on ground (h) therefore succeeds and I will vary the notice accordingly.

FORMAL DECISIONS

APPEAL A

68. It is directed that the listed building enforcement notice be corrected and varied by:
- numbering the alleged contraventions and corresponding requirements as (1) to (7) as shown in the banner heading of this Decision;
 - in paragraph 2 delete “9(1) or (2)” and insert “7 and 9(1)”;
 - in paragraph 3 after “Section 38” add “(2)(a)”, and change “6 months” to “12 months”;
 - in Schedule 2(1) delete “concrete screed to basement walls” and insert “Reinforced concrete load bearing spine wall and reinforced concrete retaining wall to the party wall”;
 - in Schedule 2(3) after “kitchen”, delete the word “area” and insert the word “units”;
 - in Schedules 2(3), 2(4) and 2(5) after “chimney”, delete the word “wall” and insert the word “breast”;
 - in Schedule 2(5) after “kitchenette” delete “area” and insert the word “units”;
 - in Schedule 3(1) after the word “**Basement**”, delete the rest of the sentence and insert the following: “Carefully remove the reinforced concrete retaining wall to the party wall, make good any repairs to the party wall and finish in lime plaster”;
 - in Schedule 3(2) after the words “**Lower floor**”, delete all of the words therein and insert the following: “Remove the partitions which enclose the staircase. Reinstate the chimney breast as shown on plan OFM-P01 attached to the notice using traditional bricks and lime mortar and finish with lime plaster”;
 - in Schedule 3(3) after the word “kitchen”, delete “area” and insert “units”. Delete all of the words thereafter and insert the following: “Reinstate the chimney breast as shown on plan OFM-P01 attached to the notice using traditional bricks and lime mortar and finish with lime plaster”;

- in Schedule 3(4) after the word “chimney” delete the rest of the sentence and insert the following: “..breast as shown on plan OFM-P01 attached to the notice using traditional bricks and lime mortar and finish with lime plaster”;
 - in Schedule 3(5) after the words “**Second floor**”, delete all of the words therein and insert the following: “Remove the kitchenette units. Reinstall the chimney breast as shown on plan OFM-P01 attached to the notice using traditional bricks and lime mortar and finish with lime plaster”.
69. Subject to the above corrections and variations the appeal is allowed and listed building consent is granted insofar as it relates to the reinforced concrete load bearing spine wall, the insertion of partitions and a timber window to create a separate shower facility in the basement utility room, and the insertion of partition alterations to the second floor level, at No. 1 Fort Mount, Margate, CT9 1HQ.
70. The appeal is dismissed and the listed building enforcement notice is upheld as corrected and varied, insofar as it relates to the reinforced concrete retaining wall to the basement party wall, the insertion of partitions to separate the staircase at basement (lower floor) and ground floor levels, the addition of kitchen units at ground and second floors, the installation of partitions and window to form a shower room at first floor, the installation of kitchenette units at second floor, the removal of the four chimney breasts to basement and upper three floors, the insertion of a rear rooflight and addition of Upvc drainpipe, and listed building consent is refused for the retention of these works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

APPEAL B

71. The appeal is allowed in part and listed building consent is granted for the reinforced concrete load bearing spine wall (with inner lining to eaves level), the insertion of partitions and a timber casement window to form a shower facility in the basement utility room, the insertion of partitions to second floor level, repointing in lime mortar of the flint and rubble rear elevation and the painting of the front and side elevation at No. 1 Fort Mount, Margate, CT9 1HQ, in accordance with the terms of the application Ref: L/TH/23/1417, dated 27 October 2023 and the plans submitted with it, but otherwise the appeal is dismissed and listed building consent is refused for retention of the remainder of the works shown on the application plans.

Thomas Shields

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christopher Griffiths	Consultant HCUK Group
Ms Jen Ng	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Roderick Morton	Solicitor, Ivy Legal
Tanya Carr	Senior Conservation Officer
Dawn Rollason	Planning Officer
Nicki Burford	Principal Enforcement Officer

DOCUMENTS SUBMITTED AT THE HEARING:

1. Final Comments (in response to Council's statement of case)