



Appeal Decision

Site visit made on 6 June 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th July 2025

Appeal Ref: APP/X2220/W/25/3361848

49 The Strand, Walmer, Kent CT14 7DX

- 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 William Smith against the decision of Dover District Council.
 - The application Ref is 24/00982.
 - The development proposed was originally described as “replacement and extension to existing balcony at first floor with new glass balustrade, erection of a new balcony and balustrade at second floor and replacement of existing window to door at both first and second floor. Replacement windows on rear façade to UPVC”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was accompanied by amended drawings 24.170.004.A3.PL_A and 24.170.005.A3.PL_A, which deleted the proposed balcony, balustrade and UPVC windows and door at second floor, and showed the first floor bay windows remaining as timber with UPVC units fitted into the existing openings and the leaded lights above retained.
3. Given that the revised proposals omit various alterations but do not include any new proposals, and as the Council and interested parties have had the opportunity to comment on the amended plans as part of the appeal process, no parties are prejudiced by the change. I have therefore determined the appeal on the basis of the amended plans.
4. The plans do not show any alterations to the rear windows, so I have deleted this from the description of development. As the plans propose painted metal posts supporting the extended first floor balcony, I have included this in the description. The balcony and door proposed at second floor level have been removed from the scheme through the amendments. I have therefore determined the appeal on the basis of the following description: “Replacement and extension to existing balcony with new glass balustrade at first floor supported by painted metal posts, replacement of existing window with door at first floor, and installation of UPVC units in the existing openings of the bay windows at first floor.”

Main Issue

5. The main issue in this appeal is whether the proposal would preserve or enhance the character or appearance of the Walmer Seafront Conservation Area (CA).

Reasons

6. The appeal property is a three storey terraced building facing Walmer Green and the sea. It comprises a shop on the ground floor with residential accommodation above. Constructed of red brick and slate tiles, the building has a timber shopfront at ground floor, ornate painted timber oriel/bay windows at first floor and pedimented brick dormers in the roof space.
7. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The site is situated within the CA where the significance derives from its historical background as a medieval port, with naval defences in the form of Walmer Castle and the former barracks. In the nineteenth century Walmer developed as a resort, with The Strand evolving as a fine Victorian seafront overlooking Walmer Green and its promenade. The architectural approach to the terraced seafront, including the symmetry and regularity of its form, prominent chimneys, and the presence of double height and first floor bay windows to the front elevations of properties, contributes positively to the character and appearance of this part of the CA.
8. The appeal site is one of the most decorative and prominent of the seafront buildings. The Council considers the building to be a non-designated heritage asset, and based on my observations I concur, with the building's significance deriving from its prominent position within the CA and its age, architectural detailing and appearance.
9. The most significant change proposed to the appearance of the building would be the enlargement of the balcony and the installation of supporting metal posts, replacing an existing unsupported balcony on the right hand side of the building. There is one existing example on the seafront of a wide balcony supported on posts, at 45 The Strand, but the majority of the buildings on the seafront lack balconies, and as such balconies are not a prevailing characteristic of the locality. The enlarged balcony and its supporting posts would appear as an alien and incongruous feature which would be out of character with, and detract from the appearance of, the building and the CA.
10. The appellant argues that the balcony would balance the building more than the current balcony, but this modest benefit does not outweigh the harm that would be caused by the balcony and its supporting posts, which would extend across the full width of the building and partially obscure the oriel/bay windows which make an important contribution to the character and appearance of the building.
11. I noted the presence of an existing balustrade which is in a poor state of repair. However, although the existing balustrade does not make a positive contribution to the appearance of the building, enlarging it and making it more prominent would simply exacerbate the harm. The appellant has pointed to the presence of a glass balustrade above a central projection at 37 The Strand, but this balustrade encompasses only the central portion of the building sitting above a single storey projection, and does not obscure the bay windows on either side. Being the only example of a glass balustrade along the seafront, it does not provide a convincing precedent for the proposal.

12. The oriel/bay windows at first floor are a key characteristic of the building and lend it a distinctive and charming appearance which contributes positively to the significance of the CA. Whilst the proposal is to retain the timber frame and leaded lights, the installation of UPVC units into the existing frames would not satisfactorily replicate the ornate detailing of the timber frames and would consequently harm their appearance. Moreover, technical detail of how the UPVC units would be inserted is lacking, which given the curved shape of the upper part of the window frame runs the risk of permanently damaging the timber frames. Alternative solutions such as repairing the existing timber frames, including installing secondary glazing if required, do not appear to have been adequately explored.
13. The replacement of the central window with a UPVC door would likewise be an incongruous addition to the building, which would harm its appearance and character, since the UPVC frame would not match the existing timber frames. The appellant has expressed a desire to provide a door out onto the existing balcony, to save residents having to climb out of the window, but this is insufficient justification for the proposal given the harm I have identified. The poor state of the brickwork below the window has been put forward as justification by the appellant, but it has not been explained why the bricks could not be repaired.
14. The appellant has pointed out that the second floor dormers on the building have had UPVC windows installed, but as the dormer windows are smaller and less decorative than the first floor oriel/bay windows, they make a lesser contribution to the significance of the CA. I noted on my site visit that UPVC windows have been installed in several properties on The Strand, but from my observations most of the buildings have retained timber windows. As timber windows are a key element of the character and appearance of the conservation area, the presence of UPVC windows elsewhere does not justify adding UPVC windows to the appeal building.
15. The proposal would lead to less than substantial harm to the significance of the designated heritage asset. Paragraph 215 of the National Planning Policy Framework (the Framework) states that in such circumstances the harm should be weighed against the public benefits. The proposal would allow for the replacement of the existing balustrade, which is in poor condition, and would improve the quality of the housing stock more generally by providing better quality private outdoor space in the form of a larger, more accessible balcony. Nevertheless, these features would be largely private benefits limited to residents. The proposal would provide a temporary boost to the economy during the construction phase. This matter can be considered a public benefit.
16. Against the public benefits I must weigh the harm to the heritage asset. The Framework states that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance. Any harm to the significance of a heritage asset should require clear and convincing justification. In the heritage balance, I have given limited weight to the environmental and economic benefits. However, the adverse impact on the CA is a matter of considerable importance and weight. Overall, I consider that the harm to the heritage asset outweighs the benefits.
17. Paragraph 216 of the Framework requires the effect of a proposal on the significance of a non-designated heritage asset to be taken into account, and for a balanced judgment to be reached having regard to the scale of any harm and the

significance of the heritage asset. The building derives its significance from its attractive period design and prominent location, and as such the harm resulting from the partial obscuring of the building by the enlarged balcony, and the damage to its fabric from installing UPVC units, carries considerable weight.

18. I therefore conclude on this main issue that the proposal would fail to preserve or enhance the character or appearance of the CA. As a result, the proposal would be contrary to policies HE1 and HE2 of the Dover District Local Plan to 2024 (adopted October 2024), which together seek to sustain and enhance the significance of the District's designated and non-designated heritage assets, and to preserve or enhance the special architectural or historic character and appearance of Conservation Areas. For the same reasons, the proposal would be contrary to Section 16 of the Framework, which refers to conserving and enhancing the historic environment.

Other Matters

19. It is asserted that the proposed scheme would not result in any issues of overlooking or detrimental impacts on the daylight or views of neighbouring properties. Even if I were to agree, these would be neutral considerations that would weigh neither for nor against the proposal. A lack of objection to the proposed scheme from neighbours or the Parish Council does not alter my view on the matters set out above or the harm I have identified to the CA.
20. The appellant has raised concerns with the manner in which the application was dealt with, including the Council's unwillingness to attend a site meeting. However, I have dealt with the appeal on its merits, and these matters have not influenced the outcome.

Conclusion

21. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

J Heppell

INSPECTOR