



Appeal Decision

Site visit made on 18 August 2025

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 September 2025

Appeal Ref: APP/Z2260/W/25/3360296

47 - 49 Sea Road, Westgate on Sea, Kent CT8 8QW

- 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 Jason Richardson of Coolgrade Limited against the decision of Thanet District Council.
- The application reference F/TH/24/0335 was refused by notice dated 17 October 2024.
- The application sought planning permission for the erection of 2no. three and four storey buildings containing 14no. 2-bed apartments, with basement storage and cycle parking, and surface parking with landscaping without complying with conditions attached to planning permission reference F/TH/19/1157, dated 20 March 2020.
- The conditions in dispute are Nos 1 to 8 which state:
 - 1 - The development hereby approved shall be carried out in accordance with the submitted plan numbered 19/385/JG/PL04 Rev A (2 of 3), received 11 September 2019; plans numbered 20/385/JG/PL01 (1 of 2), 20/385/JG/PL04 (3 of 3), 20/385/JG/PL01 (2 of 2), 20/385/JG/PL08, and 20/385/JG/PL09, received 28th January 2020; plans numbered 20/385/JG/PL02 Rev A (1 of 2), and 20/385/JG/PL02 Rev A (2 of 2), received 28 February 2020; plan numbered 20/385/JG/PL12 Rev C, received 19th March 2020; and plan numbered 19/385/JG/PL04 Rev C (1 of 3), received 20 March 2020.
 - 2 - Within 6 months of the date of this decision notice, the redundant vehicle crossings to Sea Road shall be removed and the footway reinstated in accordance with the specifications set out in the Kent Design Guide, as shown on the approved plan numbered 20/385/JG/PL12 Rev C.
 - 3 - Within 6 months of the date of this decision notice, the area shown on the deposited plan numbered 20/385/JG/PL12 Rev C for the parking and manoeuvring of vehicles and cycles shall be operational. The area agreed shall thereafter be maintained for that purpose.
 - 4 - All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.
 - 5 - Within 2 months of the date of this decision notice, details of the screening to be provided to the refuse store shall be submitted to, and approved in writing by, the Local Planning Authority. The refuse storage facilities shall be provided in the location as specified upon the approved drawing numbered 20/385/JG/PL12 Rev C, and in accordance with the approved details of screening, and shall be kept available for that use at all times and thereafter maintained.
 - 6 - The development hereby permitted shall be constructed in the materials as annotated on the approved plans
 - 7 - Within 6 months of the date of this decision notice, 3no. active electric vehicle charging spaces shall be provided within the site, in the location as shown on the approved plan numbered 20/385/JG/PL12 Rev C. Prior to their installation, details of their design and specification shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

8 - Within 6 months of the date of this decision notice, the secure cycle parking facilities, as shown on approved drawing no. 19/385/JG/PL04 Rev C (1 of 3), shall be provided and thereafter maintained.

- The reasons given for the conditions are:
 - 1 – To secure the proper development of the area.
 - 2 – In the interests of highway safety.
 - 3 – In the interests of highway safety.
 - 4 – In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan.
 - 5 – To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.
 - 6 – To safeguard the special character and appearance of the area as a Conservation Area in accordance with the National Planning Policy Framework.
 - 7 – To reduce the impact upon air quality, in accordance with the NPPF.
 - 8 – In the interests of promoting increased cycling in accordance with Policy TR12 of the Thanet Local Plan.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The two blocks of flats have been built. The appellant is seeking to vary the approved plans. When on site, I observed that the vehicle parking areas that have been provided on the forecourt do not reflect the submitted plans. I have considered the appeal on the basis of the submitted plans which is what the Council based its decision on.

Background and Main Issues

3. In 2010 planning permission was granted for four blocks of flats comprising the conversion and extension of 45 and 51 Sea Road and the demolition of nos. 47 and 49 and replacement with two new blocks of flats, along with seven houses to the rear. In line with the terminology used by the appellant and Council, I refer to the conversions as blocks 1 and 4 and the new build flats as blocks 2 and 3. A variation of this permission was approved in 2016 (reference F/TH/16/0280) (the 2016 scheme). Development commenced under this permission but was not built entirely in accordance with the approved plans, with differences to the roof form of the new builds, changes to materials, the insertion of a balcony at roof level on block 3, and changes to balustrading and fenestration design.
4. A non-material amendment to the 2016 permission was granted to reflect the changes made to the two conversions. For the two new blocks of flats, an application was submitted in 2019 to regularise some of the changes that had been made. This was approved in March 2020 (reference F/TH/19/1157) (the 2020 scheme). The approved plans for the 2020 scheme include the removal of the roof balcony within block 3, the addition of tile hanging to some elevations, and the removal of the blue and green render/cladding to the front elevations at roof level. The 2020 scheme also includes 30 off-street forecourt parking spaces and one basement vehicle parking space.
5. The two new build blocks of flats have not been built in accordance with the 2020 scheme plans. A further application was submitted which sought to vary the 2020 scheme to obtain consent for blocks 2 and 3 as built. This includes the retention of the roof balcony within block 3 and the as-built materials. The submitted plans

show a total of 16 off-street forecourt parking spaces, seven of which are in front of the new-build blocks. It is this variation application that is the subject of the appeal.

6. Against this background, the main issues are whether the conditions are necessary in their current form, having regard to:
 - the effect of the development on the character and appearance of the area, including whether it preserves or enhances the character or appearance of the Westgate on Sea Conservation Area; and
 - the effect on highway and pedestrian safety with regard to on-site parking provision.

Reasons

Character and Appearance

7. The appeal site sits within the Westgate on Sea Conservation Area (the Conservation Area). From the evidence before me and my site visit observations, the significance of the Conservation Area, in part, derives from its architectural and historic interest associated with the development of Westgate on Sea, including as a seaside town during the late 19th century, and the evidence it provides of the architectural style and building techniques of the time. The Conservation Area contains a number of substantial villas, including in the vicinity of the site, which have a notable presence in the built form. This is in part due to their materials and attractive architectural detailing such as timber balconies, porches, tile hangings and fenestration which provide a consistency to the built form and contribute positively to the character and appearance of the Conservation Area and its significance.
8. The 2023 Westgate on Sea Neighbourhood Development Plan (NDP) separates the sea front into two zones. The site is within the East Zone. The NDP identifies this area as mainly comprising taller dwellings (often three storeys) which are often separated into flats. This tallies with my site visit observations where I saw flatted developments and several villas which have been converted to flats.
9. In terms of materials, block 2 has been constructed with grey render other than an area of blue render at roof level. Block 3 has also been constructed from grey render but with brick to part of the front elevation and bright green cladding to the two front dormers.
10. In my view, block 2 appears as bland when the significant mass of render, which is clearly apparent in the street scene, is taken into account. While there are examples of buildings with render in the vicinity of the site, it generally forms only part of the elevation, or the elevations are broken up by traditional features. Where render is used as the only material, it tends to be on buildings that are notably smaller than block 2. Limited regard has been given to the detailing that is an important characteristic of the area on block 2 in particular, but also on block 3.
11. The green cladding on the roof dormers of block 3 and the blue render on block 2 are not subtle. They are inharmonious features on the front elevation of the buildings and stand out in stark visual contrast to the more muted colour palette of materials used in most properties along Sea Road.

12. The use of such extensive render on block 2, the lack of detailing, and the colour at roof level means that the buildings do not integrate well with their surroundings. In this regard, the development is in direct contrast to the 2020 scheme where it is evident that there has been more attention to detail in terms of design and local context. This is particularly in terms of the use of contrasting materials in the form of tile hanging to help break up the more prominent elevations and the roof form and to reflect the architectural detailing characteristic of buildings within the Conservation Area.
13. The balcony at roof level on block 3 elongates the building and emphasises its height. However, block 3 has clearly been designed to be taller than the adjacent properties. While the balcony at roof level increases the perception of height, this is not to a harmful extent when seen in the context of nearby buildings on Sea Road.
14. From the submitted evidence, it appears that the design of blocks 2 and 3 have altered substantially since the scheme was originally granted permission. The detailing included in the 2020 scheme helps to soften the scale and massing of the development and has some regard to the surrounding context and those elements of the Conservation Area which contribute positively to its significance. This is not the case with the appeal development which lacks building elements that are reflective of the area's important characteristics.
15. In this regard, I am mindful that the National Planning Policy Framework (the Framework) seeks to achieve well designed places, with paragraphs 135 and 139 stating that developments should be sympathetic to local character and development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Furthermore, paragraph 140 confirms that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
16. The cumulative issues identified diminish the ability of the appeal development to fit harmoniously with its surroundings to the extent that there is harm to the character and appearance of the area. For the same reasons, the development sits uncomfortably within the Conservation Area. The appeal development therefore fails to preserve or enhance the character or appearance of the Conservation Area and causes harm to its significance. Although the harm to the Conservation Area is less than substantial in the context of paragraph 215 of the Framework, and low on the spectrum of such harm, the Framework requires clear and convincing justification for any harm to or loss of significance of a designated heritage asset.
17. The appellant has not put forward any specific public benefits for the appeal development. Interested parties identify that light and space in the flats has been improved. Whilst these are largely private benefits for occupants, it would be reasonable to treat them as being public benefits inasmuch that they would contribute to social objectives set out in the Framework in respect of improving the housing stock. Even so, these public benefits are given modest weight and are not sufficient to outweigh the harm to the Conservation Area to which I give considerable importance and weight.

18. I therefore conclude that the development harms the character and appearance of the area and does not preserve or enhance the character or appearance of the Conservation Area. As such, it conflicts with Policies QD02 and HE02 of the 2020 adopted Thanet Local Plan (the LP) and Policies WSNP3 and WSNP7 of the NDP. In summary, these policies seek to ensure that the character or appearance of conservation areas are preserved or enhanced, that local character is maintained and development provides high quality design. There would also be conflict with the design and heritage objectives of the Framework, as summarised above.

Highway and Pedestrian Safety

19. As set out above, the submitted plans show a total of 16 off-street forecourt parking spaces. While noting the appellant's contention that the basement could provide up to six parking spaces, these are not shown on the submitted plans, and I have no technical information of the practical achievability of this. Given this uncertainty, it is not a matter which could be resolved through a condition as suggested by the appellant as there is no indication that it would be capable of being successfully discharged.
20. The Council identifies that a minimum of one parking space per 1-bed and 2-bed flat should be provided. The appellant's evidence states that seven of the forecourt spaces would be available for residents of the 14 flats in blocks 2 and 3. This would equate to 0.5 spaces per flat. As identified by the Council, the same level of provision would be made if the 16 forecourt spaces shown on the submitted plans are to serve the 32 flats contained across blocks 1 to 4.
21. Sea Road has unrestricted parking along significant stretches. During my early-afternoon weekday visit to the site I saw that the road was well used for on-street parking. The forecourt parking area at the site was also well used. My site visit observations can only provide a snapshot in time. However, in addition to my observations, the significant shortfall of spaces between the Council's expectations and the appeal development's provisions lead me to expect that the development would result in additional demand for on-street parking spaces.
22. The submitted plans show a good number of cycle spaces, and the site is within a reasonable walking distance of a range of services and facilities including bus stops and the train station. Nonetheless, given the extent of the parking shortfall, I am not persuaded that this alone would be sufficient to mitigate the additional demand for on-street parking space.
23. Sea Road is a reasonable width in the vicinity of the site. However, being mindful of the bend in the road where the site is I cannot conclude that the increased demand for on-street parking would not give rise to a risk of increased conflict between highway users especially during the summer months given the proximity to the beach. This would be to the detriment of highway and pedestrian safety.
24. I appreciate that the 2020 scheme reduces the parking provision compared to the originally approved development, and that this was accepted by the Council at least in part due to the sustainable location of the site and the capacity for on-street parking. However, the 2020 scheme still provides approximately one space per unit. The appeal development represents a marked reduction in parking provision.

25. I therefore conclude that the development is harmful to highway and pedestrian safety with regard to on-site parking provision. As such, it conflicts with the highway safety requirements of Policy TP06 of the LP and the Framework, and the parking requirements of Policy WSN3 of the NDP.
26. The Council's reason for refusal on this matter also includes concern that no provision is made for electric vehicle charging points. However, I am satisfied that this could be addressed through a planning condition and so find no conflict with Policy SE05 of the LP.

Other Considerations

27. The appellant highlights the comment in the Council's officer report that the roof height of block 3 should be lowered and the structural difficulties and disruption to residents this would cause, a concern also identified by several interested parties. I have therefore had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 and Articles 1 and 8 of the Human Rights Act 1998 in determining this appeal. However, these rights are qualified rights, and interference may be justified where in the public interest.
28. I am mindful that the highlighted comment is made in the Council's conservation officer consultation response. My interpretation of the assessment in the officer report is that the concern relates to the roof balcony of block 3; the materials used on blocks 2 and 3, specifically the use of coloured render/cladding and lack of detailing; and the lack of vehicle parking provision. These concerns are carried through into the reasons for refusal and are the focus of my assessment. I also note that it is these matters that are included in the enforcement notice issued by the Council in January 2025 along with several other points. None of these refer to, or infer, the lowering of roof heights.
29. I have been presented with very limited evidence on how the dismissal of the appeal, given the context set out above, would adversely affect those with protected characteristics. The harm I have identified to the character and appearance of the area, including to the Conservation Area, and to highway and pedestrian safety is such that dismissal of the appeal would be a proportionate and necessary response that would not unacceptably violate the rights of residents under Articles 1 and 8 or the Equality Act 2010.

Conclusion

30. The development conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR