



Appeal Decision

Site visit made on 9 October 2025

by **D M Young JP BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Appeal Ref: APP/Z2260/W/25/3370093

Parkside, 54 - 56 Dane Road, Margate, Kent, CT9 2AA

- 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 Banana Property Margate Limited against the decision of Thanet District Council.
 - The application Ref is F/TH/24/1296.
 - The development proposed is alterations and extension to form four new apartments.
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Decision

1. The appeal is allowed, and planning permission is granted for alterations and extension to form four new apartments at Parkside, 54 -56 Dane Road, Margate, CT9 2AA in accordance with the terms of the application, Ref F/TH/24/1296, subject to the conditions in the attached schedule.

Preliminary Matters

2. I wrote to the parties inviting comments on paragraph 125c) of the National Planning Policy Framework (NPPF) which both parties had omitted to mention in their appeal statements. I have taken the responses into account in reaching my decision.
3. In response to the Council's second reason for refusal, an amended plan (drawing ref: PDR-P2-08 rev A) was submitted as part of the Appellant's appeal submission. This shows a play area to the front of the building enclosed by a 1.5m high metal railings as well as additional landscaping. Having regard to the principles set out in the Wheatcroft judgement¹, I do not consider that the amendments to the boundary treatments for the play area materially affect the substance of the proposal.
4. The Council is correct to say that the appeal process should not be used to evolve a scheme, and it is important that the facts before me are essentially the ones considered by the Council and other interested parties. However, I note there were no public objections to the scheme, and the Council has had the opportunity to comment on the amended drawing at the appeal stage. In these circumstances, I am satisfied that no injustice would be caused if I were to consider the revised plan.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area including the setting of the nearby listed building.

¹ *Bernard Wheatcroft Ltd v SSE* (JPL 1982).

Reasons

6. The Appellant describes the existing building as 'of its time'. I find that somewhat generous. When I visited the site, I observed a discordant 'box-like' building completely devoid of architectural subtlety or respect for its context. The harm is exacerbated by its prominent corner location adjacent to Dane Park. Against the above context, any scheme which improves the appearance of the building is to be applauded.
7. The appeal scheme seeks permission for the erection of a two-storey mansard roof extension in order to provide four, 2-bed flats. There would also be alterations to the building in the form of new fenestration, rendering and a new entrance porch. In my view and as demonstrated by the visualisations of the building, the alterations would vastly improve its appearance. The result would be a bold and contemporary development which would add a new and distinct element to the Dane Road streetscene.
8. I accept that the two-storey extension would increase the bulk and height of the building and its prominence in local views. Although the set-back of the top floor would help to reduce the building's mass, the upward extension would further unbalance the Dane Road street scene. However, that harm needs to be weighed against the visual betterment arising from the proposed alterations. In my judgement, the harm in this case would be largely offset by the visual improvements. Accordingly, any harm to the street scene would be strictly limited and not sufficient to bring the proposal into conflict with the relevant development plan policies.
9. The Council alleges an unspecified level of harm to the adjacent Grade II listed urinals located on land between Park Lane and Park Road. As I saw when I visited the area, the urinals are in a parlous state being boarded up such that the general public are unable to appreciate them in any meaningful way. The Council has not provided any description of the asset or its significance. Moreover, there is no cogent evidence before me to support the argument that the appeal site forms part of the urinal's setting, that is the surroundings in which they are experienced.
10. Even if the urinals were to be restored (something there appears to be little imminent prospect of), they would be seen as part of the Park Road street scene. From here, one's appreciation of the urinals would not be harmed by a taller building to the rear of the site, which in any event would be partially screened by trees.
11. Based on the above, I do not consider there would be any harm to the setting of the urinals. Accordingly, there would be no conflict with the duty under the Buildings and Conservation Areas Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
12. Taking account of the foregoing, I conclude that the development would not unacceptably harm the character and appearance of the area. Consequently, the development would not conflict with Policies HE03, QD02, SP35 and SP36 of the Thanet Local Plan or NPPF paragraphs 135, 139, 203, 206 and 208.

Other Matters

13. The Council's second reason for refusal relates to a lack of suitable garden play space for future occupiers. The plans indicate that an area of 'gated doorstep garden play space' would be created to the front of the building. This area is currently paved and appears to have little or no meaningful use. Given that the creation of the play area would benefit existing as well as future residents as well as providing street activation, it must be seen as a positive planning benefit weighing in favour of the development.
14. Plans have been submitted with the appeal showing that the area would be enclosed by a 1.5m high metal gated fence which in turn would be bounded by landscaping along the Dane Road and Park Lane frontages. I am therefore satisfied that the open space play provision would be acceptable. Even if I had not accepted the amended plans, I consider this matter is clearly capable of being dealt with by condition and therefore the Council's behaviour could be viewed as unreasonable². I would also question the utility of providing on-site play space in the first place given the proximity of high-quality facilities at Dane Park. Given that railings are common features in the locality and in this case would be screened by planting, I find concerns that they would be out of keeping to be unconvincing and overplayed.
15. The Appellant has submitted a completed Unilateral Undertaking (UU) including a red-line plan with the appeal documentation. This would secure a contribution of £1,280 to mitigate the impact of the development on the Thanet Coast and Sandwich Bay SAC. I note concerns raised by the Council regarding the land registry searches. However, the Appellant has confirmed that they own the freehold for Title no. K321873 and that there are no third parties with an interest in the land. In light of those declarations, I am satisfied, on the balance of probabilities, that the agreement would be enforceable and secure the SAMM mitigation fulfilling the requirements of LP Policy SP29.
16. The Council highlight that the UU does not contain a £250 monitoring fee. Neither Policy SP29 nor the supporting text refers to a monitoring fee. Moreover, I can find no mention of a monitoring fee in the Strategic Access Management and Monitoring Plan 2016, the Thanet Strategic Access Management and Monitoring Plan notes to accompany tariff for 17,140 homes April 2017 nor the Natural England letter dated 11 March 2019. As a result, the policy basis for the monitoring fee remains altogether unclear. The Council's appeal statement does not include any information or justification for the fee, and no CIL Compliance Statement has been provided. Without even a brief description of what the money would be spent on, I cannot be sure that the fee meets the statutory tests for planning obligations.
17. Contrary to the requirements of NPPF paragraph 78, the Council cannot demonstrate a 5-year supply of deliverable housing sites³. In such situations NPPF paragraph 11 states that the policies that are most important for determining the application are to be considered out-of-date and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

² PPG Paragraph: 049 Reference ID: 16-049-20140306

³ The Officer's Report confirms a 3.18-year supply of housing with a 20% buffer and a 2023 Housing Delivery Test result of 67%.

18. As the appeal scheme involves the use of brownfield land, NPPF paragraph 125c) is also engaged. This states “[s]ubstantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused” (my emphasis). In setting the bar at ‘substantial’ the government clearly recognises that some harm may be acceptable if the country’s housing needs are going to be met.
19. In light of the above, for the appeal to be dismissed I would need to be satisfied that 1) the proposed development would result in substantial harm, and 2) that this would not be ‘significantly and demonstrably’ outweighed by the benefits of the scheme. In relation to the first test, the Council has not alleged any ‘substantial’ harm in either its Officer Report, Appeal Statement or response dated 16 October 2025. Therefore, even on its own case, test 1 is not met. Therefore, even if I had found in the Council’s favour on the substantive merits of this case, the appeal scheme would still have met the requirements of NPPF para 125c). That is a significant material consideration capable of outweighing conflict with the Development Plan.

Conditions

20. I have imposed a time limit and plans conditions to provide certainty. Landscaping and materials conditions are necessary to ensure the satisfactory appearance of the development. I have added an implementation and retention clause to the landscaping condition provided by the Council.
21. Highway conditions are necessary to ensure the development minimises overspill parking and surface water run-off onto the public highway. I have omitted the condition regarding pedestrian visibility splays as this may be difficult to comply with. Given that the access would be widened through the removal of the bin store, I am satisfied the access would be safe for all road users. The plans indicate that the existing tarmac surface of the parking area would be resurfaced. Given this is captured by the plans condition, a separate condition is unnecessary. A condition regarding the provision and retention of the parking and bin storage areas is necessary in the interests of pedestrian safety. Finally, I have imposed a water efficiency condition to ensure compliance with the Council’s sustainability policies.

Conclusion

22. For the reasons given above the appeal should be allowed

D M Young

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the submitted plans numbered PDR-P2-07/A, PDR-P2-08/A, PDR-P2-09, PDR-P2-10, PDR-P-11, PDR-P2-12, PDR-P14 and PDR-P2-15.
- 3) Prior to the construction of the external surfaces of the development hereby approved, details of the materials to be used, shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.
- 4) Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include:
 - species, size and location of new trees, shrubs, hedges and grassed areas to be planted,
 - the treatment proposed for all hard surfaced areas beyond the limits of the highway,
 - walls, fences, other means of enclosure proposed,
 - ecological enhancements to be provided within the siteshall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be provided in accordance with an agreed timetable and thereafter retained.

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 as those originally planted, unless written approval to any variation is provided by the Local Planning Authority
- 5) The areas shown on the approved plan for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwellings hereby permitted.
- 6) The development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.
- 7) The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110 litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.
- 8) Prior to the first occupation of the development hereby permitted, the refuse storage and cycle parking facilities shall be provided and thereafter maintained in accordance with the approved plans.