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## 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: 20 January 2026

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### Appeal Ref: APP/Z2260/W/25/3372341

#### Land adjacent to 2 Park Place, Margate, Kent, CT9 1LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr M Khoury against the decision of Thanet District Council.
  - The application Ref is F/TH/25/0467.
  - The application sought planning permission for the erection of 1No. two storey 2-bed dwelling without complying with conditions attached to planning permission Ref F/TH/18/1421, dated 22 February 2019.
  - The conditions in dispute are Nos 5 and 6 which state that:
    - 5) *All new windows shall be timber sliding sash and set within a reveal of not less than 100mm.*
    - 6) *Prior to the installation of the timber windows and doors, joiner details at a scale of 1:5 of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out and concurrently with the development and fully implemented prior to first occupation of any part of the approved development.*
  - The reason given for the conditions is:  
*To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with advice contained within the National Planning Policy Framework*
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**This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 24 November 2025**

#### Decision

1. The appeal is allowed and planning permission is granted for erection of 1No. two storey 2-bed dwelling at land adjacent to 2 Park Place, Margate, Kent, CT9 1LE in accordance with the application Ref F/TH/25/0467, without compliance with condition numbers 5 and 6 previously imposed on planning permission Ref F/TH/18/1421 dated 22 February 2019.

#### Main Issue

2. The main issue is the effect of the replacement uPVC windows on the Margate Conservation Area (MCA) and the setting of St John the Baptist Church.

#### Reasons

3. The appeal arises from the installation of heritage uPVC sash windows as opposed to the timber sash windows required by conditions 5 and 6. Although the appeal property and adjacent terrace are not listed buildings, they are within the MCA and as such, benefit from statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. According to the Council, the installed windows constitute a poor design and cause significant harm to the MCA and setting of the Grade I listed St John the Baptist Church, contrary to Policies HE02 and HE03 of the Thanet District Local Plan 2020 (the LP) and paragraph 215 of the National Planning Policy Framework (NPPF). None of the policies cited above expressly prohibit uPVC windows in conservation areas.
5. The appeal property is seen primarily in the context of Park Place. As I saw when I visited the site, uPVC is the predominant window material in the immediate locality. As illustrated in Figures 3 & 8 to the Appellant's Appeal Statement, only 2 Park Place has timber windows. Nos. 35 and 35a have black aluminium windows. All the remaining dwellings fronting the east side of Park Place have uPVC windows and doors. The Appellant also highlights that 32 out of 35 dwellings in Park Place to the north-west of the appeal site also have uPVC windows. I concur with the Appellant that the windows at the appeal property have been carefully selected and are evidently of a much higher standard than many of the uPVC windows along Park Place.
6. Based on the foregoing analysis, it cannot reasonably be claimed that timber sash windows form part of the "*special character and appearance of the designated heritage asset*". The Council states that it has not granted consent for any uPVC windows in Park Place. While that may be so, there is no suggestion from the Council that it is or intends to take enforcement action against any of the aforementioned uPVC windows/doors.
7. There is some confusion whether the recently constructed developments at 24-25a and 13 Park Place have uPVC windows. The Appellant also draws attention to developments at Victoria Road and Church Street also within the MCA. The Council has provided the Decision Notices for the Park Place developments which confirm that conditions were imposed requiring timber sash windows. However, there is no dispute that uPVC windows have actually been installed. When I looked at these properties on my site visit, it appeared that the windows were timber. However, that may well be testament to the long way in which heritage uPVC windows have come in recent years. In my view, the heritage uPVC windows installed at the appeal property, and possibly the aforementioned developments, are virtually indistinguishable from the real thing such that the average passer-by cannot tell the difference.
8. The Council also alleges significant harm to the setting of the St John the Baptist Church. 'Setting' is the surroundings in which a heritage asset is experienced. On that point I find it highly debateable whether the appeal property can be said to form part of the church's setting. Even if it is, the Summerskill case<sup>1</sup> establishes that setting is only ever likely to make a limited contribution to overall significance of a heritage asset and therefore unless the asset derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the 'less than substantial' scale.
9. Mindful of the above principles, the Council's assessment of harm is clearly excessive. The significance of this impressive church is primarily contained in a visual appreciation of its form, fabric and aesthetic qualities. In my view, its setting is primarily limited to its impressive grounds and not the wider urban area

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<sup>1</sup> PINS Ref: APP/H5390/V/21/3277137

surrounding it. Even if it was, as demonstrated Fig. 11 to the Appellants' Appeal Statement, uPVC is already the predominant window material in the locality.

10. I also find it difficult to comprehend how the Council, having granted consent for the erection of a prominent new detached property immediately adjacent to an historic terrace and listed church, now take issue with the materiality of the windows. It seems to me there is more than a degree of inconsistency in that position.
11. Only the rear and possibly side elevations of the appeal property are seen from the outer limits of the church's grounds against the general backdrop of built development on the western side of Churchfields, a busy main road. Unlike the appeal property itself, the materiality of the windows are imperceptible at that distance and have no effect on the church's setting nor any of its features of architectural or historical significance.
12. Based on the foregoing, I conclude that the proposal preserves the character and appearance of the MCA and the setting of the St John the Baptist Church. Accordingly, there is no conflict with LP Policies HE02 and HE03 or the NPPF insofar as they seek the protection of heritage assets.

### **Conditions**

13. In the absence of any suggested conditions from the Council and given that the development has already been carried out in compliance with the other relevant conditions, I do not consider it necessary to impose any new conditions.

### **Conclusion**

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

*D M Young*

INSPECTOR