



Appeal Decisions

Site visit made on 14 January 2026

by **Tom Bristow BA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 February 2026

Appeal A Ref: APP/Z2260/W/25/3372848

42 West Cliff Road, Ramsgate, Kent CT11 9NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (the '1990 Act') against a refusal to grant planning permission.
 - The appeal is made by Adrienne Barter against the decision of Thanet District Council.
 - The application is ref. FH/TH/24/1237.
 - The development proposed is described on the application form as the 'demolition of front boundary wall and extension to dropped kerb'.
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Appeal B Ref: APP/Z2260/Y/25/3370333

42 West Cliff Road, Ramsgate, Kent CT11 9NT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the 'LBCA') against a refusal to grant listed building consent.
 - The appeal is made by Adrienne Barter against the decision of Thanet District Council.
 - The application is ref. L/TH/24/1236.
 - The works proposed are described on the application form as the 'demolition of front boundary wall and extension to dropped kerb'.
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Decisions

1. Appeals A and B are allowed. Planning permission and listed building consent are thereby granted for the demolition of the front boundary wall, and an extension to the dropped kerb, at no. 42 West Cliff Road, Ramsgate, Kent CT11 9NT, in accordance with the terms of applications ref. FH/TH/24/1237 and L/TH/24/1236, subject to the conditions in the first and second schedule to these decisions respectively.

Preliminary matters

The listed building

2. The list entry indicates that no. 42, now semi-detached with no. 44, traces its origins to around 1830.¹ The listed building falls within the Ramsgate Conservation Area. I understand that it is now occupied as flats. I am told historically a single property, the listed building is something of a loose Italianate villa in scale, proportions and design.² It is typical of the latter Georgian era.
3. No. 42 is to the south of, and accessed from, West Cliff Road (the southern flank of the Road being dotted with various listed buildings). As opposed to somewhat more

¹ List entry no. 1336342, '42 and 44, West Cliff Road'.

² That remains alluded to by the inscription 'West Cliff Villa' at the side outrigger to no. 44.

modest and ostensibly slightly later terraced properties on the opposite side, no. 42 is relatively comfortably set back from the highway. Aside from in minor ways, its form and principal elevation is a mirror image of that of no. 44, walls being of light polychromatic local brick finished with stucco accents.

The nature of the scheme

4. There is a wall dividing the plots of nos. 42 and no. 44. At the time of my site visit that dividing wall appeared little more than apparently shuttered aggregate, or bungaroosh, incorporating occasional bricks. That wall is illustrated on plan no. 01 Rev B as abutting the principal elevations of nos. 42 and 44 (effectively a party wall).³ It extends towards the pavement alongside West Cliff Road to join a central brick column or pier. Either side of that pier is a brick front boundary wall. That front boundary wall extends approximately equidistant across the frontage of the plots of nos. 42 and 44, and is terminated by piers before open space either side allowing for off-street parking.
5. The scheme is to demolish the front boundary wall associated with no. 42, thereby rendering the plot entirely open in order to allow for greater ease of off-street parking. Referring to plan no. 01 Rev B, the associated officer report sets out that the dropped kerb would have an overall width of 8.6m, extending that which already exists by 5.1m. The dividing wall and central pier would be unaffected.
6. At appeal the Council located records related to planning permission ref. F/TH/90/0706 and listed building consent ref. L/TH/90/0705, for the 'demolition and repositioning of part of front boundary wall together with the formation of a tarmac hardstanding'.⁴ The plan associated with the former, dated 9 November 1990, again shows the dividing wall referred to above. That plan illustrates a 900mm enlargement to the dropped kerb shown as existing then. It also carries annotations to the effect that the existing boundary wall would be otherwise retained (finished by a 'new brick pier to match existing').

Planning and listed building consent

7. Although often involving similar considerations, planning permission and listed building consent are different regimes to which the 1990 Act and LBCA apply respectively (addressing 'development' and 'works'). Referring to discussions with the Council, and notwithstanding that the onus falls principally on an applicant to substantiate their case,⁵ the appellant explains that there has been some ambiguity as to whether both would be needed. Setting aside that there are appeals before me, I address that initially.

Listed building consent, works

8. Section 7 of the LBCA is 'Restriction on works affecting listed buildings'. Section 7(1) is that 'Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised under section 8'.

³ I make no comment on whether it is such for the purposes of the Party Wall etc. Act 1996 as amended, a separate regime.

⁴ Correspondence of 23 December 2025, in respect of which comments were received on 8 January 2026 from the appellant.

⁵ Section 62(3) of the 1990 Act.

9. Section 1(5)(b) of the LBCA sets out that 'any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948' shall be treated as part of the listed building. I am told that, until at least 1946, nos. 42 and 44 were in single ownership. It is therefore doubtful if the dividing wall referred to above originated before 1948.
10. Even a cursory inspection of the front boundary wall as it stands, however, reveals that it is of relatively recent construction. That is judging by various factors. Bricks are regular and regularly finished. They are of uniform red. The front boundary wall is also some 15 or 16 courses high, far higher than the typical extent of low front boundary walls that exist nearby. The front boundary wall has effectively 4 recessed sections or panels where brickwork is arranged in stretcher bond as opposed to Flemish bond elsewhere. The mortar is also evidently sand and cement. None of those characteristics are in any sense consistent with the era in which the building originated, or with pre-1948 practices.
11. Nevertheless, LBCA Section 1(5)(b) is the wrong test to apply. Section 1(5)(a) is instead that 'any object or structure fixed to the building', irrespective of its age, is also to be treated as part of the listed building. Given that the front boundary wall is attached to the listed building by virtue of the dividing wall between the plots of nos. 42 and 44, it is therefore to be treated as part of the listed building.
12. Listed building consent is therefore required. Indeed, it has been sought previously. There is some nuance to LBCA Section 7, however, in that works are restricted which would affect the character of the listed building 'as a building of special architectural or historic interest...'. That to some extent presupposes that restricted works are ones that would have a negative effect on special interest or significance (although that is not explicitly stated). Whilst I will return to that point, i.e. to the effect of the scheme, for comprehensiveness I note that there is no certificate of lawfulness before me under Section 26H of the LBCA.

Planning permission, development

13. Development is defined in Section 55 of the 1990 Act. There is, rationally, no dispute that the demolition of a brick pier, wall, and the construction of a dropped kerb, would not constitute development in those terms. Again there is no certificate of lawfulness under section 191 of the 1990 Act before me in that respect. For comprehensiveness again, it is worthwhile setting out some nuance here too.
14. Class C of Part 11 to Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (the 'GPDO') establishes that 'any building operation consisting of the demolition of the whole or part of any gate, fence, wall or other means of enclosure' is permitted development, i.e. that which generally does not require specific planning permission.
15. Nevertheless by virtue of limitation C.1, 'development is not permitted by Class C if the demolition is 'relevant demolition' for the purposes of section 196D of the [1990] Act (demolition of an unlisted etc. building in a conservation area)'. Section 196D(3)(b) of the 1990 Act defines relevant demolition at that defined in section 75 of the LBCA, which includes at sections 75(1)(d) and 75(2) references to a Government direction.

16. As in the associated Direction of 21 April 2021, relevant development does not encompass the demolition of 'the whole or any part of any gate, fence, wall or other means of enclosure in a conservation area'. Incidentally, the foregoing differs from permitted development rights within Class A, Part 2, Schedule 2 of the GPDO which allow for the 'erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure', limitation A.1(a)(ii) relating to such features adjacent to a highway which would exceed 1 metre tall.

The approach to the appeals

17. Having established that both listed building consent and planning permission would be required to lawfully effect the scheme, there is some complexity as to how I should approach the proposal. That is as, bluntly, the front boundary wall is relatively recent in construction. There are various scenarios that might account for that (which are necessary to expand upon in the interest of fairness).
18. The first scenario is that the annotations on the plan associated with planning permission ref. F/TH/90/0706 are correct, in that the existing boundary wall in 1990 was as it now stands (aside from being truncated by 900mm). That appears unlikely. As above, the front boundary wall has recessed sections of brickwork. There are four such sections of equal width, two either side of the central pier. Had an existing front boundary wall been shortened pursuant to planning permission ref. F/TH/90/0706, there would be asymmetry. It is therefore more likely that at some point the front boundary wall has been entirely rebuilt.
19. The second scenario is that rebuilding of the front boundary wall complied with condition (ii) to planning permission ref. F/TH/90/0706. That condition required that 'details of the materials to be used for the wall and pillar shall be submitted to and approved, in writing, by the District Planning Authority before the commencement of any works'. There are, however, no details before me in that respect (nor, I am told, in existence). The third scenario is that the front boundary wall has been rebuilt in a way which is not consistent with what was agreed pursuant to condition (ii) to planning permission ref. F/TH/90/0706.
20. However if the third scenario applies, no enforcement action has been taken (some 35 years having elapsed since 1990). That would be surprising given that the boundary wall is readily visible from public vantage points beside a well-used element of the local road network connecting to the town centre. Moreover, the Council confirmed via correspondence of 28 January 2026 that there has been no enforcement action considered or taken, nor will there be.⁶
21. It is therefore only reasonable, notwithstanding any history to the boundary wall, to consider what is proposed relative to what would be lost as it stands. To approach the scheme otherwise would be to engage in hypothetical scenarios.

Statutory and policy context

22. Following on from the background set out above, I have approached the appeals in the context of sections 16(2), 66(1) and 72(1) of the LBCA. Section 16(2) requires that I have special regard to the desirability of preserving the building or its setting

⁶ Rationally, given there is no evidence of compliance with the 1990 permission or of the state of the wall beforehand.

or any features of special architectural or historic interest which it possesses. Section 66(1) is comparable with section 16(2), albeit relates to where planning permission instead of listed building consent is sought. Section 72(1) binds me to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended sets out that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. Here the development plan includes policies of the Thanet Local Plan (adopted 9 July 2020).

Relevant policies

23. Recognising that heritage assets are an irreplaceable resource, paragraph 202 of the National Planning Policy Framework (published 7 February 2025, the 'NPPF') sets out how they should be conserved in a manner appropriate to their significance. NPPF paragraph 212 continues that great weight should be given to their conservation relative to their importance.⁷ More broadly NPPF paragraph 135.c) sets out how development should be sympathetic to local character and history. Local Plan policies SP36, HE02, HE03 and QD02 in summary, amongst other things, and with varying emphases seek to achieve similar. I have also had regard to all other relevant material considerations in determining these appeals in addition to the NPPF, including the Planning Practice Guidance and the Ramsgate Conservation Area Appraisal (adopted 31 March 2022, the 'CAA').

Main issue

24. The main issue is the effect of the proposal in respect of historic integrity.

Reasons

Significance, special interest, character and appearance (collectively 'historic integrity')

25. Trite, but nonetheless Ramsgate owes much to the designs and enterprise of Augustus and Edward Pugin. That is, however, an oversimplification. Although the character and appearance of the Conservation Area is principally as a refined late Georgian society resort, it nevertheless possesses a mosaic of different eras. Nonetheless, in design and materials the listed building reflects what might be termed the architectural heyday of Ramsgate, founded principally on contemporary fashion. Much of its special interest or significance is embodied in its aesthetic, materials and craftsmanship and the intangible forces those features authentically reflect in physical form.
26. West Cliff Road marks the limits of the Ramsgate Conservation Area hereabouts, along with Grange Road heading coastwards by the plot of grade II listed nos. 60 and 62 West Cliff Road, Torrington Villa. In short order heading southwards, West Cliff Promenade is reached by a further collection of listed buildings. Notwithstanding that the Ramsgate Royal Esplanade Conservation Area tracks the coast westwards, the Ramsgate Conservation Area extends along the Promenade, encompasses the Harbour, covers a vast swathe of the town centre, and reaches as far north-eastwards to include Winterstoke Gardens at East Cliff.

⁷ With NPPF paragraph 219 emphasising how opportunities should be taken to enhance or better reveal the significance of assets.

27. In that context it is worth pausing to focus on the built form of West Cliff Road and its interrelationship with the Town. West Cliff Road is, relatively, a later wave in the northern and western expansion of Ramsgate.⁸ Whereas the relevant list entries indicate that nos. 42 and 44, and also 38, date from the 1830s, nos. 56 and 58 to the west originated around 1850, and nos. 60 and 62 by the roundabout junction with Grange Road are said to have been constructed around 1858.⁹
28. There has evidently been subsequent development hereabouts, including recently ostensibly as part of the development of the former Ramsgate General Hospital.¹⁰ Properties flanking the north of West Cliff Road between Cannonbury Road and Grange Road are not listed. Mid-to-late twentieth century suburban development tends to predominate beyond Grange Road. Historic integrity therefore dilutes somewhat towards the limits of the Conservation Area hereabouts.
29. Notwithstanding that historic integrity may not be embodied solely in the original form of an asset, and to some extent variations on a theme characterised Georgian and Victorian building typologies, there is nevertheless limited harmony in the buildings along the southern flank of West Cliff Road. Some are 2 storeys, some 3, some have half basements, some dormers. Properties do not follow a rigid building line, nos. 42, 44 and 48 for example being proud of no. 46, a divergence in part owing to differing porches, bow or bay windows and balconies. Roof forms are varied too. There is greater consistency elsewhere within the Conservation Area, for example where streets are lined with terraces, such as along Royal Road, or where there is a conscious plan, such as at Spencer Square.
30. Importantly, that sense of variety is likewise apparent in terms of front boundary features to the south of West Cliff Road, both those features which are historic and those which have subsequently been altered.¹¹ The Hospital redevelopment by Cannonbury Road is bounded by brick piers with capping stones spanned by understated railings (in all likelihood coterminous with the Ramsgate Peace Memorial of 1945 to the east of no. 38, Oscar Villa). The canted plot frontage of no. 38 is entirely open, albeit with a scar of bricks demarcating where walls once would have been. Aside from a short low section of modern brick wall, the frontage of no. 40 is also open.
31. The frontages of nos. 46, 50 and 54 are open.¹² No. 48, 52, 56, 58, 60 and 62 all have vehicular access with the remainder of the frontage in those instances demarcate by a low boundary wall (varied, but something in the order of 3 to 5 brick courses tall). In the case of no. 48 there is a timber five bar gate, and at no. 52 the wall is topped with railings with fleur-de-lys detailing. Whilst there are no details before me of the planning history of those boundary features, they nonetheless result in a clearly mixed character.

⁸ Construction began, for example, at the grade II listed Former Regency Hotel and Royal Crescent, fronting West Cliff Promenade, in 1826.

⁹ The exception to this rule being no. 50, Eagle Lodge, which appears to date from around 1820.

¹⁰ Although based principally on my site visit observations, no. 48, Victoria Lodge, appears early Victorian. No. 46 appears either Victorian or early twentieth century, though may be some form of amalgamation of the two eras. No. 40 appears a latter infill development still, potentially occupying part of the former plot of no. 38, Oscar Villa.

¹¹ Whilst the appellant has drawn to my attention examples of altered boundary walls to the north of West Cliff Road, as above that reflects a later era of development (and such boundary features are not associated with listed buildings).

¹² Nos. 50 and 54 being grade II listed.

32. Such historic integrity, and also harmony, as there is here is principally by virtue of the brick piers that mark the common boundary between properties, along with walls dividing the plots of properties perpendicular to the highway (which are often of flint). Judging by the nature of the bricks used to form the piers between the plots of nos. 48 and 50, 50 and 52, 52 and 54 and 58 and 60, consistent with those used in the elevations of a number of properties, those features are historic.
33. The piers between nos. 38 and 40, 40 and 42, 42 and 44, 44 and 46 are instead modern (again judging by the brickwork). Whilst the CAA seeks to avoid the removal of historic boundary features, and notes in respect of Character Area 8: West Cliff Road that the streetscape can be softened by street trees and planting in front gardens, it nonetheless recognises that there is some variety in those features which exist.
34. The CAA describes West Cliff Road as an historically significant route between Sandwich and the Town. It remains part of the principal east-west route to and from the town centre (becoming Queen Street to the east towards the Harbour, and connecting with London Road at the roundabout junction with Grange Road to the west). The CAA goes further in describing its nature as a 'busy, two-way route for cars and busses into the centre of Ramsgate and the seafront'. West Cliff Road was therefore not designed to accommodate the volume or type of traffic that it now does, nor were various properties along it established to accommodate the intensity of residential use they now serve.

The effect of the proposal

35. As above, neither the piers nor front boundary wall between nos. 42 and 44 are historic. Where present, as above, front boundary walls are typically lower (as also alluded to in CAA section 10.7). Having walked extensively through the Conservation Area on 13 and 14 January 2026, I was unable to identify any boundary walls of comparable nature to the front boundary wall at no. 42. In short, the front boundary wall at present contributes nothing positive to historic integrity in its design, materials or any meaning that can be discerned from its existence within a varied surrounding context. As above I have noted that symmetry is not a strong characteristic of the area or its boundary features (noting that the symmetrical elevations of nos. 42 and 44 would, in any event, remain). By contrast, to some extent, the existing wall jars with, or detracts from, historic integrity by virtue of its discordant design and materials.

Consideration

36. Inherent in my reasoning above, is that the removal of a substantial section of the boundary wall can only rationally be seen as at least neutral, if not slightly beneficial in terms of historic integrity. As such, the scheme would accord with the expectations of statute, of the Local Plan, and of the NPPF, considered at paragraph 23 of these decisions. There would be no loss of historic features, which the CAA seeks to safeguard.

Other matters

37. It appears that Kent County Council are concerned regarding the sufficiency of depth at the plot to accommodate a parked vehicle without overhanging the

pavement (on account of the lightwell to the half basement at no. 42 in particular).¹³ There may also be some concern in respect of visibility of pedestrians or vehicles; the Council suggesting a condition regarding splays in that respect.

38. That said, the Council acknowledge that the dropped kerb at no. 42 is historic and that the 'front amenity space is concrete paved and is currently used for parking vehicles'. There is no additional intensity of use proposed as part of the appeals before me, only a more accessible approach to existing parking. If anything, a less cramped access and improved visibility by virtue of removal of the front boundary wall will be beneficial in terms of pedestrian and highway safety.¹⁴ Neither the foregoing, nor any other matters, alter my reasoning regarding the acceptability of the proposal.

Conclusion

39. For the above reasons, having taken account of the relevant statutory and policy context to each appeal, the development plan as a whole as necessary, and having had regard to all other relevant material considerations, I conclude that appeals A and B should be allowed subject to the conditions in the first and second schedule to these decisions respectively.

Conditions

40. In respect of both appeals, in addition to requiring commencement within the relevant statutory period,¹⁵ for certainty and so as to ensure that the proposal is implemented as assessed above, I have imposed conditions requiring adherence to supporting plan no. 01 REV B, dated July 2024, as received by the Council on 22 October 2024.
41. Following my reasoning at paragraph 38 of these decisions, it is unnecessary to impose a condition requiring the submission of a plan within 6 months of planning permission having been granted showing visibility splays across the pavement as has been suggested. I also note that the phrasing that has been ventured in that respect is purely informational as opposed to purposive (thereby failing to meet the expectations of NPPF paragraph 56).

Tom Bristow

INSPECTOR

¹³ Correspondence of 12 November 2024.

¹⁴ With any implications for interference with pedestrian use or obstruction in any event covered by parallel legislation under the Highways Act 1980 as amended.

¹⁵ Section 91 of the 1990 Act and Section 18 of the LBCA.

FIRST SCHEDULE OF CONDITIONS (APPEAL A)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be undertaken in accordance with approved plan no. 01 Rev B (dated July 2024, as received by the local planning authority on 22 October 2024).

SECOND SCHEDULE OF CONDITIONS (APPEAL B)

- 1) The works hereby authorised shall begin not later than 3 years from the date of this decision.
- 2) The works hereby permitted shall be undertaken in accordance with approved plan no. 01 Rev B (dated July 2024, as received by the local planning authority on 22 October 2024).