



Appeal Decision

Site visit made on 12 May 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2026

Appeal Ref: APP/Z2260/C/24/3344671

53 Albion Street, Broadstairs, Kent CT10 1NE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Max Williams against an enforcement notice issued by Thanet District Council.
 - The notice was issued on 19 April 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, alterations to the existing front elevation consisting of the replacement of the timber ground floor bay with aluminium windows and doors and the installation of spotlighting.
 - The requirements of the notice are to:
 1. Remove the unauthorised doors, window, and lighting to the front elevation and reinstate the timber bay window and recessed timber panelled doors to the front elevation, in line with the previous proportions, appearance, and methods of opening, as shown on the attached photograph.
 2. Make good all areas affected by the works and finish the ground floor frontage in paintwork.
 - The period for compliance with the requirements is: 6 months from the date this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - **Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction and variations in the terms set out below in the Formal Decision.**
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The Enforcement Notice

1. The allegation in the Enforcement Notice (EN) refers to the ‘replacement of the timber ground floor bay’, whereas the requirements refer to the reinstatement of a ‘timber bay window’. To ensure that the allegation is concise, accurately describes the alleged breach of planning control, and aligns with the requirements, it is necessary to correct the wording to include reference to the ‘bay window’. The allegation is therefore corrected by replacing it with “alterations to the front elevation including replacement of the timber ground floor bay window with aluminium windows and doors and the installation of spotlighting.”
2. This correction does not result in injustice to either party, as it does not alter the substance of the alleged breach nor expand the scope of the EN, but instead provides clarity and precision.
3. Requirement 2 of the EN refers to making good all areas affected by the works and finishing the ground floor in paintwork. The term ‘make good’ is not specific and the aims of this requirement would be achieved by reinstating the former front elevation in accordance with the photograph attached to the EN.
4. Requirement 2 can therefore be deleted, and Requirement 1 is varied to require the removal of the unauthorised doors, window, and spotlighting and reinstatement

of the timber bay window and recessed timber panelled doors to accord with the front elevation of the building as detailed in the photograph attached to the EN.

Appeal on Ground (a) and the Deemed Application for Planning Permission

5. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are:
- the effect of the development on the character and appearance of the conservation area and;
 - the effect of the development on the significance of the non-designated heritage asset (NDHA) known as The Dolphin Public House, 55 Albion Street.

Reasons

Character and Appearance

6. The appeal site is located within the Broadstairs Conservation Area (CA). The significance of the CA is derived from its cohesive historic townscape, including its traditional building forms, shopfronts and materials, which collectively make a positive contribution to its historic architectural character and appearance.
7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
8. The aluminium windows and door serve the Le Vintage restaurant occupying the appeal site. The use of modern materials, together with the design and overall appearance of the windows and doors, differ markedly from the prevailing traditional forms within the surrounding context. This is because they fail to respect the finish and proportions of traditional shopfronts, which are typically constructed from timber and incorporate articulated detailing and features such as stallrisers, mullions and recessed doorways. In contrast, the appeal development presents a simplified and contemporary form, with large areas of glazing and minimal detailing. As a result, the development appears incongruous within this setting, detracting from the cohesive historic character of the CA.
9. While the former timber bay window and recessed panelled doors were neither historic nor original, they used materials characteristic of the CA and were in keeping with and sympathetic to the traditional shopfronts in the immediate locality.
10. The aluminium windows and door result in a contemporary flat frontage, which the appellant asserts is visually discreet and reflective of other buildings on Albion Street. However, I do not find the appeal site to be visually discreet. The contemporary finish of the aluminium windows and door appears stark and incongruous when viewed in the context of the prevailing shopfronts along the street, which are characterised by more traditional finishes and detailing.
11. Whilst there are examples of flat-fronted shopfronts, these are generally articulated in traditional materials and forms that contribute positively to the historic character and appearance of the street (as illustrated in Figures 16–19 of the Heritage

Significance Assessment). As such, they are not directly comparable to the aluminium windows and door.

12. I recognise that commercial premises are subject to change to remain viable and attractive to customers. However, such alterations should not be undertaken in a manner that harms the character and appearance of the CA.
13. Paragraph 212 of the Framework advises that, when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. In this case, having regard to the scale and nature of the development, the identified harm to the significance of the CA would be less than substantial. Paragraph 215 of the Framework states that such harm should be weighed against the public benefits of the development.
14. In terms of public benefits, the appellant asserts that the development improves the restaurant's presence from Albion Street and provides a dedicated access separate from the public house. It is also claimed that it supports the vitality and viability of the town centre. However, for the reasons set out above, and notwithstanding the investment undertaken in refurbishing the appeal site, it is not accepted that the development enhances the appeal site's appearance. Furthermore, the previous arrangement already provided a separate, dedicated entrance. As such, neither of these factors are considered to constitute a public benefit of the development.
15. It has not been sufficiently demonstrated that the former arrangement was unworkable for the restaurant, or that the development is necessary to support the vitality and viability of the town centre. Even if I were to accept that the development provides some support in this regard, this would attract only limited weight and would be insufficient to outweigh the identified less than substantial harm to the significance of the CA.
16. For the above reasons, the development fails to preserve or enhance the character or appearance of the CA and would therefore conflict with the duty under 72(1) of the Act. It is therefore contrary to policies SP36 and HE02 of the Thanet Local Plan¹ (Local Plan) and Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan². Amongst other things these policies seek to protect the historic environment from inappropriate development, preserve or enhance the character or appearance of the CA and preserve and enhance local character. Additionally, the development conflicts with the historic environment protection and design policies of the National Planning Policy Framework (the Framework).

Effect on the NDHA

17. The appeal site adjoins the Dolphin Public House, which is a Non Designated Heritage Asset (NDHA). The NDHA comprises a well-proportioned 19th-century public house, constructed using traditional materials, including painted stucco elevations, timber sliding sash windows, a decorative cornice, a raised parapet, and a slate roof. It therefore has local historic and architectural interest.
18. The appeal site was historically separate from the NDHA, with an alley formerly present between the two buildings, and is largely of 20th- and early 21st-century

¹ Adopted in July 2020

² Adopted in May 2021

construction. Whilst the appeal site is not part of the NDHA, it forms part of the immediate setting of the heritage asset and contributes to how it is experienced.

19. The contemporary design of the aluminium windows and door, in particular the predominance of glazing and use of modern materials, contrasts sharply with the traditional form and detailing of the adjoining NDHA and No. 51 Albion Street. This contrast fails to respect the established character of the area and results in harm to the setting of the NDHA. Consequently, the development erodes the significance of this heritage asset by undermining its historic context.
20. The appellant asserts that the façade treatment and recessed building line render the development subservient to the NDHA, allowing it to be perceived as a distinct corner building, thereby reflecting the historic arrangement of the site. It is also claimed that painting the appeal site a contrasting colour assists in reinforcing this visual distinction. However, the former arrangement also maintained a recessed building line and appeared subservient to the NDHA, whilst employing traditional materials and remaining sympathetic to the character and appearance of the CA. As such, this arrangement is not a distinguishing feature of the development and does not outweigh the harm identified, nor justify its retention.
21. It is claimed that the former frontage of the appeal site had a more domesticated appearance, and that the continuation of the fascia and matching colour scheme with the NDHA diluted the historic character and appearance of the NDHA. It is also claimed that the bay window is at odds with the commercial character of Albion Street. However, despite the continuation of the fascia and coordinated colour scheme, the former arrangement respected rather than diminished the character and visual quality of the NDHA, as the recessed building line, differing roof form, and distinct fenestration details ensured it remained clearly legible as a separate and subordinate building. The bay window was also more in keeping with the surrounding context, given its use of traditional materials and detailing, which reinforces rather than detracts from the prevailing character. Furthermore, fascia and colour finish are relatively minor design elements that can be easily altered and therefore do not fundamentally define or harm the underlying historic character.
22. For the above reasons, the development negatively affects the significance of the NDHA known as The Dolphin Public House, 55 Albion Street through development within its setting. In accordance with the Framework, this harm should be taken into account, having regard to the scale of harm and the significance of the asset. In this instance, the development fails to preserve the asset's significance and sufficient justification has not been demonstrated to outweigh the identified harm. The development is therefore contrary to Policy HE03 of the Local Plan, which requires development affecting non-designated heritage assets to be assessed in accordance with the Framework.

Other Matters

23. The appellant asserts that, given changes to the Use Classes Order, permitted development rights, and the lasting impacts of the Covid-19 pandemic, flexibility is required when considering changes within town centres. However, these considerations do not override the requirement for development to preserve or enhance the character and appearance of the CA, nor do they justify the harm identified.

Conclusion on ground (a)

24. For the reasons given above, I conclude that the development is contrary to the development plan, and material considerations do not indicate that the appeal should be determined otherwise than in accordance with that plan. The appeal under ground (a) therefore fails.

Appeal on Ground (g)

25. An appeal on ground (g) is brought on the grounds that the period specified for compliance falls short of what is reasonable. Specifically, the appellant asserts that the time required to remove the ground floor frontage, order, fabricate and install a new timber bay window and recessed doors would take longer than six months to complete. Accordingly, a twelve month period for compliance is sought.
26. In response, the Council indicates that it could monitor progress towards compliance and exercise flexibility where there is clear evidence demonstrating a genuine need for additional time. This is reasonable, particularly given the absence of substantive evidence to justify a longer compliance period. In any event, section 173A(1) of the Town and Country Planning Act 1990 enables the Council to waive or relax the requirements of an enforcement notice and extend any period specified in accordance with section 173(9), should circumstances warrant such an adjustment.
27. In determining what constitutes a reasonable period for compliance, I have had regard to the planning harm identified, which arises from the unauthorised development. The six-month period represents a proportionate balance between allowing sufficient time to comply and ensuring that the breach of planning control is remedied promptly.
28. On the evidence before me, I am not persuaded that the compliance period is unreasonably short or that an extension to twelve months is necessary. Accordingly, the appeal on ground (g) fails.

Formal Decision

29. It is directed that the Enforcement Notice is corrected by:

- *the deletion of the words “Without planning permission, alterations to the existing front elevation consisting of the replacement of the timber ground floor bay with aluminium windows and doors and the installation of spotlighting” And their substitution with the words “Without planning permission, alterations to the front elevation including replacement of the timber ground floor bay window with aluminium windows and doors and the installation of spotlighting”.*

And varied by:

- *the deletion of the words “Remove the unauthorised doors, window, and lighting to the front elevation and reinstate the timber bay window and recessed timber panelled doors to the front elevation, in line with the previous proportions, appearance, and methods of opening, as shown on the attached photograph” and substitute with the words “Remove the unauthorised doors, window, and spotlighting and reinstate the timber bay*

window and recessed timber panelled doors to accord with the front elevation of the building as detailed in the photograph attached to the EN” in requirement 1) in section 5; and;

- *the deletion of requirement 2) in section 5 in its entirety.*

30. Subject to the correction and variations, the appeal is dismissed, the EN is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended.

V Goldberg

INSPECTOR