



Appeal Decision

Site visit made on 5 August 2019

by **Tim Wood BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 August 2019

Appeal Ref: APP/Z2260/Y/19/3220034

East Northdown House, East Northdown, Margate, Kent CT9 3TS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr P Miles against the decision of Thanet District Council.
 - The application Ref L/TH/18/1226, dated 20 August 2018, was refused by notice dated 19 November 2018.
 - The works proposed are to replace the ground floor side window with a door and associated alterations to the external wall of the property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effects of the works on the significance of the listed building and its setting within the conservation area.

Reasons

3. The appeal relates to this large detached house which is said to have its origins in the 17th Century, with alterations and additions made over the subsequent generations. The property is grade II listed and sits within the Northdown Conservation Area.
4. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Considerable importance and weight should be given to any harm to the significance of listed buildings.
5. The existing window sits within the front part of the side (south) elevation at the ground floor level. The window frame is wooden and is in a poor state of repair. Reports and my own observations confirm that there is some structural defect at this part of the building. Indications are that the structural opening of the window, the inappropriate use of materials and inadequate support has given rise to movement here. The appellant's submissions indicate that the

- window is relatively modern and is likely to date from the 1960s; a point not now disputed by the Council. The area of wall below the window is of poorly constructed shuttered flint and does not reflect the quality of the exposed knapped flint found elsewhere on the building. There is also some evidence of a former external entrance down to the cellar at this point.
6. The appellant states that there is evidence for an original opening here. The expert reports indicate that this could have been a window or a door. The Council accept that the existing window should be removed and that structural works are necessary to repair the building. However, the Council states that there is no evidence which confirms the appellant's suggestion that the original opening would have been a door and indicate that an appropriately designed window would be acceptable.
 7. It seems clear to me that there is no evidence which specifically confirms the appellant's contention that there would have been a door present here in the past. His own experts' reports acknowledge that a window or door would have been present. Therefore, there can be no certainty that the appeal proposal is seeking to reinstate a historic feature.
 8. The main front elevation of the building presents its formal face to the lane. It contains the main front door and principal windows. The Council indicates that there is a pattern or rhythm to the windows and openings which indicates a hierarchy and importance of the front elevation compared to the others. The proposed door would be seen in conjunction with the main front elevation in some views and it would erode the hierarchy of doors and windows. I fully accept that the door would be smaller and less formal than the front door but it would nevertheless compete with the front elevation and be visually disruptive. The appellant makes reference to the Council's agreement to a new door in the north elevation but this is within a later part of the building and visually relates to the small patio area and so is not comparable to the appeal scheme.
 9. I consider that the level of harm would be 'less than substantial' as set out in the National Planning Policy Framework. This requires that any such harm is weighed against any public benefits. I accept that the proposal as a whole would bring about repairs to the structure of the listed building and this is a benefit. However, this does not rely on the insertion of a door as opposed to a suitably designed window and so the benefits would not be restricted to a scheme which included a door. I have also examined the previous appeal decision (Ref; APP/Z2260/Y/17/3168662) and I have noted that the proposed door is now smaller and of a different design. However, I have found that it would still have a harmful effect on the listed building for the reasons set out above.
 10. As a result of my consideration of the proposal, I find that the proposed works fail to accord with the tests in sections 16(2) and 72(1) of the 1990 Act and would be contrary to the requirements set out in the Framework for the preservation of designated heritage assets. There are no public benefits sufficient to outweigh the harm that I have identified. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR