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# Appeal Decision

Site visit made on 13 June 2017

by **S J Papworth DipArch(Glos) RIBA**

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

Decision date: 27 June 2017

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**Appeal Ref: APP/Z2260/Y/17/3168662**

**East Northdown House, East Northdown, Margate 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 Peter Miles against the decision of Thanet District Council.
  - The application Ref L/TH/0976, dated 13 July 2016, was refused by the Council by notice dated 20 December 2016.
  - The works proposed are replacement of window frame to ground floor window to living room including removal of section of external wall to enable inclusion of central glazed door.
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## Decision

1. I dismiss the appeal.

## Reasons

2. The building is listed Grade II and is within the Northdown Conservation Area. The main issue in this appeal is the effect of the proposed works on the significance of the listed building and its setting.
  3. 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 same 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. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
  4. It is clear from observation and the Officer's report that the frame and glazing in place is not original to this part of the house, and may not be particularly old. Furthermore, there are signs of rot at exposed end-grain and some form of replacement would be warranted. Nevertheless, the form of the frame and its placement within the masonry of this part of the building is a contributing element to the architectural and historic significance of the listed building and its setting within the conservation area.
  5. There are features of the masonry that are not fully explained or documented; there appears to have been an opening above the window and partly within its
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present position, but now blocked with brickwork. Changes to the chimney have also been referred to. Of particular note in the consideration of the appeal proposal is the nature of the wall below the window. On the outside where some render had been removed, there was evidence of a poorly bonded flint wall, but not the knapped flint that is apparent higher up the wall and elsewhere. Internally, there is a deep cill or window seat with below that the rear of this rough flint wall recessed between the adjoining walls, rendered over with projecting rendered skirtings.

6. None of these features is firm evidence of there having been a door in this location previously, a reduced thickness of spandrel panel below a window is not an unusual feature and the use of flint, but less well worked or bonded where to be covered later, would be consistent with the material used in the wall. The Council refer to the rhythm of openings and it is the case that the building displays a hierarchy of openings with the front door prominent on the more formal façade and a later door less obvious to the north end of the building. That later door is more clearly associated with access to a private patio area and does not in itself justify the introduction of further openings.
7. The proposed door would upset the rhythm of openings seen in this corner location with the principle elevation, and would erode the hierarchy of doors and windows, introducing an unwarranted and disruptive feature. The proposal would cause harm to the significance of the listed building which resides to a considerable extent in the front elevation, alongside which the proposal would be seen.
8. The level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. There does not appear to be any risk of the building falling out of its use as a dwelling, one for which it would have been first built and to which it appears well-suited. That use should be regarded as the optimum viable use having mind to the need to preserve the features of special architectural or historic interest. There may well be benefits to the owner or occupier in having an additional access door, but the public benefits do not outweigh the harm identified.
9. To conclude, 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 indicate a decision otherwise than to dismiss the appeal.

*S J Papworth*

INSPECTOR