

R09

F/TH/16/0640

PROPOSAL: Erection of a four storey building comprising 7no. 2-bed self-contained flats together with erection of first and second floor rear extension and front entrance ramp to existing building and creation of new vehicular access onto Sea Road

LOCATION: 37 Sea Road Westgate On Sea Kent CT8 8QW

WARD: Westgate-on-Sea

AGENT: Hume Planning Consultancy Ltd

APPLICANT: Royal School For Deaf Children Margate (RSDCM)

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposed 4 storey block of flats would by virtue of its location directly in front of 'Ellingham', a Grade II listed building cause an obstruction to the open setting between 'Ellingham' and the sea which would diminish the status of 'Ellingham' within the conservation area. This would be further exacerbated by the design, size, mass and bulk of the proposed flat block which would be visually prominent in relation to 'Ellingham' causing significant harm to the 'setting' of the listed building and consequential harm to the character and appearance of the conservation area, contrary to Policy D1 of the Thanet Local Plan and paragraphs 132 and 134 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

The site lies on a prominent sea front location within the Westgate-on-Sea Conservation Area. The site is roughly I-shaped within established vehicular accesses off Sea Road to the north and St Clements Road to the south. The site has a broad frontage onto Sea Road, and enjoys uninterrupted views across the open grassed space towards the sea. The site forms part of a streetscape heavily influenced by traditional villas many of which have been converted and extended over time, there are also a number of more modern flatted developments many of which are located in clustered groups. To the east lies a terrace of 1960's three storey dwellings sited side onto Sea Road with rear facing elevations towards the site. Just beyond the sites rear boundary lies a late 19th century single detached villa called 'Ellingham', this is grade II listed, and one of only a few listed building in Westgate.

The application site comprises Westcliff House built circa 1940; this is an imposing four storey building with features reminiscent of an art deco style. This building was formally occupied by the Royal School for the Deaf, since they vacated some years ago the building has stood empty and is now showing signs of decay. The building is of red brick construction with a flat roof it has a raised level conservatory which runs the full length of the front elevation which was added in the 1950's, and a brick balcony across the front

elevation. To the rear of the building a flat and pitched roof extension has been built, there are also a number of ancillary outbuildings which lie to the rear of the building alongside the St Clements Road boundary of the site. In addition there is a parcel of undeveloped land which lies adjacent to the eastern side of Westcliff House, this land has a frontage onto Sea Road approximately 20 metres wide the sites depth is a minimum of 38 metres.

RELEVANT PLANNING HISTORY

F/TH/07/0967 - Erection of three and four storey building to provide 68 sheltered flats, together with house managers accommodation, communal facilities and car parking following demolition of existing building - Refused - 2007

F/TH/07/1660 - Erection of three and four storey building to provide 68 sheltered flats, together with house managers accommodation, communal facilities and car parking following demolition of existing building - Refused 2007

C/TH/09/0528 - Conservation area consent for demolition of link between Westcliff House and Westcliff Villas - Granted 2009

C/TH/11/0984 - Application for conservation area consent for demolition of existing building - Withdrawn 2012

F/TH/11/0967 - Erection of 2no. houses, 1no. 5-storey building containing 25no. 2-bed flats and 1no. 3-storey building containing 10no. 2-bed flats with associated parking following demolition of existing building - Withdrawn 2012

F/TH/14/0879 - Erection of a 4-storey building comprising 7no. 2-bed flats with associated vehicular access off Sea Road, car parking & landscaping and erection of a 3-storey rear extension to Westcliff House, together with external alterations - Withdrawn 2015

F/TH/15/0351 - Erection of a 4-storey building comprising 7no. 2-bed flats with associated vehicular access off Sea Road, car parking & landscaping and erection of a 3-storey rear extension to Westcliff House, together with external alterations - Refused 2015

PROPOSED DEVELOPMENT

The application comprises two principles parts, firstly the erection of a 4 storey detached building and secondly a first and second floor rear extension to Westcliff House.

In respect of the new block this comprises a total of 7 no. 2 bed apartments. The building has been designed with a contemporary approach, and would measure 13.8 metres wide by 16.8 metres deep, with 11.2 metres to the top of the flat roof. The block would be accessed by a new independent combined vehicular/pedestrian access off Sea Road; the access would be located to the north eastern corner of the site. The new access would run alongside the eastern boundary adjacent to the new block before returning behind the new building terminating in a car park area comprising a total of 6no. car parking spaces (with a further parking space to the front of the site, along with additional driveway space for visitors). There are some small areas of soft landscaping located to the front of the building and to the south eastern corner of the site.

At Westcliff House it is proposed to erect an extension at first and second floor level to the rear elevation to enclose a proposed new staircase. The extension would be finished in yellow stock brick with aluminium glazing. The purpose of the extension is to facilitate a new access to the first and second floors of the building as part of wider proposals by the applicant to bring the building back into its previous residential institution use (Use class C2). The internal works would not require planning permission but for clarity would involve the provision of 6no apartments over the two upper floors; the apartments would provide supported living for 12 young people, the objective being to enable them to live independently but with domiciliary care support. On the lower ground and upper ground floors a combination of associated educational and office facilities will be provided.

DEVELOPMENT PLAN POLICIES

Saved Thanet Local Plan (2006)

H1 - Housing
H4 - Windfall sites
D1 - Design
D2- Landscaping
SR5 - Doorstep Playspace
TR16 - Parking
HE11 - Archaeological assessment

NOTIFICATIONS

A site notice has been posted on the site, an advert placed in the press and neighbours consulted by letter. One letter of objection has been received raising the following concerns:

- Loss of privacy from windows and balconies,
- Noise disturbance from vehicles using new access road,
- Location of refuse storage.

Westgate Conservation Area Advisory Group - We note that the applicant has made an effort to minimise the effect of the new build on the setting of the adjacent Grade II Listed building, Ellingham, whose rear aspect is located to the rear of the development site, by siting the new build closer to Westcliff House. We feel the new build and the refurbishment of Westcliff House are inextricably linked and we only support the application if the profits from the new build are used to refurbish Westcliff House concurrently. We have given this application our utmost consideration and are only in favour of this proposal on the strict proviso that the funds released from the sale of the 7 new units on the open market are used towards the full restoration and return to use of Westcliff House. We are mindful that without the contribution from the new build, the refurbishment costs would be prohibitive, and could result in the site being released to the open market with no guarantee that the building of Westcliff House would be retained or have a future, or that the site maybe developed across its entirety, obscuring the setting of the Grade II Listed Building Ellingham completely. As this is a 'facilitating' development we would respectfully suggest that conditions and a firmly binding legal agreement be attached to any consent given, in order to safeguard the future of Westcliff House. Such an agreement should include a clause stipulating at what stage in

the sale of the new flats, that work will commence and the completion timescale on the restoration of Westcliff House. We have taken this view, having due regard to the proximity of the important adjacent Grade II Listed Building Ellingham. There are concerns about this application and we feel, on balance, too secure future for the Westcliff House and retaining some open aspect of the setting of Ellingham outweighs any concerns.

CONSULTATIONS

Conservation Officer - I have noted the applicant's Planning Statement references to policies supporting sustainable development but whilst statutory provisions require that the economic and social needs of local communities should be fostered, primacy is given to the purpose of conserving and enhancing the environment. In accordance with this and the Framework it is also stated that great weight should be given in seeking to conserve designated heritage assets.

I have also noted in the submitted Planning Statement that it omits some relevant parts and does not give enough regard to the relevant policies in the NPPF in particular, limited their assessment on sustainable development and thus failed to consider the contribution made by the setting to the significance of listed building, Ellingham as a heritage asset as stated in the Framework.

In my view there is a misrepresentation by the applicant's statements of the significant view of Ellingham from north as indicated on the diagram on page 20 of the Design and Access Statement and on drawing 50017D_004 revision D. Ellingham has to be seen in relation to the alignment of the boundary wall with Nos. 69-81 St Mildred's Road and not over the boundary wall in order to fully appreciate it. When viewed within this alignment from Sea Road and beyond there is a clear view of the listed building and it experiences uninterrupted views across the proposed new building site along the sea front. The siting, massing and design of the new development would obstruct that view. The suggested view is in my view a 'sweeping view' and not actual view of the listed building in this location.

The applicant's Planning Statement confirms that it does not dispute that the proposed development will have an impact on the setting of the listed building and acknowledges that there will be erosion to the setting of Ellingham. To respond to this it is proposed to position the new building about 1m to the west from the original position. I am not convinced that by such positioning of the proposed development the impact on the setting of the listed building will be overcome.

The applicant's Planning Statement and Heritage Statement assess the harm to the setting of the listed building as at the level of 'less than substantial harm' to the significance of the heritage asset. The NPPF states that great weight should be given to the asset's conservation and that significance can be harmed or lost through development within its setting and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

I understand it has been expressed within the application that the new built element of the proposal could partially fund necessary re-investment in the refurbishment and extension of

the existing derelict Westcliff House which could be of public benefit in returning this building into good condition and use. However I am not convinced that this would outweigh the harm to the setting of the listed building and the statutory requirement in determining this application. In addition, the Planning Statement confirms that it is RSDCM's desire not to leave behind a derelict site which is in danger and eyesore, but instead to ensure that it will be able to dispose of the property and itself will not occupy the site. No clear justification has been provided as to how the benefits on the refurbishment of the derelict building would be guaranteed. In my view this does not provide any commitment to the desirability to re-invest in the refurbishment of Westcliff House as there is no guarantee on the proposition or whether any new owner would be prepared to do so.

In considering proposals for this planning permission I am minded to the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard must be had to the desirability of preserving the setting of listed buildings. Also section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through development within its setting and that any harm should require clear and convincing justification.

Therefore, although the degree of harm caused to the significance of the listed building could be considered to be less than substantial, as set in the applicant's statement however the statutory presumption in favour of preservation means that where any harm, even 'less than substantial' harm, can be shown to occur to the settings of a listed building the default position should be a refusal by the Local Authority. The onus is on the applicant to demonstrate sufficiently powerful material considerations necessary to justify the harm, which I do not consider is clearly justified. Therefore as per my comments on the previous refused application I have the opinion that the new built development proposal would fail to preserve the setting of a listed building and this is a consideration that must carry considerable weight and importance in the overall planning balance.

I recommend refusal

(No objection to proposed works to the Westcliffe House)

KCC Highways - No objection subject to safeguarding conditions, including visibility spays of 43x2x43 metres to the new access which seem to be achievable based upon the submitted drawings.

KCC Heritage (Archaeology) - No objection subject to a condition requiring watching brief on the site

KCC Biodiversity - No objection the phase 1 habitats survey undertaken by the applicant, who did not uncover any protected species to be present on site

Southern Water - No objections, but recommend safeguarding conditions.

COMMENTS

The application has been brought before committee at the request of Cllr Partington to allow Members to consider the public benefits of the proposal.

Principle

The development would represent development on non previously developed land which would be contrary to Policy H1 of the Thanet Local Plan; however this needs to be considered having regard to the fact that there is a current need for housing in Thanet and, on this basis, the National Planning Policy Framework (NPPF) requires that applications for housing should be considered in the context of the presumption in favour of sustainable development. Furthermore, albeit further to consultation, the emerging Policy H01 of the draft preferred options document states that the Council will grant permission for new housing development on residential gardens where it is judged to not be harmful to the character and amenity of the local area. The site is residential institution garden land and therefore the principle of developing the site is considered to be acceptable and consistent with the principles of the NPPF, subject to the consideration of other material considerations, such as impact on the character and appearance of the Conservation Area, setting of the listed building, living conditions of neighbours and impacts on the highway network, being considered acceptable.

Character and appearance

Westcliff House

The first and second floor rear extension to the Westcliff House is considered to be acceptable, as it would be seen as subservient to the main building with materials to match, and is not considered to cause harm to the character and appearance of the area.

Proposed flat block

The site of the proposed 4 storey block of flats is currently open and undeveloped, and provides a space between Westcliff House and the terrace of houses fronting St.Mildreds Road. To the rear of the site is Ellingham, a Grade II Listed building, which is visible when looking across the site from Sea Road. The main concern is the impact of the proposed development on the setting of Ellingham and the Conservation Area as a whole.

The previous application was refused on the grounds that the 'the proposed 4-storey block of flats would, by virtue of its location directly in front of 'Ellingham', a Grade II Listed building, cause an obstruction to the open setting between 'Ellingham' and the sea, which would diminish the status of 'Ellingham' within the conservation area. This would be further exacerbated by the design, size, mass and bulk of the proposed flat block, which would be visually prominent in relation to 'Ellingham', causing substantial harm to the 'setting' of the listed building and consequential harm to the character and appearance of the conservation area, contrary to Policy D1 of the Thanet Local Plan and paragraphs 132 and 133 of the National Planning Policy Framework'.

This application differs from the previous application in that the siting of the proposed development has been adjusted to be 1m closer to Westcliff House, slightly enlarging the

gap between the proposed development and the dwellings fronting St.Mildreds Road, thereby increasing the gap through which to view Ellington; amendments have been made to the rear elevation, including the omission of the balconies and alterations to the fenestration; and additional supplementary heritage information has been submitted in response to the assessment and reason for refusal of the previous decision.

Under the Planning (listed Building and Conservation Area) Act there is a duty on Local Planning Authorities in considering whether to grant planning permission for a development which affects a listed building or its setting to 'have special regard to the desirability of preserving the building or its setting.....'. The Act also requires that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area'.

Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through development within its setting and that as heritage assets are irreplaceable, any harm should require clear and convincing justification. Significance is defined in the NPPF as 'the value of a heritage asset to this and future generations because of its heritage interestand derives not only from a heritage asset's physical presence, but also from its setting'. The Government's planning policy within the NPPF (paragraph 134) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..' Significance' includes the setting of a Listed Building as well as the character and appearance of the conservation area.

Paragraph 137 of the NPPF also states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance.

The proposed new block will be located within existing open space between 'Ellingham' and the sea. The location of 'Ellingham' is quite unique in that it has a design and orientation that allows it to front Sea Road, whilst being set back from the road by some distance. Historic maps submitted by the applicant show that whilst the application site does not form part of the curtilage of Ellingham, there may have originally been a footpath through the site to allow easy access between Ellingham and the sea. There has never been a building on the application site, and therefore historically, views of Ellingham from Sea Road, within its current setting, whether this is fortuitous or by design, have always been maintained. The previous application was refused on the grounds that the proposed development would significantly alter the relationship between 'Ellingham' and the sea front, substantially eroding this open space within the conservation area, and its visual relationship with Ellingham and ultimately severely harming the 'significance' of 'Ellingham's' historic setting. It was further considered that the harm to the setting of 'Ellingham' was exacerbated by the design, height, scale and bulk of the proposed flat block which is very much at odds with the design and appearance of 'Ellingham' and as such would further increase the visual prominence of the proposed building, whilst also diminishing the status of 'Ellingham' within the street scene. The height, scale and bulk of the proposed development has not changed, when compared to the previous scheme, and the only alteration to the design has been the removal of the

balconies to the rear, which whilst simplifying the design of the rear elevation, has not significantly altered the design as a whole, especially when viewed from Sea Road.

The applicant is of the view that the proposed development should be viewed as having less than substantial harm on the setting of Ellingham, and believes that the role of the application site in the setting of the listed building was overemphasised and misjudged when determining the previous application, with the main views of the site being from St.Clements Road to the rear. Within the addendum to the heritage statement it is suggested that the listed building's significance is derived from its role as a detached villa in a Queen Anne style and is not dependent on the view towards the sea, and that the harm should be weighed against the heritage benefits and wider planning benefits. Whilst the Conservation Officer accepts that the degree of harm caused to the setting of the listed building could be considered as being 'less than substantial', there is still a requirement to preserve the setting of the listed building, unless the harm can be outweighed by public benefits.

The heritage benefits the applicant refers to relates to their suggestion that the new building could generate financial returns that could be used towards the renovation works required at Westcliff House. Whilst this may be the intention, the applicant is not willing to enter a legal agreement that would bind them to use the profits from the new flat development to renovate Westcliff House. As such, the proposed flat development cannot be linked to the renovation of Westcliff House, and should not be considered as a clear and convincing justification to outweigh the harm to the listed building, or as a material planning consideration in the determination of this application.

In terms of the wider planning benefits referred to by the applicant, the only benefits would be the provision of 7no. residential units towards the Council's housing need. This benefit needs to be weighed up against the heritage concerns.

In response to the submitted application, the Conservation Officer has queried the applicant's statement on the significant view of Ellingham from the North, as shown within the design and access statement, and instead believes that the main view of Ellingham is directly to the front of the building, rather than over the boundary wall with the neighbouring dwellings as suggested by the applicant. When viewed from this alignment in Sea Road, there are uninterrupted views of the listed building across the application site, which would be significantly obstructed by the new development. Whilst it is accepted that views of Ellingham are achievable from St.Clements Road, this is a very narrow cul-de-sac, and views of the building are confined and not possible unless entering the road. The main public views of the building are therefore considered to be from Sea Road. The Conservation Officer is also not convinced that the repositioning of the building 1m closer to Westcliff House will overcome the impact upon the setting of the listed building, however, it is accepted that the relocation of the building will widen the view towards the listed building by an additional one metre. As a result the Conservation Officer believes that the loss of this important open space would cause severe harm to the character and appearance of the conservation area and as such would fail to meet the legal requirement to "preserve or enhance" the character and appearance of the conservation area. The obstruction of the views of the listed building would also result in significant harm to the setting of the listed building, which is not outweighed by public benefits.

Taking both the addendum and Conservation Comments into account, I believe that whilst the re-siting of the building one metre closer to Westcliff House would result in some widening of the view through to the listed building, it would not overcome the previous concerns, with the proposed building's location continuing to cause significant harm to the setting of the listed building, and the character and appearance of the conservation area. This harm to the setting of the Listing Building and consequential harm to the character and appearance of the conservation would be contrary to guidance contained within the NPPF, and would not comply with the Act which requires considerable weight to be given to the desirability of preserving the setting of all listed buildings. The impact upon the designated heritage asset is therefore considered to be unacceptable.

Living conditions

The proposed extension to Westcliff House would not give rise to any adverse impacts upon neighbouring residential amenity. The extension is sited on the rear elevation where there are already a number of windows at higher level. The extension is a considerable distance from neighbouring properties and no overlooking or sense of enclosure would be created.

In relation to the new block there are a variety of windows and balconies which have the potential to obtain views towards Ellingham, and also the terrace of residential properties whose rear gardens adjoin the site. Consideration also needs to be given to the new dwelling attached to the end of this terrace, which is currently under construction.

The closest point of the new block to Ellingham is 21.6m away. Within the new block, first and second floor rear windows look towards the side garden of Ellingham. There is no direct overlooking of the house itself. Although this is slightly less distance than would generally be desirable, given the size of the garden and the fact that there are many parts of the garden that would remain private, and that the loss of privacy to the occupants of Ellingham is likely to be no worse than that which already exists from properties that overlook the garden from St.Clements Road, I consider the impact upon the privacy of the occupants of Ellingham to be acceptable.

In relation to the impact upon properties along St Mildred's Road, including the new dwelling located at the end of the terrace, there is not considered to be any significant loss of light or outlook given the distance of 8m between the proposed building and the rear boundary of the dwellings. With regards to privacy, given the distance and orientation of the building (which is 1m further away from the neighbouring properties than the previous scheme), and the design, which provides for only small secondary windows within the side elevation of the building, the impact upon neighbouring privacy is considered to be acceptable. Furthermore, the previous scheme was not refused on grounds relating to living conditions, and the proposed development is considered to be an improvement to the previous scheme through the omission of the rear balconies.

Concern has been raised on grounds of noise and disturbance relating to the proposed access road. The proposed access road is 2m from the boundary with neighbouring properties in St Mildreds Road, and will serve 7no. parking spaces. The parking area itself is located away from the neighbouring gardens, so any noise impact is likely to be from the access road itself. The access road is curved, with landscaping provided to either side. As a result there would be limited visibility along the access road, which will restrict speed limits

and limit any noise disturbance. Furthermore, the soft landscaping either side will help to screen the access road and reduce noise disturbance. The noise impact resulting from the access road is not considered to be significant given the number of cars using it, their speed, and the presence of soft landscaping, and as such the impact upon neighbouring living conditions is considered to be acceptable and in accordance with the guidance contained within the NPPF.

Highways and Parking

The current proposal shows a new vehicular entrance off Sea Road to serve the new flat block. This entrance is located approximately 30 metres from the junction with St Mildred's Road. KCC Highways have confirmed that the access would be acceptable and would be capable of achieving adequate sight lines in accordance with their guidance. The car parking arrangements would allow one space per unit plus one visitor space on the driveway to the front of the sits. This would accord with guidance for 2 bed flats. It should also be noted that the previous application was not refused on highway grounds. As such the impact upon highway safety is considered to be acceptable, and in accordance with guidance contained within the NPPF.

Ecology

The site does not lie within a designated area, however given the undeveloped and overgrown nature of the space; a phase 1 habitats survey has been undertaken by the applicants to assess if any protected species inhabit the site. The findings indicate that there are no protected species on the site. KCC Biodiversity have considered the report and are satisfied with the methodology and the findings and confirm that there is no further work required to inform the application in respect of ecology.

Conclusion

The proposed new flat block, by virtue of the fact that it removes the open space to the front of 'Ellingham' and obstructs views of Ellingham, a Grade II Listed building, is considered to result in significant harm to designated heritage assets, which is not outweighed by the benefit of housing provision. Whilst the impact upon neighbouring living conditions and highway safety is considered to be acceptable, it is not considered that the proposed scheme overcomes the issue raised by the previous reason for refusal, and as such it is recommended that members refuse the application.

Case Officer

Emma Fibbens

TITLE: F/TH/16/0640

Project 37 Sea Road Westgate On Sea Kent CT8 8QW

Scale:



