

R05

OL/TH/17/0195

PROPOSAL: Outline application with some matters reserved for the erection of 3No. two storey dwellings, including access, layout and scale

LOCATION: Land Adjacent 12 To 14 Fort Road MARGATE Kent CT9 1HF

WARD: Margate Central

AGENT: Mr Doug Brown

APPLICANT: Mr P Miles

RECOMMENDATION: Refuse Permission

For the following reasons:

- 1 The proposed development, would lead to the loss of an important gap within the Conservation Area. The loss of this gap would fail to preserve the established pattern and rhythm of development within the street scene and would represent a development that appears cramped and congested. The proposal fails to demonstrate that the development would preserve or enhance the character and appearance of the Conservation Area, resulting in significant harm to the character and appearance of Margate Conservation Area not outweighed by the public benefits of the development, contrary to Policy D1 of the Thanet Local Plan, and paragraphs 132 and 134 of the National Planning Policy.
- 2 The proposal, by virtue of obscuring the only window to a habitable room in the side elevation of the adjacent property would result in unacceptable living standards for the future occupiers of that property. The proposal is, therefore, contrary to Thanet Local Plan Policy D1 and paragraph 17 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

The site is located within the Conservation Area and Margate Old Town and Harbour Local Plan and Area in Need of Special Action policy areas. The site comprises a commercial yard, which lies to the south of the Fort Road Hotel.

Opposite the site there are three-storey Victorian terraced properties fronting Fort Road, set at the back edge of the pavement. A modern three- and four-storey apartment block (Sandpiper Court) is located opposite the site at the junction with Mansion Street.

To the north east of the site there are two Grade II Listed properties located to the rear of the Fort Road Hotel.

RELEVANT PLANNING HISTORY

OL/TH/16/1240 Outline application for erection of 2No. two storey dwellings, including access, layout and scale. Approved 27/01/17

Site to south

OL/TH/15/0532 Outline application for the erection of 8no. three-storey dwellings and 2no. two-storey dwellings with associated parking including scale, layout and access, following demolition of existing buildings. Refused on the basis that the proposed development, given the restrictive size of the site, would represent a cramped and congested form of development which together with the lack of detail in the application fails to demonstrate that it would preserve or enhance the character and appearance of the conservation area. Appeal allowed by the Planning Inspectorate.

PROPOSED DEVELOPMENT

The proposed development is an outline planning application for the erection of 3no. dwellings, including scale, layout and access, with appearance and landscaping, reserved for future consideration.

The proposed development is for the erection of a terrace of three two-storey dwellings along Fort Road, adjacent to the Fort Road Hotel. Three parking spaces and a small garden area are shown on the layout plan to serve the dwellings, with access from Fort Mount.

The submitted Design and Access Statement details that the proposal seeks to create a frontage development that relates to the existing western road frontage; replicating or complementing features of Victorian terraces facing the site. The statement also confirms that owing to Fort Road being on an incline the houses will have a staggered appearance down the hill. Whilst this is an outline application elevation detail and floor plans have been submitted for illustrative purposes. In terms of materials it is detailed that red and yellow stock brick, slate roofs with timber windows and doors appropriate to the sites location within the Conservation Area will be used. A 50mm gap will be retained with the Fort Road Hotel.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

H1 - Housing

H4 - Windfall sites

H10 - Area of Special Action

EC10 - Margate Old Town and Harbour

SR5 - Doorstep playspace

D1 - Design

D2 - Landscaping

TR12 - Cycling

TR16 - Car parking provision

HE12 - Archaeological sites

NOTIFICATIONS

No third party representations received.

CONSULTATIONS

Environment Agency: No comments, although note that there is no conformation about where the foul sewage is going. It is expected that this should be to the main sewer, if not we should be re-consulted.

Environmental Protection Manager: Comments as per OL/TH/16/1240; recommendation of conditions relating to contamination and foundation design.

Southern Water: Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Conservation Officer: Development along the north side of Fort Road seems to have been characterised with gaps between blocks of buildings. These gaps between the buildings in the area contribute and are important to the character and appearance of the area. Historically, and at the time of the designation of the Margate Conservation Area, it appears there has been a gap on the south-west side and the north-east of Fort Hotel building separating it from neighbouring development along Fort Road.

I consider that the proposed development would disturb the spatial relationship settings of the Fort Hotel building which is a non-designated heritage asset and would therefore cause harm to the setting of the non-designated heritage asset and the conservation area as a whole. Any redevelopment within the proposal site should therefore, in my view take account of the prevailing character and appearance of the area and views of the site from Fort Hill to the north.

The architectural and historic interest of Fort Road and surrounding area is recognised through its designation as a Conservation Area. I have no objection to the overall design of the proposed development, however I consider that the proposal would be unsympathetic to the context of its location, as its siting would not integrate successfully with the surrounding historic built form, would not preserve local distinctiveness, and would cause harm to the designated and non-designated heritage assets and their settings.

In accordance with national policy and relevant legislation, I attach great weight to the objective of preserving or enhancing the character and appearance of these. Also the NPPF states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm should require clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. In addition, where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

COMMENTS

This application has been brought to the Planning Committee at the request of Cllr. Johnston on the grounds that the proposal is an over-development in the Conservation Area and limited infrastructure, especially sewage disposal.

The application is for outline permission to develop the site, including access, layout and scale - with the appearance of the development and landscaping of the site reserved for future consideration. The applicant has submitted illustrative details of the appearance of the development.

The main considerations in determining this application are the principle of development, the impact of the layout and scale of the proposed development on designated heritage assets; Conservation Area/listed buildings and the street scene, the impact upon the living conditions of neighbouring properties, highway safety and other material considerations.

Principle

In relation to the principle of development, the site is located inside of the urban confines, and is classed as previously developed land (single storey building). A residential use on the site would therefore comply with Policy H1 of the Thanet Local Plan, which states that residential development on non-allocated sites will be permitted only on previously developed land within existing built-up confines.

The site is defined as an Area in Need of Special Action (policy H10), which supports the regeneration of Margate Old Town and Harbour, and permits appropriate redevelopment to accommodate residential and other appropriate uses, supporting the refurbishment of property together with environmental improvements. Policy EC10 also applies to the site, which states that the uses including hotels, residential, restaurants and cafés will be permitted.

The proposed site is within a sustainable location and is well-served by public transport, with shops and services within walking distance. The principle of residential development on this site is therefore acceptable and in accordance with policy H1 and H4 of the Thanet Local Plan.

Character and Appearance

The National Planning Policy Framework states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials and are visually attractive as a result of good architecture and appropriate landscaping. Section 72(1) of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect, national policy on heritage assets is set out in the National Planning Policy Framework. Paragraph 131 of the NPPF sets out the matters which should be taken into account.

Historically the setting of the Fort Road Hotel has benefitted from an area of open space to the south, separating it from neighbouring development in Fort Road. It is accepted that the current use of the site and buildings do little to enhance the Conservation Area, and their removal would improve the situation. The submitted plans propose three dwellings and only a marginal space; 50mm would be left between the proposal and the Fort Road Hotel. The applicant was previously advised in the application last year that this arrangement would not be acceptable as it would result in a cramped and incongruous development out of keeping with the character and appearance of the surrounding area and an adverse impact on the Conservation Area.

The applicant refers to photographic evidence that shows some built development in this location in the form of Richmond Motors (approx. 1978), The Brownie Restaurant (an aerial photograph has been produced from 1927) and an amusement complex which is assumed by the applicant to be of a later date and referred to in a statutory declaration from 1929.

It is acknowledged that areas within Conservation Areas include gap sites that are physically large enough to accommodate infill development. Consideration needs to be made of their value as open ground and the contribution they make to the Conservation Area and their wider setting. The Conservation Officer considers that the northern side of Fort Road is characterised with gaps between blocks of buildings, and these gaps between the buildings in the area contribute and important to the character and appearance of the area. At the time of the designation of the Conservation Area (1978) it appears there has been a gap on the south west side and north east of the Fort Hotel building. This was at the time that Richmond Motors was on the site, it appears from the photographs submitted in the Design and Access Statement that there was a wall to the frontage, but it does not appear that there was a building at this time.

In this case it is considered that a gap should be retained between the site and the Fort Road Hotel in order to preserve the pattern and rhythm of development and the gap within the conservation area. Whilst the provision of two dwellings was considered acceptable, the addition of a further dwelling with a marginal gap of 50mm with the Fort Road Hotel is considered to disturb the established pattern of development as it would appear cramped and incongruous within the streetscene.. Whilst this harm would be less than substantial harm to the significance of the designated heritage asset Conservation Area, in this case the public benefits of providing a further dwelling to the housing stock is not considered to outweigh the harm to the character and appearance of the conservation area.

In terms of layout and scale, which are not reserved matters, it is considered that continuing the strong frontage development, is the correct approach to this site. The layout and scale is similar to the consented scheme owned by the applicant to the south and the approval of last year. The site is on an incline and would therefore create a staggered roof line, which would add visual interest to the street scene and reflect the existing building form. An illustrative street scene has been prepared that demonstrates how the proposal could look. The scale of the buildings is considered acceptable. However the appearance of the properties is a reserved matter, and would need to be assessed at a later date, particular in relation to fenestration and other such detailing, given the sites location.

Living Conditions

As this is an outline application a full assessment cannot be made as the appearance and internal layout of the rooms are not known.

The Fort Road Hotel has three side windows facing onto the application site. There are two windows at first floor level and one at ground level. The building is currently vacant, however it was last used for residential purposes according to the planning history of the site. From historic plans of the building dating to the 1990s, the ground floor window appears to serve an ancillary area to a habitable room with one of the first floor windows serving a bathroom and the other being a primary window to a habitable room. It is considered that given the relationship between the Fort Road Hotel and the application site and the changes in height that there is the potential for the windows in the side elevation of the Ford Road Hotel to cause overlooking to the rear garden area of the unit proposed closest to the hotel. It is noted that in urban areas there is often a degree of overlooking from property to property and it is often the case that a potential future occupier will accept or reject a property on the degree of such overlooking. It should also be noted that in this case, the changes in level means that there would also be some overlooking from the windows to the rear garden of the the middle property in this proposal, but given the distance between the hotel and this property, this relationship is considered acceptable. It is noted that one of the windows at first floor level (the only window serving the habitable room) would be obscured by the siting of the proposed development. As the only window serving a habitable room, it is not considered that the blocking of the window would be conducive to good planning and would be likely to result in poor living standards for the future occupiers of the Fort Road Hotel.

Thanet Local Plan policy SR5 requires that new family dwellings will be expected to incorporate garden space in order to provide a safe doorstep play area for young children. For the purposes of the policy, dwellings having two or more bedrooms will be assumed capable of accommodating at least one adult and one child and will be regarded as family dwellings. The application site is capable of providing an area of doorstep playspace that is immediately adjacent to, closely visible and safely accessible from the dwellings served.

Transportation

In terms of highway issues, access is from Fort Mount. Each unit is provided within one parking space to the rear of each unit. At the current time this access leads to existing

residential units and an informal parking area. The location of the off-street parking provision for each unit would be located sensitively within the Conservation Area. It is considered that one parking space in this location would be acceptable.

Conclusion

The principle of residential development on this site has been previously accepted by the approval last year. The current scheme proposes an additional unit to the consented scheme; a total of three units are proposed.

It is considered that this infilling of the existing gap from the dwelling proposed adjacent to the Fort Road Hotel would not retain the established character of this part of the Conservation Area and would significantly harm its special character contrary to the aims of policy D1 of the Thanet Local Plan and paragraph 131 of the NPPF. Whilst the harm is less than substantial the public benefits are not considered to outweigh the harm. In addition concerns are expressed in terms of the standard of amenity for the future occupiers of Fort Road Hotel from the blocking of a primary window in the side elevation.

For the fundamental objections set out above, the proposal is therefore recommended to be refused.

Case Officer

Gill Richardson

TITLE: OL/TH/17/0195

Project Land Adjacent 12 To 14 Fort Road MARGATE Kent CT9 1HF

Scale:

