

R06

F/TH/16/1756

PROPOSAL: Erection of 3No. dwellings with associated parking and landscaping

LOCATION: Rear Of 44 Canterbury Road MARGATE Kent CT9 5BG

WARD: Westbrook

AGENT: Mrs Emma Gregson

APPLICANT: Sunbirth Dog and Duck Limited

RECOMMENDATION: Refuse Permission

For the following reasons:

- 1 The proposed development will result in an isolated form of backland development, appearing cramped, congested and unrelated to the pattern of surrounding development, significantly detrimental to the character and appearance of the area, contrary to Policy D1 of the Thanet Local Plan and paragraphs 58 and 64 of the NPPF.
- 2 The proposed dwellings by virtue of their proximity to and relationship with the residential properties within the Royal Seabathing development and approved development to the west of the development yet to be built, will result in an unacceptable degree of mutual overlooking, for both neighbouring and future occupiers of the development, contrary to Policy D1 of the Thanet Local Plan.
- 3 The proposed dwellings by virtue of their location, height and relationship with and proximity to the adjacent existing residential properties within the Royal Seabathing development will result in an unacceptable loss of outlook to the detriment of neighbouring living conditions, contrary to Policy D1 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The proposal site is located to the north of Canterbury Road in Westbrook. The land parcel historically forms part of the car park and garden area of the now demolished Dog and Duck Public House, which is under development pursuant to F/TH/15/0278 for 13 apartments. Immediately adjacent to the Royal Sea Bathing Hospital site, which is occupied by grade II listed buildings. The adjacent Chapel, built in 1883 and the Mortuary, c.1904 are both grade II listed buildings and form part of the Royal Sea Bathing Hospital site. The boundary of Margate Seafront Conservation Area lies further along the Canterbury Road towards Margate.

RELEVANT PLANNING HISTORY

The site was historically the car park and garden area to the public House, the Dog and Duck, which fronts Canterbury Road. Consent was granted in 2015 for the erection of a four storey building to accommodate 13no. flats with associated parking and landscaping following demolition of the old public house (ref. F/TH/15/0278). The adjacent land at the Royal Sea Bathing is the subject of an extensive site history. The most relevant to this application site is the land to the north of the site which has consent for the construction of a 4/5 storey residential block, which forms the final phase of the redevelopment of the Royal Sea Bathing (F/TH/04/0700 and F/TH/11/0647). This site has separate access from Westbrook Road. To the east of the site is Victoria Court, a 4 storey building converted to residential as part of the Royal Sea Bathing redevelopment. The Mortuary building lies further south of this which is currently under restoration to include an extension for a single unit of residential accommodation pursuant to F/TH/11/0647.

PROPOSED DEVELOPMENT

The proposal seeks to erect a terrace of 3 no. 3-storey 3 bed houses with associated parking and landscaping. The dwellings each have 109sqm of accommodation over three floors, with one designated parking space provided per dwelling. Cycle storage is proposed adjacent to the car parking spaces. Each property has a rear garden which varies in size from approximately 19sqm to 81.5sqm. Bin storage is located at the front entrance of the site.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006

H1 - Housing provision
D1 - Design principles
D2 - Landscaping
SR5 - Play space
HE11 - Archaeology
TR12 - Cycling
TR16 - Car parking provision

NOTIFICATIONS

A Site notice was posted and neighbour letters sent. No representations have been received.

CONSULTATIONS

Southern Water - The applicant has not stated details of means of disposal of foul drainage from the site. 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. Please note there is water communication pipe within the site.

Conservation Officer - Following changes made to the original design and siting of the proposed development as set in drawings 3991-PD-03 and 3991-PD-06, I consider the proposed development will not have an unacceptable impact on the setting of the listed buildings. I note that issues identified in relation to the original submission in terms of design and siting of the development have been considered.

Kent Highways Officer -

- 1) I consider the proposed level of parking provision to be suitable for a development in this location. I repeat the comments made on the previously consented scheme ref 15/0278 regarding nil visitor parking provision being acceptable due to existing on-street controls on Canterbury Road.
- 2) The end parking space should be 2.7m in width due to being bound on one side and a 1m turning strip should be provided to facilitate easier egress from the space.
- 3) The provision of a communal cycle store is not necessary for this part of the development. Cycle parking should be provided on the curtilage of each proposed dwelling, which can take the form of a garden shed or store.
- 4) The location of bin storage for these dwellings requires clarification. Are they to use the communal area near the access on Canterbury Road, or will there be other locations closer to their curtilage designated for bins? If such areas are greater than 30m from the highway then it would be advisable to consult the local refuse department to check whether this is acceptable.

COMMENTS

This application is brought to planning committee by Councillor Mick Tomlinson to allow members to consider whether the proposed development would impact upon the character and appearance of the area.

Principle

The site is located inside of the urban confines, and is classed as previously developed land. A residential use on the site therefore complies 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 forms part of an allocated housing site in the emerging Local Plan to 2031. It is listed as S209 which has a notional dwelling capacity of 9 dwellings. The site has already achieved and exceeded this with the planning permission approved for 13 dwellings as per F/TH/15/0278.

Currently the Local Authority cannot demonstrate a 5 year supply of housing, and therefore all applications for residential development must be considered on their own merits. The direction of travel of the new Policy document to allocate the site for housing development

will have some weight in decision-making to support a proposal for housing development on the site. However it will be important to ensure that all policy requirements for residential development on this site in the draft Local Plan are met to ensure that the proposal represents sustainable development.

The NPPF states in para 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district needs to be balanced against other issues such as the impact on the character and appearance of the area, impact upon listed buildings, living conditions of neighbours and future occupants, and highway safety.

Impact on Listed Buildings

The site is within close proximity to several listed buildings, for which there is an extensive history of previous planning applications. Paragraph 131 of the National Planning Policy Framework (NPPF) considered that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 of the NPPF considers that significance of a designated heritage asset and development within its setting will require clear and convincing justification. Paragraph 133 of the NPPF considers that where a proposed development will lead to significant harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh the harm.

The dwellings have been situated less than 8 metres away from part of the listed Seabathing wing and are 10 metres from the approved additional wing which has an extant permission as per F/TH/04/0700 & L/TH/04/0701 for the erection of a 5 storey building. Following discussions with the Conservation Officer, the applicant has moved the building further back into the site to be in line with the Chapel building and based on the amended plans, the Conservation Officer considers that the proposed development will result in less than significant harm to the setting of the listed buildings.

The heritage impact is explored within the submission and I am of the opinion that there will not be any harmful impact created on the listed buildings as a result of the application and in considering the objectives of the NPPF. It is, however, argued within the submission that the building makes a positive contribution by improving the setting of the listed building and revitalising this part of Canterbury Road. This is disputed, as whilst the design of the application site has taken reference from the approved scheme fronting Canterbury Road and the adjacent listed buildings, it is considered that the proposed dwellings do not relate well to the listed wing of the sea bathing hospital. Obscure glazed windows have been introduced to the east elevation, which whilst avoiding any direct overlooking from windows, does not address the listed building in a sympathetic way. The section drawing 3991-PD-04 demonstrates the differing character in the context of the two approved buildings, one 5 storey building fronting Canterbury Road and the other 5 storey building within the Sea Bathing site. It is therefore considered that whilst there is not a harmful impact on the listed buildings as a result of the proposal, it does not enhance the character and appearance of

the area, which is detailed further below in the context of the backland development and pattern of development of the area.

Character and Appearance

The application site has been separated from the surrounding land parcels and does not form part of a comprehensive development, but instead is perceived as a stand-alone back land development of 3 residential houses. The site feels isolated with no relationship to the adjacent buildings and is out of keeping with the surrounding development which predominately has a street frontage. The proposed development fronts onto the parking area of the development approved as per planning ref F/TH/15/0278 which fronts 44 Canterbury Road. The proposed houses are within the curtilage of 44 Canterbury Road, but were not included in the applications for the redevelopment of the former Dog and Duck public house. The presence of and the orientation of the proposed houses appears to conflict with the way the adjacent wing of the sea bathing addresses the open space behind. The redevelopment of 44 Canterbury Road fronts onto Canterbury Road and is set forward of the site replacing a previous building. This proposal sites houses that neither relate well to their surroundings nor enhance the character and appearance of the area given its current open character.

Whilst the applicant does not own the adjacent land, there is an existing planning consent in place for the West Wing of the Seabathing behind the proposal site. This is considered to be an extant permission. The applicant has advised there are now separate land ownership issues affecting the implementation of this extant permission as the landscape required for landscaping and turnstone roosts is in separate ownership. These issues do not, however, preclude that the development will not be built should these issues be resolved and in recent economic circumstances, it is not uncharacteristic of sites to take longer than anticipated to be constructed. The proposal does not front a street, but the car parking area of the approved apartment building as per F/TH/15/0278. The proposed side elevation fronts the rear of the Seabathing wing and whilst obscure glazing windows have been introduced to the east elevation, this creates an elevation which does not address the listed building in a sympathetic way. The rear of the properties will back onto a 5 storey apartment building as approved under F/TH/04/0700, with a side elevation then viewed through the open space of the car parking area to serve the 5 storey building. The juxtaposition of the site does not sit well within the surrounding built environment. It would be more appropriate for the character and appearance of the area for this site to come forward as part of a more comprehensive development, rather than as a backland development for 3 dwellings. The site has already exceeded the notional dwelling capacity of 9 dwellings, within the Strategic Housing Land Availability Assessment which supports the housing figures within the emerging Plan, with the permission granted for 13 dwellings as per F/TH/15/0278. It is therefore considered that the houses are an over development of the land and do not sit well within the context of the surrounding listed buildings or serve to enhance the character and appearance of the area.

Living conditions

In terms of the living conditions created for neighbours, the side elevation is situated 8 metres from the residential sea bathing wing at the closest point, which then increases to

13metres. The applicant has provided obscure glazing on the eastern side elevation of the end terraced house. Whilst this glazing treatment takes away any mutual overlooking through these windows, it is considered there will be a harmful impact on the outlook of the neighbouring properties in the sea bathing, particularly those flats which are less than 8 metres away from the side elevation. The impact on the outlook of the neighbouring occupiers of the sea bathing apartments is not considered to be acceptable or in accordance with Policy D1 of the Thanet Local Plan.

In terms of the living conditions created for future occupants the room sizes are all well proportioned as three bedroom family houses, with 109sqm of living space in total consisting of open plan kitchen, living and dining areas, with a master bedroom and en-suite, and two bedrooms with a family bathroom. Each property has a rear garden, two of which are good sizes, but the smallest is approximately 19sqm and considered to be small for a 3bedroom house. Bin storage is proposed at the entrance to the site adjacent to Canterbury Road and complies with Policy D1, which stipulates that the carry distance should not exceed 25metres, but this is not for the residents, but the refuse collectors.

There is, however, considered to be an issue with overlooking from residents within the sea bathing to the gardens of the proposed dwellings and the approved scheme to the north of the site will be 5 storeys in height, with windows facing the gardens so there will be no private amenity space as it will be directly overlooked from the upper floors of the two adjacent buildings. Whilst the proposal achieves the provision of safe door step play space, it does not comply with Policy D1 because of the overlooking impact on the private amenity space and also the distance from the rear windows to the 5 storey proposed block will be 18 metres from two of the houses.

The impact upon neighbouring outlook, and the lack of privacy for future occupiers of the development is therefore considered to be unacceptable and contrary to Policy D1 of the Thanet Local Plan.

Transportation

The Highways Officer considers that 1 parking space per dwelling is sufficient. Given the close proximity of Margate Railway Station approximately 550m west of the site and 1km from Margate Town Centre and local amenities nearby on Canterbury Road, this level of parking is considered to be acceptable. Visitor parking is not considered to be required by the Highways Officer as per F/TH/15/0278 because of the on street controls on Canterbury Road. The access has been approved by F/TH/15/0278 and will not create any additional harm to the highway network. The cycle storage facility is not considered to be necessary by the highways officer and cycle storage should be provided for each property within their own curtilage in the form of a garden shed or store. The Highways officer considers the end parking space should be 2.7 metres in width, (it currently measure 2.5metres) due to being bound on one side and a 1 metre turning strip should be provided to make easier egress from the space. Whilst this layout is not ideal, the size of the parking spaces would not have a severe impact upon the highway, and as such a refusal on highway grounds is not considered to be justified in this instance.

Conclusion

The proposed development will result in an isolated form of backland development, which will be cramped and congested on the site and unrelated to the surrounding pattern of development. The proposal would also result in an unacceptable loss of outlook for occupiers of the neighbouring development, and given its proximity to and relationship with the adjacent building, and approved development to the rear, the lack of privacy for future occupiers of the development is considered to result in an unacceptable form of living accommodation. The proposal is therefore contrary to Policy D1 of the Thanet Local Plan and the NPPF, and it is therefore recommended that members refuse the application.

Case Officer

Lauren Hemsley

TITLE: F/TH/16/1756

Project Rear Of 44 Canterbury Road MARGATE Kent CT9 5BG

Scale:

