

**R04**

**F/TH/17/1079**

PROPOSAL: Erection of two storey building incorporating garage to ground floor and 1No. studio flat to first floor following demolition of existing boundary wall

LOCATION: 83 Sea Road Westgate On Sea Kent CT8 8QF

WARD: Westgate-on-Sea

AGENT: Mr Ian Horswell

APPLICANT: Mr Max Tillings

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The site lies within the Westgate-on-Sea Conservation Area, and it is the duty of the council, as the Local Planning Authority to pay special attention to the desirability of preserving or enhancing its character and appearance. In the councils opinion the proposed development will result in the loss of a historic wall which contributes towards the significance of the Westgate-on-Sea Conservation Area as a designated Heritage Asset, significantly harmful to the special character and appearance of the Westgate-on-Sea Conservation Area, contrary to Policy D1 of the Thanet Local Plan and paragraphs 17, 64 and 134 of the National Planning Policy Framework.

#### SITE, LOCATION AND DESCRIPTION

The site comprises a large detached building which has been converted to flats and is set within a large plot. The property fronts Sea Road and the rear boundary is shared with Westgate Bay Avenue. This application relates to an area of the site to the rear of the property enclosed by a wall and fronting Westgate Bay Avenue.

#### RELEVANT PLANNING HISTORY

F/TH/16/1264 - Erection of 2-storey building containing triple garage with 1No. 1-bed flat above. Refused 08/11/2016 for the following reasons:

1 - The site lies within the Westgate-on-Sea Conservation Area, and it is the duty of the council, as the Local Planning Authority to pay special attention to the desirability of preserving or enhancing its character and appearance. In the councils opinion the proposed development will result in the loss of a historic wall which contributes towards the significance of the Westgate-on-Sea Conservation Area as a designated Heritage Asset,

significantly harmful to the special character and appearance of the Westgate-on-Sea Conservation Area, contrary to Policy D1 of the Thanet Local Plan and paragraphs 17, 64 and 134 of the National Planning Policy Framework.

2 - The proposed residential accommodation, by virtue of its size, would not constitute high quality development due to its restrictive internal layout, not securing an appropriate standard of accommodation and amenity which future residents would expect to enjoy, contrary to Thanet Local Plan Policy D1 and paragraph 17 of the National Planning Policy Framework.

F/TH/14/0062 - Change of use of building to 2No. 2 bed bungalows and 1No. 1bed dwelling, and insertion of new windows and doors. Granted 14/04/2014.

F/TH/13/0651 - Change of use from a residential home to 6 No. 2 bedroom flats together with the erection of 3 No. houses without compliance of condition 2 of planning permission F/TH/09/0719 to change internal layout and external elevations. Granted 31/01/2014.

F/TH/09/0719 - Change of use from a residential home to 6 No. 2 bedroom flats together with the erection of 3 No. houses. Granted 16/11/2009.

C/TH/09/0728 - Application for conservation area consent for the demolition of part of the existing building. Granted 16/11/2009.

F/TH/07/0795 - Conversion of property to nine self-contained flats together with alterations to fenestration. Granted 13/08/2007.

OL/TH/05/1397 - Outline application for the erection of 6No. two-bedroomed flats together with provision of replacement parking for No. 83 Sea Road. Refused 23/12/2005. Allowed on appeal.

OL/TH/96/0748 - Erection of a 3 storey building to accommodate 6 x 2 bed flats together with the provision of replacement parking for St. Cecillas. Granted 27/03/1997.

### PROPOSED DEVELOPMENT

The proposed development is the erection of a two storey building with a double garage to the ground floor and one studio flat to the first floor following the demolition of the existing boundary wall.

### DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policies

D1 - Design

H1 - Residential Development

H4 - Windfall Sites

TR12 - Cycling

## NOTIFICATIONS

Neighbour notification letters were sent to the properties directly surrounding the site, a site notice was posted near the site and an advert was placed in the local paper. One letter of objection was received raising the following points:

- o Overdevelopment of the site
- o Obstruct the rear elevation of the main property
- o Loss of the wall would be detrimental to the street scene

Seven letters of support and 44 petition letters were received raising the following points:

- o Attractive and interesting appearance
- o Quality development
- o Existing planning permission for a garage on the site
- o Openings have already been created in walls within the Conservation Area
- o Existing property has been restored to a high standard
- o Previous approval on the site
- o Scheme has been amended from previously refused application
- o Poor and unsympathetic repairs have been made to the existing wall

Westgate Conservation Area Advisory Group - We concur completely with the TDC Conservation Officer Report Comments dated 14/8/17 and support his view; that to lose the boundary wall at this site in Westgate Bay Avenue would be detrimental to the Conservation Area.

Margate Civic Society - Margate Civic Society fully supports the Conservation Officer's comments relating to this proposal and objects to any proposal to demolish historic boundary walls within Conservation Area. The Design & Access Statement submitted with the proposal refers to the 'poor condition' of this wall fronting Westgate Bay Avenue and seeks its demolition to facilitate the wider construction. Attempts to thus justify the demolition somewhat miss the point - namely, that details of historic interest like boundary walls within Conservation Areas should be retained and protected and, if in poor condition, should be repaired utilising the correct materials rather than provide a basis for demolition where it suits.

## CONSULTATIONS

Conservation Officer - The clinker bricks walls along Westgate Bay Avenue are a distinct characteristic of front boundary treatment to the locality and add considerable interest and character on this part of the Conservation Area. These walls characterise the period in the development of the Westgate on Sea and indeed the buildings they mostly serve.

As per my previous comments on application F/TH/16/1264, the boundary wall along Westgate Bay Avenue is a strong townscape feature which adds considerable character to this part of the Conservation Area and has a positive contribution to the overall character and appearance of the area. The current proposal wants to demolish a considerable part of the existing historic wall to allow a new development along Westgate Bay Avenue. The new

development would incorporate pastiche clinker brick wall panels which the applicant says will preserve this feature in this area.

In my view, I still consider that the existence of the parts of the traditional wall as a means of enclosure along the street remains as an important feature in the character and appearance of the area. The proposed demolition and the replacement of the wall with imitation panels would result in loss of a historic feature which positively contributes to the character and will have a harmful impact upon the character and appearance of the area. In addition, the incorporation of the building within the boundary wall due to its scale and siting will not conform with the established pattern of building setbacks behind boundary walls which contributes to the character of the street scene and the grain of the area. The new building will therefore have an obtrusive and unacceptable impact on the street scene.

Whilst the unifying effect of the original traditional clinker boundary walls has been somewhat diluted by replacement of various sections in different styles and materials, I nevertheless consider that the existing traditional wall along the street remains an important feature to the character of the area. The proposal would therefore have a harmful impact upon the character and appearance of the street scene and would not preserve or enhance the character or appearance Conservation Area as heritage asset.

The development would be contrary to section 72 (2) of the P(LB & CA) Act 1990 and NPPF.

KCC Highways - I would raise no objection to the proposals on behalf of the highway authority. It should be noted that the garage doors must open away from the public highway.

The applicants will need to ensure that they apply to the Kent Vehicle Crossovers Team to request a dropped kerb, separate from the planning process.

Environmental Health - I have reviewed the above application on behalf of Environmental Health. I note that we were not previously consulted on this application. It is noted that any objection by us would just be an informative as we did not comment on the original application.

On review of the application I am concerned that noise transfer from the use of the garage on the ground floor will transfer to the studio flat on the 1st floor. I note that the studio is all on one floor so both living and sleeping areas could be affected by noise transfer.

When considering mitigation it would not be appropriate or reasonable to control the use of the garage by times. The application unfortunately does not include any information on sound insulation between the garage and the residential. We could consider the condition below:

"The ceiling and floor that separated the 1st floor residential and ground floor garage unit shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardized difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 10140; 2011 Acoustics- Measurement of sound insulation in buildings and of building elements- Part 4: Field measurements of airborne sound insulation between rooms"

Unfortunately the condition is more relevant to a commercial use under a residential use. A garage may generate high level so noise due to the machinery that occupies it and intensifying effect of the enclosed space.

We could also consider a condition requesting noise and vibration testing but this may be excessive.

At this stage without further information Environmental Health would have to object to the application.

Further information was submitted by the applicant's agent regarding the construction of the building and the noise attenuation measures. Updated Environmental Health comments are below:

The information supplied appears to meet our concerns.

It would be advisable to inform the applicant that while we feel this is acceptable this doesn't prevent action later under nuisance legislation. I am concerned by the description of storage of classic cars and the disconnection in ownership between the garage and the flat. It may be advisable for the owner to look to control the use in some way through their tenancy (if applicable).

## COMMENTS

The application is brought before members by Cllr Carol Partington for members to consider the impact of the development on the Conservation Area.

The main considerations with regard to this planning application will be the impact of the proposed development on the character and appearance of the area and the residential amenity of neighbouring property occupiers.

## **Principle**

This proposal 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 principle of developing the site is therefore considered to be acceptable and consistent with the principles of the NPPF, subject to the consideration of other material considerations, such as the impact on the character and appearance of an area, the living conditions of neighbours and impacts on the highway network, being considered acceptable.

## **Character and Appearance**

As the site is located within the Westgate Conservation Area the Council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' Current policy guidelines advise that where harm is caused to the character and appearance of the area through inappropriate development planning permission should be refused. The NPPF states that permission should be refused for a development of poor design that fails to take the opportunity of improving the character and quality of the area, and that where a development leads to less than substantial harm to a heritage asset, this harm should be weighed against the public benefit of the proposal.

An application for a building of a similar scale and design was approved in 2009 under planning application reference F/TH/09/0719. This application did not involve the loss of the historic boundary wall as the proposed building was situated within the site and behind the wall. The boundary wall is a distinctive feature within the conservation area with large elements clearly visible along Westgate Bay Avenue and the surrounding roads. The boundary walls visible within this area make a significant contribution to the character of the area and historically the wall would have run the length of Westgate Bay Avenue from the junction with St Mildreds Road to the junction with Domneva Road. Whilst it is acknowledged that the boundary wall has been lost in some instances, which has diluted the unifying effects of the original wall somewhat, it is considered that the existence of the remnants of the traditional wall as a means of enclosure is an important feature within the area, which positively contributes to the character and appearance of the Conservation Area.

When compared to the refused 2016 application this proposal has reduced the number of garage doors fronting Westgate Bay Avenue from three to two and has introduced the re-use of the salvaged bricks in the arches over the garage and clinker bricks in panels either side of the proposed garages. The amended scheme is considered an improvement to the refused application, with the re-use of materials from the demolished wall in the front elevation of the building, however as the proposed building will still result in the total demolition of the historic wall, the proposal will result in the loss of a historic and positive feature to the historic asset of the Conservation Area, significantly detrimental to its special character and appearance. Whilst the proposal constitutes less than substantial harm to the heritage asset of the Conservation Area, there are no discernible public benefits of the proposal. The Conservation Officer objects to this proposal, and it is considered that the proposed development would neither preserve nor enhance the character and appearance of the Historic Asset of the Conservation Area, contrary to Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

## **Living Conditions**

The erection of a building of a similar scale and design to the proposed development has previously been considered and found to be acceptable through application reference F/TH/09/0719. This application proposes a two storey building of the same scale and in the same location as the refused 2016 application. The ground floor layout has been altered

reducing the number of garage doors from three to two and the first floor has been altered from a one bedroom flat to a studio flat.

When compared to the approved 2009 application this proposal increases the ridge height of the building by 0.5m and will extend in front of two bedroom windows and one bathroom window in the main building of number 83 Sea Road. The proposed building has a hipped roof design and by virtue of its location will hip in front of the two bedroom windows, only partially obscuring their outlook. Whilst the proposed development will result in some loss of light and outlook from these two bedrooms, given that less than half of each window will be obscured, together with the fact this situation has previously been considered and found to be acceptable, it is considered that this proposal is a relatively moderate increase to the previously accepted scheme, which will not result in significant harm to the living conditions of the occupiers of these rooms. The building will extend directly in front of the obscure glazed bathroom window, which by virtue of the use of this room, is not considered to be a primary habitable room. Therefore as such it is considered that the proposal would not result in significant harm to the residential amenity by way of loss of light or sense of enclosure to this room.

The proposal does not include any windows to the rear elevation of the building, and will only contain windows fronting the street, thereby preventing any adverse impacts of overlooking as a result of the proposed windows. The staircase to access the flat may offer the potential for overlooking, however as the staircase will only enable clear views towards the obscure glazed bathroom window, and is only for the means of entry and exit of the flat, it is considered that this element does not result in a significantly harmful level of overlooking to warrant refusal of the application.

The proposal involves the creation of one self-contained studio flat to the first floor which will be accessed by an external staircase to the rear of the building. The rooms to the proposed flat will have a good standard of light, outlook and ventilation. Clothes drying facilities are provided by a tumble drier within the kitchen, and refuse storage and cycle storage shall be provided within the shared courtyard to the East of the unit.

The erection of the two storey building will only introduce one additional unit and it is therefore unlikely to result in any adverse impacts to the living conditions of neighbouring property occupiers by way of noise and disturbance.

The overall area of the studio flat is approximately 28.71m<sup>2</sup> (excluding an area of 6.47m<sup>2</sup> which is not defined as useable space where the ceiling is less than 1.52m in height). The flat is located in a sustainable location close to the Westgate Town centre and regular bus and train services. It is considered that the habitable rooms would benefit from adequate natural light and ventilation.

Environmental Health have raised a concern regarding noise transfer between the garage and the residential accommodation above as the proposed garage and flat will be in separate ownership and therefore the use of the garage would not be in the residents control. Further information regarding the construction of the floor/ceiling separating the garage and the flat has been submitted by the applicant's agent which has addressed the

concerns raised by the Environmental Health Officer subject to conditions limiting the transfer of noise.

Given that there is a current need for housing in Thanet and for the reasons outlined above it is considered that the proposal would provide an acceptable standard of accommodation for future occupiers and would not cause material harm to the living conditions of the neighbouring property occupiers.

### **Transportation**

The site is located in a sustainable location close to the centre of Westgate where regular bus and train services are available. No parking is proposed for the studio flat, however parking along Westgate Bay Avenue is unrestricted and given the sustainable location of the site it is considered that the proposed development will not result in a significant increase in demand for on street parking to the detriment of highway safety.

KCC Highways have raised no objection to the location of the garage and the creation of the dropped kerb provided that the garage doors do not open over the highway.

### **Conclusion**

It is considered that the proposed development would result in an unacceptably harmful impact upon the character and appearance of the Westgate Conservation Area due to the loss of the historic wall and therefore planning permission should be refused.

### **Case Officer**

Duncan Fitt



TITLE: F/TH/17/1079

Project 83 Sea Road Westgate On Sea Kent CT8 8QF

