

R07

F/TH/17/0286

PROPOSAL: Erection of a four storey building containing 9no. self-contained flats, 2no. 1-bed flats, 6no. 2-beds flats and 1no. 3-bed flat

LOCATION: 49 - 50 Hawley Square MARGATE Kent CT9 1NY

WARD: Margate Central

AGENT: Mr Matthew Beasley

APPLICANT: Mr Kim Hawkins

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The rear façade of the proposed development would, by virtue of the introduction of balconies and the inappropriate size and placement of fenestration, be out of character with other rear elevations of properties in the surrounding area which are traditional in design and subservient to their principle front elevations. The proposed development therefore fails to preserve or enhance the character and appearance of the conservation area resulting in significant harm to the designated heritage asset not outweighed by public benefits contrary to paragraphs 26, 63, 64 and 131, 132 and 134 of the NPPF.

SITE, LOCATION AND DESCRIPTION

The site lies within Hawley Square close to Margate town centre, within a designated Conservation Area. The building lies on the western side of Hawley Square flanked to either side by traditional and well-proportioned buildings of historic note. To the rear of the building is a public footpath that links Mill Lane multi storey carpark to Margate's shopping area. This area is also a service area to the rear of shops in the High Street and The Centre.

No.49-50 Hawley Square was formerly a listed building. Following a fire that destroyed all but the front facade of the building it was de-listed

RELEVANT PLANNING HISTORY

F/TH/15/0097 Erection of 4 storey building to accommodate 9no self-contained flats, incorporating the existing front and side elevation. Granted 14/05/15

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a four storey building containing 9no self-contained flats, 2no 1 bed flats, 6no 2 bed flats and 1no 3 bed flat.

The proposed accommodation is contained over five floors. At basement level there are two flats; 1no. 1bedroom and 1no. 2bedroom unit. These two flats would be access from the main front entrance off Hawley Square as would be the case for all the units proposed. Although a separate rear entrance is proposed which again all units will have access to into the rear yard area. The basement units would have a small paved area from the living room/kitchen/diner.

The Ground floor units follow a similar layout to those at basement level.

The first and second floor has 2no, two bed units these have balconies to the rear elevation. The third floor has one unit which has three bedrooms; balconies are located on the rear elevation and would be accessed off the living room/kitchen/diner and master bedroom.

Within the rear yard there is a covered cycle store area, bin storage area for the flats and access to the plant room.

Clarification was sought for the applicant's agent if the front façade (all that remains of the former listed building) was to be retained; the agent has stated that this will only be done if the retention is structurally or financially viable.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006) Saved Policies

H1 - Residential Development Sites

H4 - Windfall Sites

D1 - Design Principles

SR5 - Play Space

TR12 - Cycling

TR16 - Car Parking Provision

REPRESENTATIONS

One letter of representation received the following concerns are outlined:

- Balconies will result in neighbour amenity issues
- Covered cycle yard not a good use of the small yard
- Query with TDC are happy to collect rubbish from the bin store
- Query where all the new residents will park, resulting in parking issues within the square - parking is already an issue when a show is on.

CONSULTATIONS

Conservation Officer:

Initial Comments

The proposal would result in changes to the roof appearance by introduction of a flat roof element and a lift override. The introduction of the flat roof would in my view introduce an

element that would be at odds with the prevailing character of roofs on this part of Hawley Square and most the Conservation Area as a whole.

The applicant points that the lift override is located centrally on the flat roof and will not be seen from street level surrounding the building. However, the proposed flat roof and the lift override will be visible from the east side of Hawley Square especially when viewed from the nearby buildings. As such, it would fail to respect the character and appearance of the street scene. Hence, in my view the proposed development would fail to preserve the character and appearance of the Conservation Area and setting of listed buildings.

The rear of the properties along this part of Hawley Square have a more varied character and fenestration some of which may date back to the original construction, or from incremental alterations over time, but they relate satisfactorily in scale and appearance. In my view, the rear of the proposed development would have an assertive appearance, due in part to its overall design but also its fenestration design and contrasting materials, elements of which would relate poorly to the appearance to the rear of the nearby listed and non-listed buildings. The proposed balconies, with their railings, would add visual clutter to the building and appear as a rather uncharacteristic feature in an area where balconies are not common. This would appear out of context with the setting of No 51 and other listed building within this part of Hawley Square. The adverse effects of the proposal on the setting of the adjacent listed building would also result in harm to the character and appearance of the Conservation Area.

I, therefore, consider that this makes the proposal fail to take account of the desirability of new development to make a positive contribution to local character as well as to reflect the identity of local surroundings and materials in accordance with the National Planning Policy Framework. In addition, to be a sustainable development, the NPPF identifies that there are three dimensions which are mutually dependent. The development would not fulfil the environmental role of planning due to the proposed development failing to protect or enhance the built and historic environment. It therefore follows that the proposed development is not sustainable development.

The Planning (Listed Buildings and Conservation Area) Act 1990 requires decision makers to have special regard to the desirability of preserving the setting of listed buildings and to preserving or enhancing the character and appearance of conservation areas.

Conditions

Further note from the Historic England's de-listing report should be considered which advises that although the surviving structure no longer meets the criteria for designation nevertheless, 49 and 50 Hawley Square contribute strongly to the historic architectural character of Margate, and the facade, which remains standing, is an important element of Hawley Square. There is therefore a strong presumption of retaining the front façade.

Also the unusual layout of the ground floor and some features to the basement may survive beneath the debris of the upper floors but this was not verified. An archaeological survey should be commissioned before any excavation works are carried out.

Additional Comments: 25/5/2017

After the meeting and discussions with the applicant I have checked the revised drawings of the scheme and my reservations still hold with regard to the installation of balconies to the rear elevation of the proposed building in relation to their impact to the character and appearance of the conservation area and setting of surrounding listed buildings.

The balconies would, in my view, be an inappropriate contrast to the utilitarian nature of the rear developments which define and form part of the character and appearance of this part of the Conservation Area.

The applicant claims that, "the back 'street scene' does not have a strong vernacular or architectural quality". Notwithstanding these negative comments, the rear of the buildings along this part of Hawley Square mostly remains characterised by a historic rear development pattern which is largely of traditional appearance.

I acknowledge that the balconies being situated at the rear of Hawley Square, which offers a unique characteristic of the area, would have no impact on the character and appearance of the square. The balconies would also be viewed in the same context as the 1960's shopping centre, concrete ramp and rooftop car park as indicated by the applicant. However, apart from the Council offices, these developments are not within the Conservation Area and although being within its setting do not necessarily preserve or enhance the character or appearance of the Conservation Area or the setting of the listed building within close proximity. They do not, therefore, justify further inappropriate additions to the prominent traditional character of the rear of the buildings and its townscape character and appearance. Due to their size and protrusion the balconies would be viewed across the townscape as prominent features and not as subservient features of the proposed building. The removal of the balconies and reinstatement of windows to this part of the building could be considered appropriate.

The material harm to the significance of the Conservation Area and setting of listed buildings would be less than substantial. I also note the applicant's argument that the balconies would provide valuable external space to the flats which is of importance in maximizing the space and optimum viable use of the proposed building. However, I am not persuaded that the sustainable use of the building wholly depends on provision of the balconies or that the proposed balconies would necessarily address the negative features associated with the immediate surrounding area.

Therefore by virtue of their prominence on the townscape, the design and appearance of the protruding balconies despite being on the rear would in my view fail to either preserve or enhance the character or appearance of the Conservation Area or the setting of listed buildings. The harm from the proposed balconies would therefore be contrary to advice on the NPPF and statutory duty imposed by sections 16 and 72 of the P (LB&CA) Act 1990.

Margate Civic Society: Maintains its general objection to the creation of one-bed flats in Central Margate.

The application incorporates 6 x 2 bed flats and 1 x 3 bed flat together with 2 x 1 bed flats and, it is the view of MCS, that the element of the proposal that includes the one-bed flats

that should be amended to combine these single units into a larger 2 bed flat thus reducing the number of separate units overall from 9 to 8 in total.

KCC Highways: No objection. I note from examining the plans that there is to be nil vehicle parking provision for the proposed flats. However, considering the site's proximity to Margate town centre and the train station, along with the available resident's parking on Hawley Square and nearby streets, I would consider this arrangement acceptable.

I am satisfied with the levels of proposed cycle parking on site and the space allotted to such, though I would like to see additional details to ensure that the provision is attractive to cycle users and remains well utilized. The cycle parking provision should therefore be covered and provide a separate lockable space for each user.

COMMENTS

This application is called in at the request of Cllr. Johnston to allow Members to assess the impact of the proposed development on the character and appearance of the conservation area and the historical and architectural interest of surrounding listed buildings.

Principle of development

Nationally, the NPPF seeks a high standard of design, and design that takes the opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development which responds to their local context and creates or reinforces local distinctiveness, are visually attractive as a result of good architecture and appropriate landscaping. The NPPF 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 assets conservation. The more important the asset, the greater the weight should be. Paragraph 134 states that where a development proposal would 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, including its optimum use.

The Council does not currently have a five-year supply of deliverable housing sites, housing applications such as this, should be considered in the context of the National Planning Policy Framework's (NPPF's) presumption in favour of sustainable development. This is because local policies relating to the supply of housing are no longer considered up-to-date (para 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

The proposal to re-build the fire-damaged property together with alterations to facilitate the conversion of the building to flats is considered to be acceptable in principle, as there is no policy restricting the type of accommodation in this location. The proposal involves the provision of 9 self-contained flats (1, 2 and 3 bed), and will therefore provide a mix of unit sizes that are suitable for the site and its town centre location. The principle of the development is therefore considered to be acceptable; this is also confirmed by the approval of planning application reference F/TH/15/0097, also for a flatted scheme.

Character and Appearance

Paragraph 131 of the NPPF states that Councils should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets paragraph 132 goes on to say that 'great weight' should be given to the asset's conservation and that 'significance can be harmed or lost through alteration of the heritage asset or development within its setting'.

Whilst the building has been de-listed, it still forms part of a historic row of buildings within the Conservation Area and the LPA would want to see the existing front façade retained as its preservation is considered important to the character and appearance of the surrounding Conservation Area. The general appearance of the front elevation is considered acceptable. Following further discussions with the agent it was agreed that the proposed lift housing and flat roof would be acceptable as it would only have limited visibility from a distance and would not result in significant harm. In general terms the front elevation is now considered acceptable in terms of appearance although details of the elevation would need to be secured via conditions on any grant of planning consent.

In terms of the rear elevation whilst it is acknowledged that this is no longer a listed building it does fall within the Conservation Area and occupies a prominent site within Hawley Square. Furthermore the site is clearly visible from the front and is also visible to the public from the rear. The proposal would be seen in conjunction with the more traditional buildings which directly flank the site. These buildings have a traditional window hierarchy, with larger windows being positioned at the lower levels with smaller windows located at the top floor.

The proposed window arrangement shown on the rear elevation has a strong horizontal emphasis, and space to void ratio that is not a characteristic of the building that formerly stood on the site. The horizontal emphasis is further reinforced by the placement of balconies on every floor that extend beyond the window openings.

Whilst other issues concerning the design of the building have been accepted, it is considered that the proposed rear facade is not appropriate within this part of the Conservation Area and represents a discordant suburban appearance.

Section 72(1) of the Town and Country Planning Act requires 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 NPPF. Paragraph 131 sets out the matters which should be taken into account. The proposal would to some extent enhance the Conservation Area by reinstating the front facade of a fire damaged building which is currently on the site. However the alterations to the rear facade in contrast would not make a positive contribution to the local character (traditional character of the rear that is subservient to the principle elevation). This is by virtue of its inappropriate fenestration size and placement and balconies (size and protrusion).

I therefore conclude that the proposed development would fail to preserve the character or enhance the appearance of the Conservation Area and furthermore fail to accord with the objectives of the NPPF to conserve heritage assets and secure high quality design.

Living Conditions

The proposed rear line of the building would be approximately in-line with those buildings abutting the site, although the balconies will extend beyond this. Concern was raised with the agent about the potential for overlooking from these external areas. In response to this the agent proposes to provide obscure glazing to the sides of the proposed balconies.

The design of the rear elevation also includes a rear four storey extension and adds some interest to the rear elevation adding a little visual break. Such additions are a feature along this rear elevation; with projecting elements which vary in height and form.

Whilst new windows are proposed within the rear elevation, which are closer to the rear boundary, the extension will overlook a public footpath and access road, and will therefore result in no significant loss of privacy. The proposed flats range in size but are spacious and, although not strictly relevant to the development of new build flatted accommodation, meet the minimum size as set out within the Council's flat conversion guideline booklet. Each room has adequate light, although some concern was expressed in relation to the basement flat units as more limited natural light, circulation of air and outlook could be achieved. The rooms to the front serve bedrooms and have French doors opening out. Railings are provided at street level and therefore some level of daylight would reach this space. While the overall level of natural lighting would not be substantial, it will not be significantly under-lit for the use as bedrooms. The living room/kitchen diner rooms to flats 1 and 2 both have patio doors opening onto the courtyard area, and as with the other rooms would receive little or no direct sunlight, due to buildings abutting the courtyard and balconies above I do not consider them to be unduly gloomy. Due to the limited size of the courtyard, the outlook from these rooms is not extensive. However, it would not be unpleasant. The courtyard area could be painted in a light cream or reflective materials to be more reflective of light. While this restricted arrangement may not suit everyone's tastes, it is not significantly out of character in a close-knit urban environment of this kind.

A cycle store and refuse storage area has been provided at the rear of the site, which is accessible to all units. Access is possible to all flats from both the front and rear of the building.

Whilst doorstep play space has not been provided, the site is within the town centre where external amenity space is less characteristic, and furthermore, there is a large area of public open space opposite the site.

The impact on neighbouring living conditions and the standard of accommodation for future occupiers are considered to be acceptable.

Transportation

No parking has been provided as part of the proposed scheme, however, the site is located within Margate Town centre, and therefore under Policy TR16 of the Thanet Local Plan, the objective is to reduce the dominance of the private car in favour of walking, cycling and public transport, and to make better use of parking facilities that already exist. Off-street

parking is not required, and therefore the impact of the development in highway terms is considered to be acceptable, and in accordance with Policy TR16 of the Thanet Local Plan.

Secure covered cycle parking has been provided as part of the scheme at a ratio of one space per unit, in accordance with Policy TR12 of the Thanet Local Plan.

Archaeology

The application site lies within an area of archaeological potential associated with prehistoric activity. There is some evidence to suggest there may have been a Neolithic enclosure or activity site in this area and there are known Roman burials to the south west. Remains associated with prehistoric or later activity may survive on this site. The building itself was a late 18th century house but it suffered a fire in 2008 however, remains associated with the original structure may survive and be of historic interest.

Conclusion

Whilst the application site is no longer a listed building (designated heritage asset) it does fall within the Conservation Area and occupies a prominent site within Hawley Square. Furthermore the site is clearly visible from the front and is also visible to the public from the rear.

Section 72(1) of the Town and Country Planning Act requires special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. National policy on heritage assets is set out in the NPPF. Paragraph 131 states that Council's should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets.

The alterations to the rear façade would not make a positive contribution to the local character and appearance of the area where other rear elevations would traditionally have been, and have largely been retained as, subservient to the principle of front elevations. The proposal is considered to have inappropriate fenestration (size and placement) and balconies (size and protrusion) on the rear elevation. The proposed rear façade is not appropriate within this part of the Conservation Area and represents a discordant suburban appearance. The proposed development would neither preserve the character nor enhance the appearance of the Conservation Area and furthermore fail to accord with the objectives of the NPPF to conserve heritage assets and secure high quality design. Therefore the application is recommended for refusal.

Case Officer

Gill Richardson

TITLE: F/TH/17/0286

Project 49 - 50 Hawley Square MARGATE Kent CT9 1NY

Scale:

