

**R05**

**FH/TH/19/1079**

PROPOSAL: Installation of replacement front door and timber windows with UPVC windows on ground, first and second floors

LOCATION: 7A Queens Gardens BROADSTAIRS Kent CT10 1QE

WARD: Viking

AGENT: No agent

APPLICANT: Mrs Maureen Bridge

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The development, by virtue of the materials proposed, its appearance, and the overall design would detract detrimentally from the character and appearance of the host building, and would fail to respect or enhance the special character and appearance of the Broadstairs Conservation Area. The harm caused has not been demonstrated to be outweighed by any public benefit and as a result the development would be contrary to the aims of saved policy D1 of the Thanet Local Plan and the aims of paragraphs 127, 130, 196, 197 and 200 of the National Planning Policy Framework.

#### SITE, LOCATION AND DESCRIPTION

Queens Gardens is a small recessed street between Granville Road and Victoria Parade in Broadstairs. It hosts a row of nine four-storey properties with unifying characteristics to the southern part of the street, mostly semi-detached in nature. To the east a large block of flats (Granville Mansions) faces the row. The application site lies within the Broadstairs Conservation Area.

The site is located near the popular Viking Bay, Broadstairs harbour, and the town centre. The street within which the application site sits has significant visual prominence and presence within a key area of footfall for local people, and tourism, in addition to this part of the seafront and conservation area overall.

7A Queens Gardens is one of the District's undesignated heritage assets and one of four key unlisted buildings of note in this row, as identified by the Council in the Broadstairs Conservation Area Appraisal (5.4.2). The appraisal looks specifically at the character of this part of the conservation area and notes the features that make up and give character, including the presence of timber sash and casement windows with well proportioned bows.

The application site comprises a flat and currently contains visually attractive white painted timber casement windows, with fixed panel fanlights in a 2 over 4 arrangement above the ground floor bay and first floor doors. The bay window and first floor doors mirror and compliment the vertical emphasis given by each with a 3 over 3 square panel arrangement. The second / attic floor wider casement continues some of the detailing and vertical emphasis across other parts of the front facade with a 2 over 2 arrangement and fine glazing bars.

### RELEVANT PLANNING HISTORY

FH/TH/18/1741 - Installation of replacement front door and windows on ground first, and second floors. Refused on the following grounds:

"The development, by virtue of the materials proposed, its appearance, and the overall design would detract detrimentally from the character and appearance of the host building, and would fail to respect or enhance the special character and appearance of the Broadstairs Conservation Area. As a result the development would be contrary to the aims of saved policy D1 of the Thanet Local Plan and the aims of paragraphs 127, 130, 196, 197 and 200 of the National Planning Policy Framework."

The application was appealed and subsequently dismissed (APP/Z2260/W/19/3225838).

### PROPOSED DEVELOPMENT

This application seeks planning permission for the installation of a replacement front door and timber windows with uPVC windows to the ground, first and second floors.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2006**

D1 - Design Principles

### NOTIFICATIONS

Letters were sent to adjoining occupiers and a site notice posted close to the site. No letters of representation have been received.

**Broadstairs and St Peters Town Council:** Recommends approval.

**Broadstairs Society:** The Society has no adverse comment to make.

**Councillor David Saunders:** As Queens Gardens is within a conservation area, the application should be decided by Planning Committee. There are a number of inconsistencies regarding similar applications. The application is unanimously recommended for approval by the Town Council and the Broadstairs Society have not made any comments on the application. Five out of eight properties within the street have uPVC replacement windows, as well as some properties within Granville Mansions, with some being given

permission around the same time as the last application on this site was refused. The proposed windows are 'lookalike' with glazing bars to match the neighbouring properties and improve insulation and reduce the carbon footprint. The application should be approved and a condition imposed requiring the replacement windows to visually match the existing.

## CONSULTATIONS

**TDC Conservation Officer:** "Queens Gardens is located within Broadstairs Conservation Area, this application is for the replacement of timber windows and doors across the property to a UPVC material.

Policy HE02 (Draft Thanet Local Plan) Section 8 states Appropriate materials and detailing are proposed and development would not result in the loss of features that contribute to the character of the conservation area. NPPF Section 16, 185, states Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conversion.

Additionally under the Listed Buildings and Conservation Areas Act 1990, Section 72 Paragraph 1, which describes in respect to any buildings or land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This property is located within Broadstairs Conservation Area of which the character is attempted to be maintained and protected through additional considerations when carrying out works which require planning permission, especially those that influence and affect this character.

UPVC windows and doors are not a development that would be approved within a conservation area as they are thought to diminish the character of the street and surrounding aesthetic. They are much thicker and heavier in appearance than timber windows with the external glazing bars appearing clunky and out of place upon the principle facade of properties. Even more so when compared to the architecture and design of the street as a whole.

Subsequently their installation does not enhance or preserve the character and therefore has a negative impact on the overall historic environment by further saturating it with a modern component. A timber, like for like replacement, would be much more fitting for the aesthetic of both the property in question and surrounding street scene.

I acknowledge through evidence provided by the applicant that UPVC windows already exist amongst the properties located on the same street. These installations evidently prove the effects the UPVC has upon the character as it clearly erodes the overall aesthetic and appearance of the properties.

The installation of additional UPVC windows and a door to 7A Queens Gardens would further diminish the character of the area and dilute the overall aesthetic of Broadstairs conservation area even more, therefore I object to this application."

## COMMENTS

This application is brought to Planning Committee at the request of Councillor David Saunders on the grounds that the proposed windows would match those in the area and would provide environmental benefits.

### **Principle**

The site lies within an established residential area within the defined settlement of Broadstairs. In principle there is no objection to changes to fenestration on domestic properties, subject to an assessment of the impact on the character and appearance of the area and all other relevant material considerations.

### **Character and Appearance**

An application for the installation of a replacement front door and windows on the ground, first and second floors at 7A Queens Gardens was made in December 2018 (FH/TH/18/1741). The Council assessed the works proposed and resolved to refuse permission, concluding that:

"The development, by virtue of the materials proposed, its appearance, and the overall design would detract detrimentally from the character and appearance of the host building, and would fail to respect or enhance the special character and appearance of the Broadstairs Conservation Area. As a result the development would be contrary to the aims of saved policy D1 of the Thanet Local Plan and the aims of paragraphs 127, 130, 196, 197 and 200 of the National Planning Policy Framework."

An appeal was subsequently made to the Planning Inspectorate against the refusal of planning permission (APP/Z2260/W/19/3225838) and the Inspectorate resolved to dismiss the appeal in July 2019, finding that:

"The proposal would result in the removal of the timber windows and door and their replacement with double glazed windows and a door in PVCu. The details submitted indicate that the pattern of the existing windows would be retained. However, the use of a non-traditional material would make it difficult to match their detailed appearance. The frames would lack the texture and detailing and the glazing bars would inevitably have a different appearance, being either internal or applied. Indeed, the submitted drawing indicating the detailed elevations indicates that the frames would appear thicker and less elegant than the existing timber frames. As a result, the replacement windows and door would detract from the appearance of the building which would be harmful to its character, and detract from the contribution of the building to the CA." (paragraph 5)

"...I also acknowledge that the windows on several of the other buildings in the group have already been replaced with UPVC, but this does not justify the further erosion of the distinctive character of the group that would be caused by this proposal." (paragraph 6)

"In considering the planning balance required by paragraph 196 of the Framework it is accepted and well-established that any harm to the significance of a heritage asset should

be given great weight. I have determined that there would be less than substantial harm to the significance of the CA. No public benefits have been put forward to weigh against this harm. I therefore conclude that the proposal would be contrary to the guidance in the Framework." (paragraph 9)

The application currently before the Council, having regard to the plans submitted, does not appear to be materially different to the scheme as originally submitted. Whilst the application form notes an intention to use 'Residency Collection R7 PVCu' and later discussions indicated that the proposed windows would appear the same as those recently approved at No. 4 Queens Gardens, no new plans, window, or door details other than for the main entrance door, have been provided. A generic link to a website stocking this collection has been provided and a generic brochure. The plans submitted appear identical to those of the previous application and therefore it is not considered that the harm identified in the original application has been overcome.

As part of this application the Council are being asked to reconsider whether the principle of replacing timber windows with uPVC on a locally listed building in the Conservation Area, given the harm caused by existing replacements in the rest of the streetscape and the detrimental erosion previously highlighted, would preserve or enhance. It is not considered that it would, and the works proposed would be likely to contribute to the further erosion of the character and appearance of the Broadstairs Conservation Area, which was echoed by the Planning Inspectorate in paragraphs 5 and 6 of the appeal decision highlighted above.

It has been asserted that there is a variety of window types within the street and in particular the applicant relies on the works approved this year at No. 4 Queens Gardens in support of the use of uPVC (ref: FH/TH/19/0045). Planning permission was granted for a number of works across that site, including replacement uPVC windows (the windows being replaced were also uPVC). The Officer report appended to that decision highlights that:

"UPVC windows and doors are currently located in the front and rear elevations of the property, however these windows do not appear to benefit from planning permission. Whilst these windows may have become lawful through the passage of time, they are considered to be harmful to the character and appearance of the conservation area. The amended application proposes to replace the existing windows in the front and rear elevations with UPVC windows to match the design of the timber windows in the adjoining property, number 5 Queens Gardens. Whilst the use of timber would be the most appropriate material for the conservation area, the existing windows are considered to be significantly harmful to the character and appearance of the conservation area and therefore by replacing these UPVC windows and doors with UPVC windows and doors of a more appropriate design, the character and appearance of the area would be enhanced."

That application is distinguishable from the current as uPVC had been installed without the Council's consent. The Officer dealing with the application acknowledged they had likely become lawful through the passage of time and as a result the Officer had to determine whether the proposed (also uPVC) replacement windows in that application would preserve or enhance the character and appearance of the Broadstairs Conservation Area, as required by S72 of the Planning (Listed Building and Conservation Areas) Act 1990. The Officer found

that the windows would be an improvement on those insitu at the time of the application and that accordingly they complied with the Act and with planning policy.

Additionally, the windows that have been inserted into No. 4, as well as No.s 8 and 9 show that whilst effort has been made in some parts of the street to replicate the previous timber frames, the overall profiles and proportions continue to create harm to the character and appearance of the area, and are not considered to have preserved or enhanced it. The frames are considerably thicker, with a flat shiny appearance. The applicant states that a wood grain effect and externally applied glazing bars will be used, but no details or plans with measurements or the overall appearance and thickness of the frames to a recognised scale are provided as to accurately assess the proposal.

Given that no material changes appear to have been proposed since the last application, which was dismissed by the Planning Inspectorate at appeal, and the continued proposal to replace the existing timber windows across the site with uPVC, this application is recommended for refusal as the proposal would harm the character and appearance of the Conservation Area.

The proposed entrance door details submitted would see a replacement with a larger proportion of glazed panels than previously exists. The overall proportions appear in line with other entrance doors in this street, however this is again a non-traditional material that is not considered to preserve or enhance the character and appearance of the Conservation Area. The Council's Conservation Officer raises objection to the application as submitted and the use of uPVC and the application is therefore recommended for refusal.

### **Relevant Considerations**

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Saved policy D1 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, should not lead to unacceptable loss of amenity through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light, or sense of enclosure, and should incorporate measures to prevent crime and disorder. Given the nature of the development, there is not considered to be any harm to the amenity or living conditions of neighbouring occupiers, other than visual harm.

The applicant considers that the proposed works would improve their living conditions and have submitted a statement to the Council as to their personal circumstances. Whilst the works would be likely to provide for more energy efficiency and better insulation, no evidence has been provided to suggest that more appropriate designs could not have overcome the issues and achieve the same result. The benefit that would follow from replacing the windows and doors would amount to a purely private benefit, which would not be outweighed by the harm to the character and appearance of the area and would therefore fail to satisfy the requirements of paragraph 196 of the NPPF.

A letter of representation also highlights the benefits of the development in terms of providing better insulation and more widely reducing the carbon footprint. Given the type of

application it is not considered that there would be such a benefit provided as to create a public benefit that would outweigh the harm identified and as a result the development is considered to be contrary to the aims of saved policy D1 of the Thanet Local Plan and paragraphs 127, 130, 196, 197 and 200 of the NPPF.

### **Other Matters**

In exercising a function on behalf of a public authority, due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The Act sets out the relevant protected characteristics which includes disability. Since there is the potential for this decision to affect persons with a protected characteristic, the Council have had due regard to the three equality principles set out in Section 149 of the Act and to the rights conveyed within the Human Rights Act, in particular Article 8 of the European Convention on Human Rights which concerns a right to respect for private and family life.

The negative impacts of refusing this application will likely result in the continuation of current living arrangements which are stated to not be ideal for the applicants, or result in the investigation of alternative means of providing appropriate accommodation. However, having due regard to this, and to the need to eliminate discrimination and promote equality of opportunity, it is the Council's view that any adverse impacts of refusing the scheme would be justified and the decision would be necessary and appropriate, given the harmful effect of the proposed development on the character and appearance of the site and the surrounding area identified in this report.

### **Conclusion**

The application is for the installation of a replacement front door and timber windows with uPVC windows to the ground, first and second floors. An application was previously submitted and refused (FH/TH/18/1741) in respect of replacement windows and doors on the basis of the impact on the character and appearance of the host building and the Broadstairs Conservation Area. The Council's decision was appealed (APP/Z2260/W/19/3225838) and the Planning Inspectorate dismissed the appeal. Insufficient details have been provided to evidence that the original concerns from the previous application have been overcome.

It is therefore recommended that Members refuse the application.

### **Case Officer**

Vicky Kendell

TITLE:

FH/TH/19/1079

Project

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