

**R02**

**F/TH/19/1198**

**PROPOSAL:** Variation of condition 2 of planning permission reference F/TH/17/1066 for the change of use of the existing first floor to amusement centre (Sui Generis) with associated first floor rear extension and the provision of an ancillary café (A3) and the refurbishment of the first floor front balcony to allow replacement of windows and doors to front and side elevations with aluminium sash windows and doors

**LOCATION:** Flamingo Arcade 17 Marine Terrace MARGATE Kent CT9 1XJ

**WARD:** Margate Central

**AGENT:** Mr Nic Smith

**APPLICANT:** Rowland & Rowland Ltd

**RECOMMENDATION:** Refuse Permission

For the following reasons:

1 The proposed aluminium windows and doors to the front and part of the eastern side elevation, by virtue of their material, finish and appearance, would introduce an inappropriate and non-traditional modern material to the upper floors of this highly prominent building in the Margate Seafront Conservation Area, which would diminish the character and significance of the application property and the quality of the previously approved scheme, resulting in severe harm to the character and appearance of the application property and the wider Conservation Area. The proposed development would therefore be contrary to Policy D1 of the Thanet Local Plan and paragraphs 127, 130, 192 and 196 of the National Planning Policy Framework.

#### SITE, LOCATION AND DESCRIPTION

The Flamingo Arcade, formerly the Kent Hotel is a prominently located three storey Georgian building located on the seafront fronting Marine Terrace and the beach beyond, and abutting Belgrave Road to the east. The building contains a shopfront formed of bi-folding doors to the amusement arcade at ground floor level, with a prominent fascia above. The first and second floors of the property largely retains the original form, design and pattern of fenestration of the building, with timber windows and doors to the front elevation and the 2No. windows to the front of the eastern side elevation.

The site is located within the Margate Seafront Conservation Area, which is a designated heritage asset. This part of the Conservation Area is characterised by a largely continuous terrace of three and four storey buildings of late Georgian and early Victorian origin with

commercial uses at ground floor. Many of the buildings retain their original form, design and pattern of fenestration to the front elevation of the upper storeys. Whilst some inappropriate alterations and material finishes have occurred, the presence of traditional designs and materials such as timber fenestration prominently feature.

### RELEVANT PLANNING HISTORY

F/TH/17/1066 - Change of use of the existing first floor to amusement centre (Sui Generis) with associated first floor rear extension and the provision of an ancillary café (A3) and the refurbishment of the first floor front balcony - Granted 27/09/17

### PROPOSED DEVELOPMENT

This application follows the previously approved 2017 application which granted the change of use of the first floor to amusement centre, provision of ancillary cafe with a first floor rear extension and the refurbishment of the first floor front balcony. This application approved the replacement of the existing predominantly timber windows and doors to the first and second floor front elevation and the 2No. windows to the north of the eastern side elevation with new timber windows of the same design.

This application seeks to vary condition 2 of planning permission F/TH/17/1066 to allow for the replacement of the existing windows and doors to the front and the 2No. windows to the front of the eastern side elevation with aluminium windows and doors, rather than replacement timber as approved through the previous consent.

The proposed windows and doors will comprise the same design as the previously approved timber windows and doors, and are to be fitted within the existing openings; however it is proposed that they will be powder coated aluminium as opposed to timber.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2006 (Saved Policies)**

D1 - Design Principles  
T7 - Amusement Uses  
TR16 - Car Parking Provision

### NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. No letters of representation have been received from the general public.

#### **Margate Conservation Area Advisory Group:**

- Aluminium windows are inappropriate for a building of this age and design. The windows should be timber and of a traditional design as they are a significant feature of historic buildings and the conservation area.
- There seems to be no justification for aluminium windows.

- There does not seem to be a heritage statement.
- It should be noted that CAAG has not been able to find evidence of a planning application for the large fascia with red flames on the exterior of the building. The fascia advertisement was substantially different in design materials and colour.
- Large numbers of drawings for a variation of condition. Potential for a lot of changes to be unintentionally approved without proper review of original and updated drawings.

## CONSULTATIONS

### **TDC Conservation Officer:**

'The Flamingo Arcade located at 17 Marine Terrace is a property fronting the main esplanade within the town, also situated within the conservation area.

Policy HE02 (Draft Thanet Local Plan) Section 8 requires appropriate materials and detailing to be proposed. Applications for extensions should not result in the loss of features that contribute to the character or appearance of the conservation area. NPPF Section 16, Paragraph 192, states in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

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 (paragraph C) the desirability of new development making a positive contribution to local character and distinctiveness.

This application of change of condition states that due to other applications being granted for aluminium windows to a separate section of Marine Terrace results in the material setting a precedent upon the street. However these applications were granted as they were deemed an improvement to the aesthetic of the conservation area as they were UPVC being replaced with aluminium. Every application has its own merits and therefore is analysed as such, with these proposed works considered to have a negative impact on its setting and historic environment.

Currently the existing materials to the windows on Flamingo Arcade are timber and their replacement with aluminium would be to the detriment of the building's appearance through the use of non-traditional materials, rather than improvement. Therefore the proposal would have a negative impact to the aesthetic of the conservation area through the erosion of the distinct character of the building in question and due to these reasons I object to this application.'

**Southern Water** - No objection.

## COMMENTS

This application is brought to Planning Committee as it has been called in by Councillor Tomlinson to allow members to consider the impact of the proposed development upon the character and appearance of the Conservation Area.

The main considerations with regard to this application is the principle of development, the impact of the proposed development upon the character and appearance of the Conservation area, and the impact upon residential amenity..

### **Principle**

The principle of development was assessed under the previous application reference F/TH/17/1066 and was found to be acceptable. This application does not seek to alter the approved use of the site, which is as an amusement centre with ancillary cafe use.

The proposed development is therefore considered to be acceptable in principle as it complies with Policy T7 of the Thanet Local Plan, which supports amusement centre/arcade uses on the site.

### **Character and Appearance**

As the site is located within a Conservation Area the Local Planning Authority must have regard for Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of the area.

The NPPF states that permission should be refused for 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.

Paragraph 130 of the National Planning Policy Framework states that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

The existing windows and doors to the first and second floors of the front elevation and the 2No. windows to the front of the side elevation are traditional white painted timber sliding sash windows with a central glazing bar and timber double doors. This forms a traditional and appropriate material finish for the age and design of the Georgian building, which positively contributes to the significance of the Conservation Area.

The original permission reference F/TH/17/1066 approved the replacement of the front elevation windows and doors and 2No. windows to the front of the eastern side elevation with timber sliding sash windows and timber doors of a cohesive design and appearance to match the existing traditional windows and doors, fitted within the existing openings, the result of which was to preserve the traditional character and appearance of the Conservation Area.

The current proposal for the replacement of the timber material finish to this fenestration with aluminium would involve the installation of a non-traditional, modern material to the application property. Aluminium windows and doors are considered to clearly differ from traditional timber windows and doors, having a visibly different texture, appearance and finish, which lacks the finesse and refinement of painted wood. As such, the use of aluminium windows and doors are considered to provide an inappropriate material finish for the age and design of this Georgian building, and given the location of the proposed windows within the principal elevation of this highly prominent building within the Conservation Area, such a proposal is considered to dilute the historic character and significance of the application property and the contribution it makes to the Conservation Area.

Furthermore, through the use of aluminium, as opposed to timber which was previously approved, the proposed development would diminish the quality of the existing timber fenestration, thereby failing to preserve or enhance the special character and appearance of the Conservation Area. The proposal would also materially diminish the quality of the previously approved development, reference F/TH/17/1066, as a result of this change to the material of the windows and doors, which paragraph 130 of the National Planning Policy Framework specifically seeks to guard against.

Whilst it is appreciated that aluminium windows and doors are accepted in some instances within Conservation Areas, this is largely the case for modern buildings/extensions or the replacement of inappropriate material finishes such as UPVC, to which aluminium would be an improvement. This is not the case for the application building which is a historic, Georgian building within the Conservation Area, which retains traditional timber windows and doors to the upper floors of the existing front and eastern elevations.

The applications referenced by the applicant within the supporting statement, which have been approved with aluminium fenestration within the locality of the application site includes the hotel development at 43-49 Marine Terrace (reference F/TH/18/1053), which would be a new building within the Conservation Area; and 24-27 Marine Terrace (reference F/TH/18/0790) where the majority of windows within the frontage were UPVC windows, the replacement of which with aluminium windows constituted an improvement to this material finish. These cases therefore have different considerations to the proposed development, and in any case, each application is determined on its own merits.

The Conservation Officer objects to the application and considers the proposal would be to the detriment of the buildings appearance and significance through the use of non-traditional materials, which is considered to erode the distinct character of the building.

In accordance with paragraph 196 of the NPPF, it is necessary to consider whether there are any public benefits to the application which outweigh the harm caused to the significance of the heritage asset, in this case the Margate Seafront Conservation Area. Limited justification for the proposed aluminium windows and doors in place of timber has been provided within the supporting statement, with the justification provided focusing upon the recent approval of aluminium fenestration to this terrace, which I have addressed above. It is also stated that aluminium windows and doors are more robust for this exposed seafront location.

No evidence to substantiate the claim that aluminium is a more robust material for this location has been provided with the application. Timber windows, which comprise a suitable quality timber, with an appropriate paint finish and maintenance are comparable to the durability of aluminium windows, and in many cases outlive the lifespan of aluminium windows, as evidenced through the many timber windows which are over 100 years old. In any case, the durability of the windows is not considered to be a public benefit, and instead constitutes a financial benefit.

As such, it is not considered that there are any discernible public benefits associated with this application that would outweigh the identified harm to the designated heritage asset.

The proposed installation of aluminium windows and doors to the existing front and side elevation is therefore considered to introduce an inappropriate and non-traditional, modern material to this highly prominent Georgian building which would dilute the character and significance of the building and materially diminish the quality of the previously approved scheme. The proposal would therefore result in severe harm to the special character and appearance of the application property within the wider Conservation Area, which is not outweighed by the public benefits of the proposal.

The proposed development would therefore be contrary to Policy D1 of the Thanet Local Plan and paragraphs 127, 130, 192 and 196 of the National Planning Policy Framework.

### **Living Conditions**

The application proposes to alter the material finish of the replacement windows and doors to the upper floors of the existing front and side elevation, and does not propose the creation of, or alterations to, the openings. As such, the proposal is not considered to result in any additional impacts to residential amenity.

No other alterations are proposed through this application, and the impact of the proposed development upon the living conditions of adjacent neighbours has previously been considered and found to be acceptable.

### **Highways**

The impact of the proposed development upon highway safety and highway amenity was previously considered and found to be acceptable and the proposed alteration of the material finish to the fenestration to the front elevation and part of the side elevation is not considered to affect highway matters.

### **Conclusion**

It is considered that the proposed aluminium windows and doors would introduce an inappropriate, non-traditional and modern material to the upper floors of this highly prominent Georgian building within the Conservation Area which would dilute the character and significance of the application property, fail to preserve or enhance the special character

and appearance of the Conservation Area, and would materially diminish the quality of the previously approved scheme.

The proposed development would therefore result in severe harm to the special character and appearance of the application property and the wider Conservation Area, which is not outweighed by the public benefits of the proposal. It is therefore recommended that members refuse the application.

**Case Officer**

Jenny Suttle

TITLE:

F/TH/19/1198

Project

Flamingo Arcade 17 Marine Terrace MARGATE Kent CT9 1XJ

