

**A01**

**F/TH/20/0495**

PROPOSAL: Erection of new wrought iron security fencing around boundary of existing flat roof

LOCATION:

100 - 114 Harbour Parade RAMSGATE Kent CT11 8LP

WARD:

Eastcliff

AGENT:

Mr Stuart Ingleston

APPLICANT:

South-East Property Management Ltd.

RECOMMENDATION:

Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 006/19/04A.

**GROUND;**

To secure the proper development of the area.

3 The proposed railings shall be wrought iron and painted black.

**GROUND:**

To preserve the integrity and character of the listed buildings and character and appearance of the Conservation Area in accordance with Policies HE02 and HE03 of the Thanet Local Plan and advice as contained within the NPPF.

**SITE, LOCATION AND DESCRIPTION**

The property known as 100-114 Harbour Parade is a single storey building with a large basement, located on the northern side of Harbour Parade on Ramsgate seafront & is not Listed. To the rear of the property is the higher Kent Terrace, which is Grade II Listed (listing nos 1052310 and 1336668). These listed properties are three storeys with basements, mainly constructed of stock brick which is part painted, with slate roofs. The majority of which have sash windows to the second floor and two storey bow windows below, with French windows to the first floor below a tented veranda. It is believed that this terrace was

originally of one construction, but Nos. 7-9 were destroyed by war damage and subsequently infilled with modern structures.

The application site and adjoining Kent Terrace are located within the Ramsgate Conservation Area. The application site is not listed and is a single storey building that was originally single units, but over the years has been converted into larger units, which have included public houses and nightclubs. It is currently a large Family Amusement Centre with a separate restaurant and a small retail unit. The property has a large flat roofed area on several levels, which is accessible from the higher Kent Terrace located to the rear.

### RELEVANT PLANNING HISTORY

F/TH/19/1144 - Erection of new wrought iron security fencing around boundary of existing flat roof. Refused 5th December 2019 for the following reason

"The development, by virtue of the extent and varying heights of the railings proposed, would detract from the character and appearance of the host building, appearing incongruous and overly cluttered, failing to preserve or enhance the special character and appearance of the Ramsgate Conservation Area, resulting in a detrimental impact on the significance of both the conservation area and competing with the listed buildings and structures in Kent Terrace, not outweighed by any public benefit and as a result the development would be contrary to the aims of saved policies D1 and EC8 of the Thanet Local Plan and the aims of paragraphs 127, 130, 196, 197 and 200 of the National Planning Policy Framework."

F/TH/18/1525 - Retrospective application for the installation of a flue together with the erection of fencing screen. Approved 11th February 2019.

### PROPOSED DEVELOPMENT

This application seeks planning consent for the erection of wrought iron railings around the boundary of the existing flat roof of the property. The rails would be set in a low wall and the wall and the railings would have a total height of 1.2m, following amendments received which reduced the height from 1.8metres at their highest point.

The applicants advise that the railings are required as they have suffered fly tipping on the flat roof as well as people walking across it.

### DEVELOPMENT PLAN POLICIES

SP11 - Ramsgate

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

QD02 - General Design Principles

QD03 - Living Conditions

HE02 - Development in Conservation Areas

HE03 - Heritage Assets

### NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the site and the application publicised in a local newspaper.

Eleven representations have been received objecting to the application. Their comments are summarised below.

- Conflict with Local Plan;
- General dislike of the proposal;
- Not enough information given on the development;
- Out of keeping with the character of the area;
- Devaluation of my flat;
- Detrimental to the outlook of properties in Kent Terrace and the appearance of the terrace as a whole;
- Loss of light;
- Application not accompanied by a heritage assessment;
- Railings will create a sense of enclosure due to their height;
- Not appropriate for a residential setting;
- This is a conservation area and most of the houses are grade II listed. The proposal will detract from the historic ambience of the whole area;
- The attractive view of Kent Terrace from the harbour will change;
- Over development;
- This is the only Royal Harbour in Great Britain and is shown in a painting by Frith which hangs in Buckingham Palace;
- There are dead seagulls on the roof which need to be recovered;
- The fire department needs access to the roof for emergencies;
- Residents in Kent Terrace could gather on the roof in the event of a fire;
- Local residents have never tolerated any gatherings on the roof;
- Properties in Kent Terrace have had unrestricted sea views since 1840;
- Residents have already accepted the air conditioning unit on the flat roof;
- Application states wrought iron railings, but these are expensive;
- Existing railings surrounding the roof are about 0.85m in height and set into the wall, the proposed railings are nearly 1.8m in height. The residential railings fronting properties in Kent Terrace are about 0.9m in height;
- Officers considered in the previous application (F/TH/19/1144) that the proposed railings would compete with the existing railings in the area and the mixture of the wall and railings would result in cluttered and prominent feature. This is still the case;
- The fence would surround part of the land referred to as a lawn or pleasure garden in the original conveyancing of the dwellings in Kent Terrace. Land registry title deeds give each owner of a dwelling in Kent Terrace an easement to use the garden as a communal garden. The erection of the railings will stop residents and members of the public from entering the garden;
- The existing wall does not have planning consent and enforcement action should be taken;
- Impact on residents parking rights.

Two representations have also been received from a planning consultant on behalf of a local resident. They make the following comments.

- No Heritage Impact Assessment to accompany the application;
- The railings in front of the properties in Kent Terrace are short about 900mm in height with individual rails set into the coping of dwarf walls, each rail terminating in a fleur de lys or similar with the principals terminating in what appears to be bobbin heads, principals supported with back stays in a traditional manner;
- The railings are proposed to be 1.8m in height which is not appropriate for this domestic context;
- The plans state that the railings will be wrought iron but this will be expensive;
- Do not have sufficient details of the proposed railings;
- An upstand wall of no more than 300mm high with 900mm railings mounted directly into that and painted black might enhance the setting of the listed buildings;
- It is noted that the height of the railings have now been reduced from 1.8m to 1.2m, but still have concerns as to whether the proposed railings would be installed traditionally;
- Residents have concerns that the restaurant may have plans to use the rooftop as a seating terrace.

**Ramsgate Heritage and Design Forum:** Strongly oppose this application. Object to height of railings - 1100 - 900mm would be more appropriate following removal of the low wall. A heritage statement and 1:5 scale details of metal work should be submitted.

### CONSULTATIONS

**TDC Conservation Officer:** Additional comment: Following amendments to the proposed scheme and the considerable lowering of the proposed railings to the roof of 100 - 114 Harbour Parade I believe that the impact to the surrounding conservation area has been sufficiently lowered, reducing harm to both the immediate environment as well as the impact to the nearby listed properties. Ultimately this has reduced my concerns relating to the application and therefore I no longer object to the proposed scheme.

Initial Comment: 100-114 Harbour Parade is a large commercial restaurant fronting the seafront in Ramsgate Conservation Area. Behind the property is a terrace of Grade II listed properties called Kent Terrace. Previously another application was submitted which applied for very similar works under application number F/TH/19/1144 which was refused.

Policy HE02 (Draft Thanet Local Plan) Section 8 states appropriate materials and detailing are proposed and the development should not result in the loss of features that contribute to the character of the conservation area.

NPPF Section 16, Paragraph 192 states, In determining applications, local planning authorities should take account of (Paragraph A) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and (Paragraph C) 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 16 Paragraph 2, In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As well as Section 66 Paragraph 1 which states when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The railings proposed, although somewhat reduced in height, are still very prominent to the roofline of the area and appear heavy and out of place to 100 - 114 Harbour Place. This subsequently imbalances the character of both the listed terrace behind the site which would be perceived poorly into the character of the surrounding conservation area.

It appears that minimal changes are being proposed since the previous application was refused in 2019. I can acknowledge that it has been proposed to remove the existing concrete wall around the roofline of the site and attached the railings directly into the roof itself. Ultimately I believe this removal of concrete would be an improvement to the structure but I do not believe this alteration to negate the harm that is ultimately caused by the railings, their muddling impact to the nearby listed properties or their general perceived appearance within Ramsgate Conservation Area appearing heavy and out of place on the property.

I am aware, through the design and access statement that has been submitted as part of the application, that previously pre application advice sought at this address of which the conclusion was that railings would be acceptable in this location. In principle, I do not disagree with this advice but I believe this needs to be at a much lower level to reduce the impact to the surrounding area and make the proposal sympathetic to the character of Harbour Parade. I believe a fence at a much lower level would still form a deterrent from those wrongly accessing the roof, whilst reducing the harm caused to the character and appearance of the surrounding area. In its current design form I do not believe this application complies with local or national guidelines and therefore I object to this application.

## COMMENTS

This application has been called to Planning Committee by Councillor Albon for Members to consider the impact on the proposed works on the character and appearance of the conservation Area and the setting of the listed buildings in Kent Terrace.

The main considerations are the impact of the proposed development on the character and appearance of the conservation area and setting of the nearby listed buildings, living conditions and highways.

## **Principle**

The site lies within the built up area of Ramsgate and there is no in principle objection for the erection of railings to the existing flat roof to the application site.

### **Character and Appearance**

The site lies in the Ramsgate Conservation area with most of the properties to the rear in Kent Terrace Grade II listed. Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is supported by local policy, namely Policy QD02 of the Thanet Local Plan which states that any new development must 1) Relate to the surrounding development, form and layout and strengthen links to the adjacent areas. 2) Be well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout and use of materials appropriate to the locality. The development itself must be compatible with neighbouring buildings and spaces and be inclusive in its design for all users. 3) Incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access. 4) Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime. Policy SP11 of the Local Plan is a site specific policy for Ramsgate. It states that land at and adjacent to Ramsgate Royal Harbour is identified for development for a mixture of leisure, tourism, retail and residential purposes. All proposals must: 1) Take particular care in the design, location, use of materials and relationship of land-based facilities with open water, such as to protect important views and preserve or enhance the historical character of the Royal Harbour and seafront. 2) Ensure that the integrity of nature conservation interests within the adjacent SSSI, SPA, SAC, Ramsar, Thanet MCZ site are maintained.

### *Impact on Conservation Area*

Special attention should be paid to the desirability of preserving or enhancing the character or appearance of the designated area. (Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990). The framework 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 asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193). The NPPF goes on to state in paragraph 196 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 where appropriate, securing its optimum viable use. Policy HE02 of the Local Plan relates to development in conservation areas; it states that development proposals which preserve or enhance the character of the area will be permitted and new development which would detract from the immediate or wider landscape setting of the conservation area will not be permitted. Relating specifically to means of enclosure it states that walls, gates and fences should, as far as possible be of a kind traditionally used in the locality. Policy HE03 states that proposals that affect both designated and non-designated heritage assets, will be assessed by reference to the scale of harm, both direct and indirect, or loss to, the significance of the heritage asset in accordance with the criteria in the NPPF.

This application seeks consent for the erection of wrought iron railings around the existing flat roof of the building. The railings would be set into the wall, have a traditional finish with fleur de lis finial to reflect the railings to the front of the properties in Kent Terrace and with the wall would have a total height of 1.2m.

This application seeks to overcome the reason for refusal on the previous application F/TH/19/1144 in that it seeks to secure a consistent height and appearance for the walls and railings. Whilst this approach was welcomed and no objection was raised to the principle of placing railings around the flat roof area, officers still had reservations about the overall height of the wall and railings as originally submitted (1.8m) which appeared at odds with the character and appearance of the surrounding area. The applicants advised that they were seeking to prevent access to the flat roof area which has been subject to fly tipping and people using it as a walkway/shortcut. Following discussions with officers, the scheme has now been amended to provide a total height of wall and railings to 1.2m (within some areas the existing walls being removed and replaced). Officers feel that this height prevents access to the roof, but does not form a uncharacteristic dominant feature within the Conservation area. The railings will not be visible from Harbour Parade due to their height and location, with the front facade of 110-114 Harbour Parade obscuring any views from the promenade. The design of the railings will not be out of character with the style of railings within the locality with the colour painted to match railings in Kent Terrace. Following the reduction in height, the railings are not considered to affect views from Kent Terrace in the Conservation area, with the sense of openness maintained.

It is therefore considered that the traditional appearance of the proposed wrought iron railings set within the wall would reflect that which is common along the front of the properties within Kent Terrace and help to ensure that the development preserves the special character and appearance of the conservation area.

#### *Setting of Listed Buildings*

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework defines Listed Buildings as a designated heritage asset and defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

It is recognised that originally the application site may have had a functional/ownership relationship with the listed buildings in Kent Terrace, but it is considered that this relationship has changed and evolved over time due to the changes in ownership of the application site and its current function. It is not considered that the application site is within the curtilage of the listed buildings now or at the time the existing wall around it was erected in 1997. Officers do not consider that planning permission was required for the erection of the wall as there are permitted development rights for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure under Schedule 2, Part 2 and Class A Minor operations of The Town and Country Planning (General

Permitted Development) (England) Order 2015 up to 1 metre in height if adjacent to a highway and 2 metres in height elsewhere.

The amended scheme would provide railings of a similar height and design of the existing railings to the frontage of properties in Kent Terrace and would be wrought iron and painted black. It is considered that the proposed railings respect the setting of the listed buildings and would be read as an entity with them. As such, it is not considered that there would be any adverse impact on the special architectural or historic interest of the listed buildings or their setting from the proposed development. It is considered appropriate that materials and the colour of the railings are secured by condition.

### *Summary*

It is also noted that the amended proposal now has the support of the Council's Conservation Officer and also closely matches that suggested as acceptable by some local residents, the appointed planning consultant and the Ramsgate Design and Heritage Forum.

It is considered that the amended scheme would not result in harm to the special architectural or historic interest of the listed properties in Kent Terrace, and would preserve the character and appearance of the conservation area. As such, it is considered that the proposal would comply with the aims and objectives of paragraphs 124, 193 and 196 of the NPPF and policies SP11, HE02, HE03 and QD02 of the Local Plan.

### **Living Conditions**

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.

There are residential properties to the rear (Kent Terrace) and on the upper floors of the nearby properties in Harbour Parade. Whilst there may be some visual impact from the proposed railings, it is not considered that there would be any adverse effect on the residential amenities of surrounding occupiers.

### **Highways**

Concerns have been raised by local residents that the application would have an impact on the parking rights of residents in Kent Terrace, although the exact nature of the impact is not set out in the representations.

Due to its location (surrounding a flat roof area), it is not considered that the proposed development would have an adverse impact on Highway Safety or parking in the surrounding area.

### **Other Matters**

It is noted that local residents and the planning consultant appointed by a resident state that no Heritage Assessment was submitted to support the application. This was, however, an



error on the Council's part as a Heritage Statement was submitted with the application (making the application valid at the point of submission) but this was not originally made available for public inspection. It was made available as soon as the error was identified and officers are confident that all consultation requirements on the application have been met and no party has been disadvantaged by this lack of initial consultation.

Local residents have commented that the proposed development would result in the loss of sea views, devalue their properties, be at odds with other legislation which allows the owners of properties in Kent Terrace to use a garden area to the front of the properties and that the existing wall on the application does not have planning permission and its removal should be sorted by planning enforcement. These points will be considered in turn below.

Loss of view - there is no right to a particular view and, as such, it is not a material planning consideration when determining planning applications.

Devaluation of property - The effect on property value is not a planning matter and cannot be taken into account in planning decisions. This too is in the public interest. Since almost all development is likely to have some effect on property values, it would be impossible to develop housing and other facilities if development could be prevented on this basis.

Concerns have been raised by local residents that the owners of properties in Kent Terrace have a right to use land to the front of the properties as a garden. The garden area has not been identified, but it is considered that this is a civil matter. Planning permission does not override civil matters and any such issue would need to be dealt with as a separate matter.

## **Conclusion**

Planning permission is sought for the erection of railings around the boundary of the existing flat roof of nos. 100 -114 Harbour Parade. Following concerns by officers the scheme has been amended to set the railings into a dwarf wall and to lower the total height of the railings and the wall to 1.2m. Given the reduction in height (which largely matches the railings found to the frontage of many of the listed properties in Kent Terrace) and the proposed material, design and colour of the railings it is considered that the amended scheme would not result in harm to the special architectural or historic interest of the listed properties in Kent Terrace, and would preserve the character and appearance of the conservation area. As such, it is considered that the proposal would comply with the aims and objectives of paragraphs 124, 193 and 196 of the NPPF and policies SP11, HE02, HE03 and QD02 of the Local Plan.

## **Case Officer**

Annabel Hemmings

TITLE:

F/TH/20/0495

Project

100 - 114 Harbour Parade RAMSGATE Kent CT11 8LP

