

**R07**

**F/TH/22/0660**

PROPOSAL: Part retrospective application for replacement window at basement level, replacement and repair to part of balustrading to the rear, installation of door entry systems to front doors and proposed boiler flues to front and rear elevations

LOCATION: 7, 11 And 15 Westcliff Terrace Mansions Ramsgate Kent CT11 0JD

WARD: Cliffsend And Pegwell

AGENT: Mr Andrew Evans

APPLICANT: Mr P Goodlace

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposed development, by virtue of the provision, location and arrangement of the external boiler flues and door entry systems and the materiality of the replacement balustrading would form discordant and unsympathetic additions and alterations to the Listed Building, and result in a disorderly and cluttered appearance to the front and rear elevations, which would detract from the significance of the Listed Building and result in severe harm to the special character and appearance of the Pegwell Conservation Area, which is not outweighed by the public benefits of the proposal. The proposal would therefore be contrary to Policies HE02 and QD02 of the Thanet Local Plan and paragraphs 130, 197 and 202 of the National Planning Policy Framework.

#### SITE, LOCATION AND DESCRIPTION

Westcliff Terrace Mansions is a substantial Grade II Listed four storey terrace, built around 1840. It is set within a prominent location and has a vast presence within the street given its scale and architectural design, despite being set back some way from the main road. The building has suffered some neglect over the years and is currently in use as flatted accommodation. It sits between the built up edges of Pegwell but overlooks landscaped amenity spaces and the sea beyond the west cliffs of Ramsgate to the south. Historic England describe it in the following terms:

RAMSGATE PEGWELL ROAD TR 3664 SE (south side) Nos. 1-23 16/303 West Cliff Terrace inclusive, with 13.8.68 terracing to south II GV Terrace row. c 1840. Stock brick, part rendered with slate roof, in Italianate style. Entrance front to Pegwell Road. Four storeys and basements with plinth, moulded string course to 1st floor and cornice to 3rd (attic) storey

with cornice and parapet to end partitions and to centre bays, both with massive scrolls. Stacks ranged from left to right. The end partitions (of 2 bays each) and centre 12 bays with round headed sashes on 3rd floor, otherwise sashes throughout in moulded surrounds, with bracketted cornices and shell pediments on 1st floor. Two window bays to each unit, 24 bays in all. Two storey porches to right with one 3 storey to centre right and 3 storey porches to left with one 2 storey, all rendered on ground floor, mostly brick over, with cornices to each stage, and with single or double sashes. Single storey porches to central 6 units, with shell scroll cornices. Double 2 panelled doors with elliptical fanlights in recessed pilastered and scrolled doorways, with fluted Doric columns to central porches. Two storey addition to end right (with single storey main porch) with pilaster quoins and half- round windows and elliptically arcaded ground floor, now boarded in. Blank window spaces with same details as main facade to left return. Anthemion pattern rails to moulded steps and basement areas. Name: West Cliff Terrace: inscribed as central raised parapet. Sea front: continuous balustraded verandahs with French doors on ground and 1st floors with balustraded balcony to 2nd floor, the verandahs in part glazed to centre. Otherwise similar details as road front (including scrolled parapet to centre and end partitions). Balustraded terraces of brick and rendered across whole front with flint and brick piers, and with steps leading down to gardens. Built as a speculative venture (which never quite came off) for James Wire, Alderman of London.

The site also lies within the Pegwell Bay Conservation Area.

#### RELEVANT PLANNING HISTORY

F/TH/21/1763 - Retrospective application for replacement window at basement level, replacement and repair to part of balustrading to the rear, installation of door entry systems to front doors and proposed boiler flues to front and rear elevations. Refused.

L/TH/21/1764 - Retrospective application for Listed Building Consent for replacement window at basement level, replacement and repair to part of balustrading to the rear, installation of door entry systems to front doors and proposed boiler flues together with internal alterations including the insertion of internal partitions to create en-suite bathrooms to third floor flats. Refused.

In June 2022 a listed building enforcement notice was served in respect of a number of issues identified from the applications referenced above.

F/TH/21/1145 - Retrospective application for replacement timber sliding sash windows to third floor. Granted.

L/TH/21/1146 - Retrospective application for Listed Building Consent for roof joist repairs, and replacement timber sliding sash windows to third floor. Granted.

L/TH/19/1372 - Application for Listed Building Consent for internal refurbishment/reinstatement of No3 flats including internal alterations. Refused.

#### PROPOSED DEVELOPMENT

This application seeks planning permission for the retrospective replacement of a basement window to the front elevation, the replacement and repair of balustrading to the rear following some collapse, the installation of a new door entry system to the front of the building, and boiler flues to the front and rear. At the time of the officer's site visit, some work in relation to boiler flues, the rear balustrading and the basement window had already been carried out.

The application is to be read with an accompanying listed building application (reference L/TH/22/0661) which proposes various retrospective internal alterations and the replacement of existing rooflights. The works across the two applications cover three flats (7, 11 and 15) within the middle section of the terrace.

This application is a resubmission of the previously refused application in which the applicant hoped to be able to justify the proposal in more detail. Since the last applications an enforcement notice has been served.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE02 - Development in Conservation Areas

HE03 - Heritage Assets

QD02 - General Design Principles

QD03 - Living Conditions

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice was posted close to the site and an advert was posted in the local paper. No representations have been received.

Councillor Rogers comments on the application as follows:

"This beautiful building has suffered years of neglect and I visited with an open mind but it has been very tastefully refurbished. to a very high standard. Other parts of this building already have flues and outside entry systems. As there are pillars to the side of the front doors, I fail to see where the entry systems would be placed. The parts of the balustrade that have been repaired are admittedly constructed with different materials but so well done and made to last but fit in perfectly with the rest of it. In my view all the works that have been done enhance this building and also the street scene."

**Ramsgate Heritage and Design Forum:** The Forum welcomes proposed repairs to this iconic property. No objection.

## CONSULTATIONS

**TDC Conservation Officer:** "Westcliff Terrace Mansions is a substantial crescented terrace which is Grade II listed, built c.1840, set within a prominent location within Pegwell

Conservation Area. Thanets adopted Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.' As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.' NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (c) the desirability of new development making a positive contribution to local character and distinctiveness. As well as Paragraph 196 which it states where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. Also under the NPPF is section 196 which states 'where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.' Under the Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 2 it states 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. Previously this application had already been submitted under reference L/TH/21/1764 which refused on the basis it caused harm to the listed property. It also applied again for ensuites which had been refused on their own merits under separate application L/TH/19/1372 as well as proposing other inappropriate material repairs.

This application, reference L/TH/22/0661, which has now been submitted for review is for the same works in principle with no obvious variation in the approach to the work proposed. Due to this reason my previously raised concerns remain extant of which I have included below for reference. The only variance I would look to comment on is that it has now been established that the flues, of which have been raised as a concern to the road elevation, are mainly required as a flue to facilitate the unlawfully installed ensuites. If the ensuites are removed this also removes the requirement to have the flues in this location as such improving the scheme and reducing the harm considered to be inflicted on the listed building. The focus of this application is largely on the implication to the listed property itself rather than the proposed changes to the setting and appearance of the surrounding Pegwell Bay Conservation Area under application F/TH/22/0660. Although I do believe that if the balcony was repaired in the way proposed it would appear incredibly poorly, this would not have a significant impact on the setting and appearance of the surrounding conservation area. The main elements of this application include the installation of ensuites, the installation of UPVC flues on both elevations, replacement of sections of the rear balcony in cement and the installation of a new door entry system. Fundamentally with the information provided I do not support these elements apart from finding a solution to the door entry system, however listed building consents cannot be partially approved or amended. My concerns, as expressed previously, have been included below.

Pre application guidance was undertaken before this application was submitted of which the following stance was expressed and all the included concerns were raised. It was also advised that additional information would be required to be included regarding aspects of the retrospective work which have already been undertaken. Reviewing the submitted evidence unfortunately it does not appear that these aspects have been covered, these include

removal of fireplaces and their surrounds, removal of lightwells and structure of replacement walls. I have multiple concerns throughout the proposed application which have been summarised below with minimal aspects which were considered acceptable. However applications cannot be partially approved and therefore they will either be fully granted or fully refused following this application.

Internally my most substantial concern is the construction of the ensuite amongst the floor plan. This was recently refused under application L/TH/19/1372. Although there was a delay in the refusal of the application concerns were established from initial conversation, ongoing discussion and through the submission of the refusal report. The issue regarding the ensuite is how it uncomfortably divides an already small bathroom as well as requiring an extra doorway to be installed to the fabric of the listed property. It also requires further waste and services to be installed. I can acknowledge that precedents have been supplied as part of this application to try and validate their construction however I do consider these to be outdated against current legislation as well as varying circumstances from those presented through this application.

Elsewhere amongst the floor plans which have been submitted, they show other unauthorised changes which have been established as unacceptable. This includes additional cupboards and stores, the movement of walls which intersect window sills. To approve this application would authorise these plans and alterations which are considered to be intrusive to the established floor plan of the apartments across all floors and therefore should not be granted. On initial inspection of the apartments included as part of the application it was immediately apparent that all lathe and plaster throughout the property had been removed. This was the original fabric of the building and a loss of its integral historic value. These walls will need to be reconstructed to allow the property to be maintained and habitable moving forward, of which no further information has been provided.

Externally there are also various elements which raise points of concern. Multiple UPVC flue vents are proposed across both main elevations of the terrace. UPVC is not an appropriate material to use upon a listed property given its contemporary and obviously shiny and plastic appearance. Flues are not an uncommon requirement amongst properties, even those which are listed, not allowing UPVC amongst listed properties is however very common and therefore another solution should be sought or evidence provided of other considerations.

Within the grounds of the site it was asked that a failed balcony be repaired in appropriate materials. As it exists the construction of this balustrade appears to be brick construction then rendered, or stone pieces. This application proposes to build out the shape of the balustrade in concrete slabs and then render over the top. Following a site visit I would have concerns with the level created by these concrete slabs, as evident by the work already undertaken on site. An issue associated with using a contemporary material against a traditional material is that they will degrade and settle differently over time and will therefore likely cause similar issues in the future. Matching like for like materials should be used to repair this balustrading.

Although I can acknowledge that the intercom proposal is an important part of the use of the building. It was advised previously that this be situated away from the fabric of the original

doors as much as possible. This proposal is centrally within the fabric of the door and is therefore not acceptable.

A window has been replaced at basement level in a like for like manner as per the design and access statement. However no further information regarding its material form have been included regarding this.

Overall I do not believe that the implications to what remains of the significance of the property has been fully established, explored and justified evident by the concerns raised above. Uncomfortable alterations to the floor plan, as well as the use of inappropriate materials result in an application which does not comply with Thanets adopted Local Plan, policy HE02, states within Section 7 or Section 8. As well as NPPF Section 16, Paragraph 197. A continued blatant disregard for the requirement of permission before undertaking works to a listed property is evident through the construction of the refused ensembles as well as the half rectified balcony to the rear, as well as the initial total stripping back of the three properties in question, resulting in the dilapidated and uninhabitable state of the buildings. This results in the relevance of NPPF Section 16, Paragraph 196. I am fully supportive of maintenance and works being undertaken to this building in order to facilitate its introduction back into a habitable residence, however this should not be to the detriment of the historical value and significance of the listed apartments. Therefore I object to the application proposed and suggest that it is referred to enforcement. I can acknowledge and appreciate that maintenance and work needs to be undertaken at this site in order to facilitate the continued use and sustainability of Westcliff Terrace Mansions, however this should not be to the further and continued detriment of what remains of this listed property. As such I continue to object to this application and suggest the work proposed is reconsidered. In its current form it does not comply with aforementioned legislation and therefore continues to be unacceptable."

## COMMENTS

This application is reported to Planning Committee at the request of Councillor Rogers in order for Members to consider whether the works undertaken and proposed are sympathetic to the listed building.

### **Principle**

There is no in-principle objection to alterations and replacements to residential buildings in the urban area.

It falls to consider whether the proposed works and those already carried out have an impact on the character and appearance of the area, the historic environment and designated heritage asset and neighbouring residential amenity.

### **Character and Appearance**

As the application property is a Listed Building 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 the building and any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character and appearance of the area.

Paragraph 130 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Paragraphs 199 and 202 of the NPPF advise that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation. In determining applications great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.

Policy SP36 of the Thanet Local Plan sets out that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets by protecting the historic environment from inappropriate development, encouraging new uses to bring listed buildings back into use and encouraging their survival and maintenance without comprising the conservation or significance of the asset and supporting development that is of a high quality design and supports sustainable development. Policy HE02 sets out that within conservation areas, development proposals which preserve or enhance the character or appearance of the area, and accord with other relevant policies of the Plan will be permitted but new development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted. Policy HE03 sets out that the Council supports the retention of local heritage assets, including structures, features and gardens of local interest. Proposals that affect both designated and non-designated heritage assets will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF.

Policy QD02 of the Local Plan outlines that the primary planning aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

A basement level window has been inserted in the middle of the terrace. It appears that this was a horizontal opening with one main panel and two side hung casements. The resultant terrace appears to have sash windows with a four over four glazing bar arrangement. The window that has been installed is a single glazed vertically positioned opening with horn details that visually assimilates better with the resultant terrace. Some concerns are raised as to how the building has been made good around the opening considering the reduced size of the window, however on the whole there are no objections to this change to the front elevation.

Also to the front it is proposed to insert a number of boiler flues in ad hoc locations. Most of these were in situ at the time officers visited the site. These were stated to be for the provision of new boilers. Whilst the application does not clearly indicate the material composition of these, it is apparent uPVC has been used in places despite previous assertions to the Council that stainless steel should be used. The application currently proposes 8 flues across the front elevation, and three across the rear. The overall number and sporadic arrangement of these, particularly across the front, even if painted, have and will result in an intrusion into the fabric of this Grade II listed building, with modern non-traditional additions to the external elevations, which comprises a key part of the significance and special interest of the Listed Building, and the contribution the building makes to the Conservation Area. They will form a disorderly and cluttered appearance which poorly relates to the traditional and balanced design and appearance of these elevations. Furthermore these flues are intended to serve more than the three flats identified in the application and, following discussions with the applicant, are believed to facilitate further renovations and works across the building.

Currently the terrace is served by a number of entry doors in a double arrangement set between pillars. The application proposes the installation of intercom panels to the top right hand side door panel for each of the three entrances concerned. There are already panels in situ but their lawfulness is not definitively known. The applicant advised on site that this is an important feature for tenants given the scale of the building and the need to allow access to visitors without having to come to the front door based on the flatted arrangement. Whilst the convenience of tenants is a thoughtful consideration, this is a modern addition to an historic building. It is clear that over time there has been some work put in to the building to restore it and bring it into use and up to a good standard and paragraph 199 of the NPPF and policies SP36 and HE03 of the Thanet Local Plan require consideration of the optimum viable use of the building. Therefore the view could be taken that there is a balance to be had and that some small harm to the overall historic character of the building, in order to gain the larger benefit of continued investment and preservation, could be acceptable. Usually where such works are accepted, the Council would normally expect these to be located in areas so as to cause minimal intrusion or visual distraction. In this case it is accepted that there is no accessible wall area as a result of the columns either side of the entrance doors, and, therefore, if a panel were to be considered agreeable, it would likely only be able to be fitted in the door itself, with Officers agreeing that a pedestal system as discussed in the Design and Access Statement, would be wholly inappropriate. That being the case, the proposed panel would be a larger metal addition in a new location to the existing, causing more intrusion and probably the need to replace part of the current timber door on each entrance. The applicant advised on site that they could alter the colour, and had other works been considered to be acceptable Officers may have explored this and the other issues raised by the change. However at this time these concerns remain.

To the rear the proposal involves the replacement of damaged and disrepaired balustrading at ground level. Although this would be the ground level for the occupants of WestCliff Terrace Mansions, it would be at a much higher, almost first floor level when viewed from the grassed areas to the area because of the difference in land levels. The works proposed involve the replacement of the balustrade capping with sand and cement render reinforced with chicken wire and formed as a balustrade capping. The original balustrade capping is formed by brickwork and roof tiles used to form a capping angle with a sand and cement

render surround. The proposed replacement balustrade capping does not replicate the quality of the original materials, and the use of a modern material against a traditional material is likely to degrade at an earlier stage and settle differently over time, resulting in a poor and incompatible finish. The Conservation Officer has also raised concerns with the different levels created to this balustrading as a result of these works, as observed on site. As such, this element is considered to result in harm to the Listed Building and Conservation Area. The applicant has set out in their Design and Access Statement that they consider this method to be traditional not modern, and appropriate, though the justification still remains unclear. Whether or not this is a modern material or method, it is not one used at this site. It is clear from an inspection of the works to date that the overall finish would be discordant and of poor quality. The building has been in situ since around 1840 and if the balustrading was constructed at a similar time and has only in the last few years begun to fail, it would be disingenuous to assert that it was at risk of sudden collapse if repaired using the method and materials that have been in existence for over 150 years. For this reason the works are considered by Officers to be harmful to the special architectural and historic interest of the building. The overall height differences when viewed from the grassed areas to the rear or any glimpsed public spaces would show the diminution in quality and this would have a harmful impact on the character and quality of the area and historic environment as a whole.

Overall limited details and justification has been provided for the proposed development. The proposed works, with the exception of the replacement basement window, have been carried out or are proposed in an unsympathetic manner and have not given just regard to the requirement to respect and preserve the significance of the heritage asset. The Conservation Officer has objected to the proposal, which is considered to constitute less than substantial harm to the designated heritage asset, and, in accordance with paragraph 199 of the NPPF, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

In this instance whilst there may be some benefit perceived by the owner of the building in the proposed alterations, it is considered that these benefits could be achieved through appropriate and sympathetic works by investigating other alternatives. The optimum use of the building is as residential accommodation which is provided through the existing subdivision of the building into flats. As such, there are not considered to be any discernible public benefits which would outweigh the harm identified, save where specified above. The works are therefore considered to result in harm to the significance of the Listed Building and the special character and appearance of the Conservation Area, which is not outweighed by the public benefits of the proposal. The proposal would therefore be contrary to Policies SP36, HE02 and QD02 of the Thanet Local Plan and paragraphs 130, 199 and 202 of the National Planning Policy Framework.

## **Living Conditions**

Paragraph 119 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. Paragraph 130 states that decisions should ensure development creates, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Saved policy QD02 of the Thanet Local Plan outlines that new development should be compatible with

neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Saved policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure.

The proposed development largely proposes the replacement of existing built fabric and form, with the addition of external boiler flues which comprises limited built form, and does not propose the creation of any additional openings. As such, the proposal is not considered to result in harm to the residential amenity of adjacent neighbouring properties, or the existing/future occupants of the host property.

The plans provided also propose internal alterations. Whilst these don't require planning permission, they would require listed building consent and Officers note that the subdivision of bathrooms to create en-suites would result in a small bathroom space with no natural light or ventilation across the flats.

### **Other Matters**

The Government, in a written statement in 2015, set out that they considered that intentional unauthorised development should be a material consideration for the purposes of planning decisions and stated in the initial letter to Chief Planning Officers in England that:

'The government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.'

The Planning Department and its Enforcement Team have had many discussions and visits to the site about unauthorised and unlawful works at it. The applicant was asked several times to stop works so that the merits of them could be considered, and to protect the listed building, which is a finite resource. Despite this the applicant has continued to progress works without consent and in breach of the Town and Country Planning (Listed Buildings and Conservations Areas) Act 1990 and the Town and country Planning Act 1990. This has resulted in formal enforcement action, with a listed building enforcement notice being served and other measures considered. This unauthorised and unlawful activity, despite the work of the Planning Department, along with three previous refusals for similar works, leads Officers to conclude that there has been intentional unauthorised works across the site. Both this, and all three previous refusals, are material planning considerations and weight should be given to this in the determination of this application and having regard to the significance of the building.

### **Conclusion**

Overall the works that have been proposed in this application are the same as those previously refused in applications F/TH/21/1763 and L/TH/21/1764. No new justification has convinced Officers that the harm previously identified could be overcome, and there is

evidence that the works that have taken place are intentional and unauthorised, as well as unlawful. Many of the proposed elements in the scheme could have been acceptable if alternative materials or methods had been employed as Officers advised and invited, however the applicant did not wish to address these and harm has been identified to both the listed building and the character of the wider historic environment and area. Listed buildings are a finite resource, and whilst there has been some improvement across the terrace as a whole, the works the subject of this application are not considered to preserve or enhance the area, or to be in the interest of the special and architectural interest of Westcliff Terrace Mansions. The benefits provided would be private not public, and the optimum viable use has already been secured. As a result the works are considered contrary to local and national policy and the application is recommended for refusal.

**Case Officer**

Vicky Kendell

TITLE:

F/TH/22/0660

Project

7, 11 And 15 Westcliff Terrace Mansions Ramsgate Kent CT11 0JD

