

**D02**

**F/TH/22/0756**

PROPOSAL: Retrospective application for the erection of a second floor extension to form 1No self contained flat

LOCATION:

Miles And Barr 43 - 45 High Street BROADSTAIRS Kent CT10 1JR

WARD:

Viking

AGENT:

Mr Matthew Gerlack

APPLICANT:

Mr J Stern

RECOMMENDATION:

Defer & Delegate

Defer and delegate for approval following securing the SPA contribution with late payment amount included to mitigate the impact on development on the site on the SPA and subject to safeguarding conditions:

1 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 22/569/JG/PL02, 22/569/JG/PL03, 22/569/JG/PL05, 22/569/JG/PL06, 22/569/JG/SK01 (received 01/09/22), 22/569/JG/SK02 (received 01/09/22) and Specification - Works to the external facade (received 01/09/22).

## **GROUND**

To secure the proper development of the area.

2 Prior to the first occupation of the unit hereby approved, full details of the secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The scheme as agreed shall be provided in full accordance with the approved details and thereafter retained.

## **GROUND**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan

## INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Thanet District Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design.

Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband.

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

**Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:**

**<https://www.thanet.gov.uk/info-pages/planning-conditions/>**

## SITE, LOCATION AND DESCRIPTION

The application relates to 43-45 High Street Broadstairs, a three storey building within the core town centre of Broadstairs. The building is on the corner of High Street and Queens Road. At present the ground floor fronting the High Street and part of the Queens Road frontage is used by Miles & Barr Estate Agents.

The site is not located within the confines of a Conservation Area, although there are some listed buildings close to the site.

## RELEVANT PLANNING HISTORY

F/TH/21/0611 Erection of a second floor extension to form a self contained flat. Granted 27/07/21

NM/TH/21/1181 Application for a non material amendment of planning permission F/TH/20/1773 for the change of use of part of ground floor office space (Use Class E(g)(i)) and all upper floors into 5no. 1 bedroom and 1no. 2 bedroom self contained flat (Use Class C3) together with first floor extension fronting Queens Road and alterations to roof to allow alterations to fenestration. Granted 23/08/21

F/TH/20/1773 Change of use of part of ground floor office space (Use Class E(g)(i)) and all upper floors into 5no. 1 bedroom and 1no. 2 bedroom self contained flat (Use Class C3) together with first floor extension fronting Queens Road and alterations to roof. Granted 18/03/2021

## PROPOSED DEVELOPMENT

A site inspection confirmed that the proposed development that had been built was not in accordance with planning permission F/TH/21/0611. The key changes being:

Increase in height of the roof

Side elevation

Window arrangement changed at first floor level

Rear elevation - facing Queens Road Baptist Church

Ground floor window made larger - to be fixed with obscure glazing

Side elevation to Queens Road

Additional window at third floor

Altered window positions

Windows missing header detailing

Removal of banding to the top of second floor windows

As such an application was submitted for retrospective planning permission. Following an initial assessment of the proposal this was found to be unacceptable to officers. Accordingly amendments were made to the application, these changes included inclusion of banding, header detailing to windows and provision of a scalloped sill detail all to the Queens Road elevation. Header and sill detailing is also proposed to the additional window facing the Baptist Church. These details will be discussed later in the report.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan**

SP12 - Broadstairs

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP35 - Quality Development

SP43 - Safe and Sustainable Travel

HO1- Housing Development

E04 - Primary and Secondary Frontages

GI04 - Amenity Green Space and Equipped Play Areas

QD01 - Sustainable Design

QD02 - General Design Principles

QD03 - Living Conditions

QD04 - Technical Standards

TP02 - Walking

TP03 - Cycling

TP06 - Car Parking

### **Broadstairs & St. Peters Neighbourhood Plan**

BSP9: Design in Broadstairs & St. Peter's

BSP12: Full Fibre Broadband Connections

## NOTIFICATIONS

Letters were sent to adjoining occupiers, and a site notice posted close to the site.

One representation was received in regard to the initial consultations carried out. The concerns raised can be summarised as follows:

- Development is too high- the building is as high as the Church tower and looks out of place.
- Permission should not be granted and the building corrected to what was actually approved.
- Out of keeping with character of area
- Concern about not being notified of the original planning application, nor the addition of an extra floor.

In relation to the amended plan and specification for the works to the external facade a further objection was received from the same objector. This raised the following concerns:

- Close to adjoining properties
- Development too high
- General dislike of proposal
- Inadequate access which is unsuitable for the frequency and type of usage
- Loss of privacy
- Concern about not being notified of the original planning application, nor the addition of an extra floor
- Does not take into account the church and how the original building stepped down
- Finish is unsympathetic to the front and looks tacky and cheap
- Developer should be made to put property to what was approved

**Broadstairs Town Council:** Recommend REFUSAL as due process has not been followed. The Town Council agrees with the original objections of over-development, insufficient and inadequate parking and the impact on the streetscene. This retrospective application contravenes the original application on which permission was granted.

**Broadstairs Society:** No adverse comments to make especially as it is a retrospective application

## CONSULTATIONS

No consultations carried out.

## COMMENTS

This application is referred to the Planning Committee at the request of Cllr Bailey due to concerns about the height of the development, its relationship with other neighbouring buildings, inadequate parking and the deviation from the approved plans.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

## Principle

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The application relates to 43-45 High Street Broadstairs, a three storey building within the core town centre of Broadstairs and the primary frontages of the Local Plan.

This application proposes the erection of a second floor extension to form a self contained one bedroom flat. The provision of the additional flat was previously accepted by officers and this consent has been implemented.

Policy SP12, which relates specifically to Broadstairs, states the Local Planning Authority will look to support proposals that maintain and enhance the role and character of Broadstairs. The proposal given its location, to the upper floors and not along the main shopping street, would not conflict with this policy.

Policy E04 states that within the Primary Frontages the following development will be permitted:

- 1) Use Classes falling within A1, A2, A3, A4 and A5.
- 2) residential and other main town centre uses will be permitted above ground floor level only.

From the 1st September 2020 the use class order was altered with all offices and retail uses being moved into the same E use class; these were previously use class A2 and A1. These alterations mean that a change of use from an office to retail no longer constitutes development.

The primary retail/town centre frontage is along the high street frontage not the Queens Road where the proposed extension and additional flat is proposed, in addition the proposal is at second floor level, therefore, there would be no conflict with this policy.

In summary the proposed development would not conflict with Policies E04 and SP12 within this town centre location.

Thanet Local Plan Policy HO1 states that on non-allocated sites, such as the subject of this application, residential development will only be permitted on previously developed land within the urban confines. The proposed extension and provision of an additional unit of accommodation would, therefore, accord with this policy.

The development on the site accords with Policies SP12, E04 and H01 of the Thanet Local Plan and the National Planning Policy Framework and given that the previous consent has been implemented, it is considered that there is no in principle objection subject to the detailed consideration of all other material issues including the impact upon the character and appearance of the area, living conditions of neighbouring and future property occupiers and highways matters.

## **Character and Appearance**

Paragraph 130 of the 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. Policy QD02 of the Thanet Local Plan outlines that the primary 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.

Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals which demonstrate that they reflect the design characteristics of the area will be supported. Therefore, development should be well designed, respect and enhance the character of the area paying particular attention to context and identity. The application site is located within Broadstairs High Street which is characterised by two and three storey predominantly period buildings with commercial uses and shop fronts at ground floor level and office/storage/residential uses above. The application property is a corner building with a shopfront at ground floor level serving estate agents and a simple pattern of fenestration at the upper floors which appear vacant at the time of a site inspection.

The application seeks retrospective consent for the erection of a second floor extension to the Queens Road elevation to facilitate an additional 1 bedroom self contained flat within the building as it was not constructed in accordance with the approved permission (F/TH/21/0611).

This application differs from the previously approved scheme as the height of the roof over the second floor extension has been increased (approximately 1.5m) so that now it appears as a continuation of the roof rather than being subservient in appearance by having the ridge and eaves height lower to the main roof. In addition there were alterations/changes to the fenestration and detailing omitted.

When extending a build it is often common to design an extension that appears subservient to the main original building, set down and sometimes set back. Although in some instances due to the design and other factors this may not be possible. It is considered that increasing the height of the extension so that the roof acts as a continuation is a retrograde step as it could visually compete with the original building, however it is appreciated when walking directly past the subject building on Queens Road a pedestrian would not perceive this at street level. The change in the design would be evident opposite the site from the bus stops. Whilst it is appreciated that there will be some views from ground floor level (opposite side of

Queens Road) that the height of the extension would be appreciated, this does not necessarily follow that it will result in visual harm. Taking into account what has been built on site, the building as a whole and the context of the building, it is not considered that the increase in height would appear obtrusive as it would be seen in this context. In terms of the church that is adjacent to the site, there is a distance of separation of approximately 2.5m between boundaries and I consider this to be sufficient not to appear uncomfortable or to compete with this prominent building and create a distinct visual break between styles of building.

In order to make the scheme acceptable the scheme now proposes to include banding, below the eaves and above the first floor window on the Queens Road elevation, altered window positions and header detailing to windows and provision of a scalloped sill detail to the Queens Road and the additional window facing the Baptist Church.

Since the submission of the application additional information was sought for the applicant's agent to allow officers to fully understand how the rendered string course proposed and the detailing of the windows would work in reality. The submitted specification details set out below have been received:

#### Front Elevation (West facing ) - Ground Floor level

1. Supply and install Sytex foamed stone window lintel and sill detail to left hand and right hand side windows as drawing detail 22/569/JG/SK01.
2. To right hand side window apply off white Silicon render panel, in accordance with drawing detail 22/569/JG/SK01.

#### First Floor level

3. Supply and install Sytex foamed stone window lintel and sill detail to left hand, central and right hand side windows as drawing detail 22/569/JG/SK01.
4. Supply and install Sytex foamed stone band course over windows in accordance with drawing detail 22/569/JG/SK01.

#### Second Floor level

5. Supply and install Sytex foamed stone window lintel and sill detail to left hand, central and right hand side windows as drawing detail 22/569/JG/SK01.
6. Supply and install Sytex foamed stone band course over windows in accordance with drawing detail 22/569/JG/SK01.

#### Side Elevation (South Facing) - Ground floor level

7. Supply and install Sytex foamed stone window lintel and sill detail to kitchen windows as drawing detail 22/569/JG/SK01.
8. Provide obscure glazing to window in accordance with drawing detail 22/569/JG/SK01.

The agent has confirmed that this foam stone system has been used on another building within Broadstairs High Street; 69 High Street (corner of Pierremont Avenue and High Street) and also a small amount on 8-12 High Street (new Tesco).

It is considered that the inclusion of the detailing to the windows that replicates that of the original building and the proposed string course would link the extended portion of the building to the original in a sympathetic manner.

An additional window has been created at the second floor on the Queens Road elevation, however I do not consider that this will harm the overall aesthetics of the building as it replicates the fenestration pattern on the floors below.

The stone banding between the original building and extension has now been carried through on the revised plans which is considered to be an improvement to the scheme as constructed.

Whilst it is disappointing that the application was not built in accordance with the approved plans, retrospective planning applications are considered on their own planning merits in the same way as other applications.

The extension and alterations, as proposed to be amended under the submitted specification of works to the external facade document and revised plans and considered to relate to the original building tying the two schemes visually to one another. Furthermore the detailing omitted previously further adds to this. The combination of all these elements, are considered to adequately relate to the host building and the surrounding built environment, resulting in no significant impact upon the character and appearance of the area. The materials used in the construction are considered to be appropriate to the host building and the wider area.

On balance, the proposal is, therefore, considered to be acceptable in terms of the character and appearance of the area, in accordance with Policies SP35, QD01 and QD02 of the Thanet Local Plan policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan and 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.

Local Plan policies QD03 and QD04 are also relevant to this application. Policy QD03 (Living Conditions) states that All new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass. Policy QD04, which are the National Described Space Standards (March 2015). Policy GI04 states that new family dwellings (those with 2 or more bedrooms) will be expected to incorporate garden space in order to provide a safe "doorstep play area" for

young children. With doorstep playspace being defined as playspace for young children which is immediately adjacent to, closely visible and safely accessible from the dwellings served.

The application seeks consent for the erection of additional built form to the rear/side elevation at second floor level, this will extend the roof higher (approximately 1.5m) than previously permitted under application reference F/TH/21/0611. The proposed extension is flanked by properties to one side and the rear.

With regard to the relationship with the property to the side, it is recognised that the extension does not extend across the width of the site, only to the rear of no. 45 (not no. 43). The extension would go to the rear site boundary with an access separating this from the Queen's Road Baptist Church. The extension would have a false pitched roof - similar to what was approved for F/TH/20/1773 at a lesser height (two storey) and F/TH/21/0611. From the street level the extension would have the appearance of a pitched roof. The extension with a false pitched roof would be adjacent to the flat roof of no. 43 (part of the site). This flat roof has a width of approximately 5.3m. Beyond this no. 41 has a gap with no. 43 and this property also has a flat roof rear section above the ground floor projection. Whilst the proposed extension adds an additional floor to the original 2020 and an increase in height compared to the 2021 application which was previously approved I do not consider that the physical form of the extension will result in harm due to the separation and orientation of the buildings to one another. The windows proposed within the side elevation facing these units do not result in harm due to the degree of separation and were previously accepted.

With regard to the impact upon the property to the south; Queen's Road Baptist Church, whilst the church has a number of windows I do not consider there to be harm; there is a separation distance of approximately 2.5m and given the church use, which is a place of worship and not residential it is not considered that there would be material harm.

Taking into account the proposed scale of the proposed increased height of the extension, and the relationship of the adjacent neighbour to the east and south, the proposed development is not considered to result in significant harm to living conditions of adjacent neighbours deriving from the additional built form.

The proposed development is, therefore, considered to be acceptable in terms of its impact on the living conditions of adjacent properties, in accordance with Policy QD03 of the Thanet Local Plan and paragraph 119 National Planning Policy Framework.

In terms of the living conditions of the future occupiers of the proposed dwellings, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04, which are the National Described Space Standards (March 2015). Paragraph 130 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users, with all windows serving primary habitable rooms required to provide an acceptable level of outlook, natural light and ventilation for the rooms. The proposed unit meets all of these criteria in terms of the overall floor space and window provision to habitable rooms and is therefore considered policy compliant.

The proposed unit has a shared bin storage area and also a cycle area. The cycle area shown on the plan does not appear to be secured/covered, therefore, it is recommended that a condition is attached to secure this. This condition was put on the previous consent but not discharged and therefore the wording is slightly altered to ensure an appropriate trigger point.

The provision of an additional flat and its increased height in comparison to the 2021 approval is not considered to result in any significant change in noise and disturbance to the neighbouring residential property occupiers when compared to the existing use.

Doorstep playspace is required for all 2-bed units or more under Policy GI04 of the Thanet Local Plan, along with refuse storage, clothes drying and cycle storage space. The development involves 1 no. 1 bedroom unit. On this basis the additional unit does not require an enclosed doorstep playspace to comply with this policy. It is, however, highlighted that the site is within close walking distance to Pierremont Park and the beach for the occupier.

The proposal is, therefore, considered to be acceptable with regards to residential amenity in regard to existing residents, and in terms of space standards and provision of gardens for future residents. in accordance with Policy QD03 and QD04 of the Thanet Local Plan and the National Planning Policy Framework.

## **Transportation**

Paragraph 110 of the NPPF states that In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that amongst other aims: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location and b) safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 112 goes on to highlight that “within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

Policy SP37 of the Local Plan states that new development must take account of the need to respond to climate change: 1) by minimising vulnerability and providing resilience to the impacts of climate change through the use of up to date technologies, efficient design and

appropriate siting and positioning of buildings; 2) mitigating against climate change by reducing emissions and energy demands through the use of up to date technologies; 3) realise and make best use of available opportunities to reduce the impact of climate change on biodiversity and the natural environment by providing space for habitats and species to move through the landscape and for the operation of natural processes, particularly at the coast. Policy SP43 of the Local Plan states that the Council will work with developers, transport service providers, and the local community to manage travel demand, by promoting and facilitating walking, cycling and use of public transport as safe and convenient means of transport. Development applications will be expected to take account of the need to promote safe and sustainable travel. New developments must provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Whilst policy SP44 states development generating a significant number of trips will be expected to be located where a range of services are or will be conveniently accessible on foot, by cycle or public Transport.

Under Policy QD01, all developments are required to: 1) Achieve a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes (subject to HE05 where applicable), 2) Make the best use of solar energy passive heating and cooling, natural light, natural ventilation and landscaping, 3) Provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Policy QD02 relates to general design principles and states amongst other principles that developments must 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 and Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime. Policy TP01 states that new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children, whilst Policy TP03 states new development will be expected to consider the need for the safety of cyclists and incorporate facilities for cyclists into the design of new and improved roads, junction improvements and traffic management proposals.

The application site is located within Broadstairs Town Centre and, as such, development is not required to provide off street parking provision. In addition the site is located in a sustainable location, in close proximity to a range of public transport and is sited close to a public car park. The impact upon highway safety is therefore considered to be acceptable in accordance with Policy TP06 of the Thanet Local Plan and the NPPF.

### **Contributions:**

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the

decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

An undertaking was secured for this mitigation with the 2021 application, but payment of the SAAM contribution has not been received at the time of writing this report. As the 2021 consent has been implemented, albeit not in accordance with the correct plans, the Local Planning Authority is seeking the payment of the required financial contribution for the residential units to mitigate the additional recreational pressure on the SPA area in accordance with the undertaking on the 2021 application. As the trigger date for the SAMM payment is normally within 28 days of the Commencement Date the landowner effectively has to pay for the contribution and a late payment amount which is indexed linked. The Planning Enforcement team is dealing with this aspect currently. As such it is considered that this decision cannot be issued until the payment has been made to the Council.

It is confirmed that the Local Planning Authority cannot force applicants to complete planning consents through the use of conditions and that this matter will be dealt with via enforcement.

## **Conclusion**

The proposed development is located within the urban confines, and forms an extant consent, and as such the principle of development has previously been accepted. Whilst the height and design of the proposal has changed, it is considered the scheme would be acceptable subject to the modifications made during the application being fully implemented and as such the development continues to be considered as in keeping with the character and appearance of the area. The impact of these design and height changes is not considered to impact negatively upon neighbour amenity. The quantum of development has not changed as such the impact upon highway safety is considered to be acceptable.

It is therefore recommended that Members defer and delegate this application following the securing the SPA contribution with late payment amount included to mitigate the impact on development on the site on the SPA and subject to safeguarding conditions.

## **Case Officer**

Gill Richardson

TITLE: F/TH/22/0756

Project Miles And Barr 43 - 45 High Street BROADSTAIRS Kent CT10 1JR

