

A02

FH/TH/22/0433

PROPOSAL: Erection of third floor rear extension

LOCATION: 9 Wishing Towers 18 Eastern Esplanade MARGATE Kent CT9
3BG

WARD: Cliftonville East

AGENT: Mr Charles Baxter

APPLICANT: Mr Croker

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 proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered CBL-XX-DR-A-0100 Rev G (received 17/08/22), CBL-03-DR-A-0100 Rev D, CBL-03-DR-A-0200-Rev G (received 17/08/22) and CBL-03-DR-A-0201 Rev D.

GROUND

To secure the proper development of the area.

3 The external materials and external finishes to be used in the extension hereby approved shall be detailed on the approved drawings.

GROUND

In the interests of visual amenity in accordance with Policies QD02 and HE02 of the Thanet Local Plan

4 Prior to the installation of any external windows and doors, joinery details at a scale of 1:20 of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

GROUND

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with policy HE02 of the Local Plan and advice contained within the National Planning Policy Framework.

5 Prior to the installation of the external walls of the development hereby approved, detailed drawings of how the proposed extension would abut the cupola and adjoining structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

GROUND

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with policy HE02 of the Local Plan and advice contained within the National Planning Policy Framework.

INFORMATIVES

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/>

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

SITE LOCATION AND DESCRIPTION

The application site relates to a building known as Wishing Towers situated on the northern side of Eastern Esplanade (B2051), Margate, close to the junction with Devonshire Gardens. To the rear of the building is Walpole Bay lawns- which is a large expanse of grass adjacent to a clifftop promenade. The building whilst not being listed is of character and has towers to each of the four corners of this older part of the building. It is constructed in render to the lower floor with red brick to the upper floors.

RELEVANT PLANNING HISTORY

F/TH/22/0940 Retrospective application for installation of timber double glazed windows to replace existing single glazed timber windows. – Currently under consideration.

FH/TH/21/0970 Erection of third floor rear extension. 28th July 2021 Granted

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a third floor extension to provide additional living space for a third floor flat. This application follows an earlier consented application for a similar extension that was approved in 2021.

Following the publishing of the Committee report on the planning application in September, the Council received allegations against the Council's Conservation officer in regard to impartiality. Following these allegations, the application was withdrawn from the agenda on the 21st September 2022. These allegations have been reviewed and it is not considered that the officer has a financial or non-financial interest that would preclude comments being made on the planning applications for determination by the Planning Committee. The comments were provided on a professional basis. However, to ensure that the Planning Committee are able to make a decision on the application without any perception of impropriety, the Council has engaged the services of an independent Conservation advisor to review the application and these comments are provided below in the "Consultations" section.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2020)

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE02 - Development in Conservation Areas

QD02 - General Design Principles

QD03 - Living Conditions

TP06 - Car Parking

NOTIFICATIONS

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

Thirteen representations were received objecting to the application with one objector commenting more than once. The concerns raised are summarised below.

- Close to adjoining properties
- Loss of privacy
- Noise nuisance
- Damp issues
- Conflict with local plan
- Development too high
- General dislike of proposal
- Out of keeping with character of area
- Vent to our building will now protrude far above the roofline

- Rear elevation is just as visual important as the front in this case as it is seen from the Green and promenade
- Extension will compromise the functionality of objectors bedroom which abuts the extension
- Affect local ecology
- Over development
- Loss of light
- Inadequate access
- Not enough information given on application
- Information missing from plans

CONSULTATIONS

Conservation Consultant: The proposed extension would sit to the west end of the north side, and above the infill and it would be most prominent when viewed from the north.

The proposal takes the form of a flat roof infill between the buildings with a window and render wall to the north and abutting the cupola to the east. It is noted that there is an existing structure behind the proposed structure with a flat roof and weatherboard elevation. Whilst this is not a prominent feature of the building as a whole, it does give the appearance of a third floor infill between the buildings and the effect of the proposal would, effectively, bring this forward towards the north elevation. It is noted that the proposal would place the elevation behind the second floor parapet detail, thereby maintaining that very prominent detail. In that respect, it is considered that there is no harm to the appearance of the Conservation Area with these proposals. However, I do have concerns with some of the materials proposed, in particular felt flat roof and plastic rainwater goods, copper, lead or zinc would be much more appropriate for the former and cast iron for the latter. I also note that there is a lack of detail of how the proposed extension would abut the cupola, adjoining structures etc, nor of joinery and would recommend conditions requiring such details to be submitted and approved.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Towing, due to concerns that the development would be above the existing roof line and the windows are not in keeping with the rest of the building.

The proposal relates to an existing residential flat and therefore the principle of its extension is considered to be acceptable.

The main considerations with regard to this planning application will be the impact of the proposed development on the character and appearance of the area, the residential amenity of neighbouring property occupiers and highways.

Principle

The proposal relates to an existing residential flat and, therefore, the principle of its extension is considered to be acceptable.

The main considerations with regard to this planning application will be the impact of the proposed development on the character and appearance of the area, the residential amenity of neighbouring property occupiers and highways.

Character and Appearance

The site is located within the Clifftop Conservation Area. The Council must therefore take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' Paragraph 197 of the National Planning Policy Framework (NPPF) requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF requires that where a development causes substantial harm, or less than substantial harm but where the harm is not outweighed by public benefit, permission should be refused. Policy HE02 of the Thanet Local Plan relates to development within conservation areas and requires that appropriate materials and detailing are proposed and that developments 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.

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.

9 Wishing Towers relates to a flat within a building which fronts Eastern Esplanade, Cliftonville. The building's side and rear elevations are also visible from the public domain due to its siting as the road turns the corner. Views are also possible from the public green to the rear. The building is of a distinct character constructed in red brick and cream render with four 'turrets' in the four corners of the building at third floor level, the third floor level also appears to have balcony areas.

This application also seeks a third floor extension to create additional living space to the existing lounge which is positioned in one of the rear 'turrets'. The extension is approximately 2.3m in width and extends back 3.9m (towards the front of the building). It has an overall height of 2.3m. As mentioned in the planning history section of this report an

extension has previously been approved in this location in the same location. This application also has a small step in at the front where the approved scheme did not. The previously consented scheme measured approximately 2.3m in width and extended back approximately 3.9m and had a height of 2.1m. Therefore, the key differences between the two schemes is the difference in height (200mm) and the step-in.

With regards to the character and appearance of the area, the proposed extension would be located entirely to the rear and would be screened to some degree from the road by a neighbouring property that projects out beyond the rear of the area where the extension is proposed and also the turreted element of the subject building. The use of render would match the existing building and timber windows are appropriate in the Conservation Area; this window and materials is as per the earlier approved scheme.

It is confirmed that the Conservation Consultant has advised that the proposal causes no harm as identified in the NPPF and planning permission should be granted subject to a review of the proposed materials and detailed conditions.

In relation to the change to the materials, the consultant suggests the flat roof is altered from felt to copper, lead or zinc and plastic rainwater goods to cast iron. The agent was asked to make changes to the materials proposed in order to be reflective of the Conservation Consultants comments. In responding the agent referred to the previous application (FH/TH/21/0970) where the same materials as proposed were approved as being appropriate within the Conservation Area.

Officers consider that whilst the extension is slightly more prominent than the previously consented scheme, the roof materials will not be visible from the public realm, with the new connecting part of the rainwater goods proposed not highly visible in the area. Furthermore it is recognised that weight has to be attached to the extant scheme and materials accepted. Since this was approved in July 2021, it is not considered that anything has fundamentally changed in terms of policy that would change officers' stance on this matter.

Given the above, it is considered the proposed extension would not appear out of keeping within the wider character and appearance of the area including Conservation Area, and would meet the aims of Thanet Local Plan Policies HE02 and QD02 and the guidance within the National Planning Policy Framework (NPPF).

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 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.

The proposed extension would bound the applicants flat to the eastern side and a neighbouring flat block to the west.

The neighbouring building to the west is no. 16 Eastern Esplanade, which is occupied as flats. The built form of this building to the side of the extension extends out further than the subject building of Wishing Towers and the extension sought. It would be adjacent to the side wall that has no side windows. Therefore in terms of overlooking, loss of light or being overbearing, I do not consider that it would have a harmful impact to the residential amenities of the occupiers of this building.

To the rear of the site is a green area, and therefore the extension will result in no greater harm to this area than currently exists from views out across it.

Concerns have been raised about noise transfer between units, but it is noted that the building is in use as flats and it is unlikely that general domestic use of a flat would create noise and disturbance above that which would result in significant harm to the existing living conditions of the neighbouring property. In terms of noise transmission any extension would need to comply with Part E of the Building Regulations for the passage of sound between two residential units and it is considered that the issue of transmission can be adequately dealt with through compliance with building regulations requirements (including details of sound resistance). Taking into account the above, the development is not considered to result in the creation of unacceptable living conditions through noise or vibration and therefore will be in compliance with Policy QD03.

The proposal is, therefore, considered to be acceptable with regards to residential amenity in regard to existing residents. in accordance with Policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

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

The proposed scheme does not create more bedrooms but extra space connected to the lounge-dining room. On this basis it is not considered to generate more occupants or result in a higher traffic generation or demand for parking. There is also parking available on road on Eastern Esplanade and surrounding roads.

The impact upon highway safety and parking, is therefore considered to be acceptable in terms of policies QD02 and TP01.

Other matters

Use of the room cannot be controlled by the planning permission only that it is residential; however, it is not considered that the use of the proposed extension (indicated to be an extension to the lounge) would not create additional noise levels that one would expect to find in a residential scenario. In terms of noise transmission any extension would need to comply with Part E of the Building Regulations for the passage of sound between two dwellinghouses.

Conclusion

The proposed development is considered to relate adequately to its site and wider setting (including the Conservation Area) and whilst prominent would not result in visual, neighbour or highway safety harm. No objections have been received on technical grounds and materials can be suitably conditioned.

It is therefore recommended that Members approve the application subject to safeguarding conditions.

Case Officer

Gillian Daws

TITLE:

FH/TH/22/0433

Project

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