

R05

F/TH/23/0239

PROPOSAL: Erection of extract system / flue with free standing bamboo screening to the north and eastern edges of the roof extension and regularise existing handrail (part retrospective)

LOCATION: 45 - 45A York Street BROADSTAIRS Kent CT10 1PB

WARD: Viking

AGENT: Mr Tony Michael

APPLICANT: Mr Formicola

RECOMMENDATION: Refuse Permission

Reason for the following reason:

1 The extraction system by virtue of its size and prominent sitting is an unduly disruptive, obtrusive and incongruous feature unrelated to and out of keeping with the established the street scene, to the detriment of the character and visual amenities of the Broadstairs Conservation Area and detrimental to the visual amenities enjoyed by the occupiers adjoining properties, contrary to Policies SP35, HE02 and QD02 of the Thanet Local Plan and paragraph 197 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

The application site lies within the urban confines of Broadstairs.

No. 45-45A York Street is a two storey end of terrace period property within the Broadstairs Conservation Area which contains a traditional timber shopfront at ground level

The surrounding streetscene is characterised by a mixture of commercial and residential properties of varying scale and design.

RELEVANT PLANNING HISTORY

F/TH/21/1396 - Approved 17th December 2021

Change of use of first floor flat (Use Class C3) above restaurant to additional restaurant space (Use Class E)

F/TH/22/0348 - Approved 10th May 2022

Retrospective application for the erection of a single storey rear extension to restaurant, together with removal of existing escape staircase from first floor, and replacement with new escape staircase and guarding

PROPOSED DEVELOPMENT

Planning consent is sought for the erection of an extract system / flue with free standing bamboo screening to the north and eastern edges of the roof extension and regularise existing handrail (part retrospective).

This has been submitted following the breach of Condition 4 of approved application ref: F/TH/22/0348 which was added following the installation of an incorrect extraction system:

4. The new extraction system recently installed to the roof of the approved extension shall be removed as a matter of urgency and a suitable extraction system will be sourced and submitted for approval under a separate application.

GROUND;

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan."

This application seeks the retention of the extraction system but with amelioration works such as painting the ducting black and the addition of bamboo screening.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP35 - Quality Development

HE02 - Development in Conservation Areas

QD02 - General Design Principles

QD03 - Living Conditions

NOTIFICATIONS

Letters were sent to neighbouring occupiers and a site notice was posted near the site.

Three residential objections have been received and raised the following issues:

- Too large
- Visible from bedroom windows and gardens.
- Lack of fire escape still
- Overshadows neighbouring courtyard
- Unattractive
- The flue is misplaced within the architectural styles of the conservation area
- The bamboo screen is not fit for purpose and does not cover the flue and strong winds could uncover it.

- Overlooking from the extension into private amenity space. The conditioned fence panel to screen off the site from the neighbouring garden has not been erected.
- Lack of privacy and noise causing health concerns.

Broadstairs and St Peters Town Council: Neutral

Broadstairs Society: No Comment

CONSULTATIONS

TDC Conservation Officer -

45 - 45A York Street is a property located within Broadstairs Conservation Area Thanet's 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 (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as well as (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Previously under reference F/TH/22/0348 a smaller scale of development was approved for the site and the flu was largely set back out of site. However it was set back and down away from adjacent properties. This application looks to expand the flu forwards towards the adjacent property and proposes to put some light weight masking in place to assist in reducing its impact.

Reviewing the plans proposed and what is already out on site, as this application is retrospective. I would still consider the scheme to cause harm through its presence and appear out of place in the context of the conservation area. As such I do not consider that it complies with the above legislation and therefore I object to the application proposed and suggest the previous permissions are put in place.

TDC Environmental Health -

Final Comment

Thank you for consulting Environmental Protection. The information regarding odour control, height and position of the flue is accepted. However the following safeguarding conditions are recommended:

PLANT AND DUCTING SYSTEMS

Noise from the running/operation of any ventilation plant, as measured within neighbouring or adjoining residential premises, not in the occupation of the proprietors of the food business, shall not exceed a sound level in excess of that described by the undermentioned noise rating curve numbers in the frequency range 31.5Hz to 8KHz:- noise rating curve 20. As defined by BS8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006.

INDUSTRIAL/COMMERCIAL NOISE RATING LEVEL

The rating level of noise emitted from the proposed plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) or 35dB A,r, whichever is highest, at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Initial Comment

Thank you for consulting Environmental Protection on the above application for which we recommend refusal.

The proposed relocation of the flue has a potential to introduce significant levels of cooking odours in the locality. The application has been submitted with an odour assessment and confirms a very high risk of significant odour and requiring extensive control, however, the scoring has taken into account that the flue will terminate 1m above eaves and so the odour risk score is in fact even higher than stated.

The system design should have an elevated dispersion and an effective stack height which is higher than the surrounding buildings.

Ideally a discharge that terminates 1m above RIDGE but where this is not practicable in planning terms, then at least 1m above EAVES. There should be no cowl restricting / impeding dispersion and the termination should have an accelerator cone.

There are nearby dwellings and a low level flue is not acceptable at this location and will likely have an adverse effect on residents in the locality. The specification given does not include ES or carbon filters either which is recommended for high risk assessments such as this.

The aim of any ventilation/extraction is to ensure that no nuisance, disturbance or loss of amenity is caused by odour, fumes, food droplets or noise, to nearby properties. No information / data regarding noise has been provided either i.e. sound power levels or sound pressure levels and frequency / octave band analysis of the noise produced by the system along with details of noise reduction measures i.e. antivibration mounts / silencers etc..

Environmental Health must therefore recommend refusal as this scheme does not safeguard neighbours from unacceptable noise and odour.

COMMENTS

The application is reported to the Planning Committee as the application has been submitted by an elected member of the Council.

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 site comprises an existing dwelling located within the urban confines of Broadstairs. The principle of the development is therefore considered to be acceptable, subject to the consideration of all other material planning considerations, including the impact upon the character and appearance of the area and neighbouring living conditions.

Character and Appearance

The application proposes to retain an extract flue system with free standing bamboo screening to the north and eastern edges of the roof extension and regularise the existing handrail.

The National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment, establish and maintain a strong sense of place, and that permission should be refused for development of poor design which fails to take the opportunities available to improve the character and quality of an area.

Policy QD02 of the Thanet Local Plan outlines that the design of all new proposals must respect or enhance the character or appearance of the area particularly in scale, massing, rhythm and use of materials.

Policy HE02 of the Thanet Local Plan states that development will be permitted provided that 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, and that appropriate materials and detailing are used. It also states that any development resulting in the loss of features that contribute to the character or appearance of the conservation area, or which detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

The current extract flue system was erected in error, during the determination of the previous application F/TH/22/0348 'Retrospective application for the erection of a single storey rear extension to restaurant, together with removal of existing escape staircase from first floor, and replacement with new escape staircase and guarding'. The agent advised that an internal extraction system should have been installed instead and agreed for its replacement to be conditioned. Therefore approval was granted for the main works subject to Condition 4 being met which stated :

"4. The new extraction system recently installed to the roof of the approved extension shall be removed as a matter of urgency and a suitable extraction system will be sourced and submitted for approval under a separate application.

GROUND;

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan."

However, the extraction system has not been changed. It remains set upon the roof of the approved extension, and consists of a large element of aluminium ducting and flue. The ducting has a diameter of approximately 0.50m and a total length of 9.96m, of which 6.35m runs alongside the boundary with 43b York Street, and which approximately 3.61m runs opposite along the extension roof line directly in line with the first floor window of No. 3 Oscar Road.

Objections have been received regarding the appearance and size of the extraction system.

Given the size, colour and location of the ducting, it is highly visible from the Oscar Road section of the Broadstairs Conservation Area. Objections have also been received regarding these points.

This application therefore proposes to retain the extraction system, but to paint the ducting black and retain handmaid pressure treated planters filled with *Fargesia Rufa* also known as fountain bamboo.

Although it is accepted that bamboo screening may create some relief once fully grown, and the painting of the ducting to a black could reduce the glare, given the size of the ducting, it would still remain obvious for some time and not in keeping with the Broadstairs Conservation Area. Furthermore, these measures would not be permanent solutions, relying on the regular maintenance of the screening and subject to weather conditions, as to its overall success in providing effective cover.

The Conservation Officer also objects to the extraction unit and screening, and considers it to be harmful to the conservation area.

The regularisation of the existing handrail system, which had been erected in error, by painting it in black, is however, considered to be acceptable.

Therefore, the extraction system by virtue of its size and prominent sitting is an unduly disruptive, obtrusive and incongruous feature unrelated to and out of keeping with the established the street scene, to the detriment of the character and visual amenities of the Conservation Areas and detrimental to the visual amenities enjoyed by the occupiers adjoining properties, contrary to Policies SP35, HE02 and QD02 of the Thanet Local Plan and the NPPF.

Living Conditions

In terms of living conditions, paragraph 119 of the NPPF outlines 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 of the NPPF states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Thanet Local Plan Policy QD03 states that new development must not lead to unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.

Given the arrangement of the neighbouring properties and their small amenity spaces, concern was raised within the previous application ref: F/TH/22/0348 regarding the harm to neighbouring amenity caused by the significant size of the ducting and new flue. Therefore condition 4 was added, requiring the replacement of this extraction system, in order to address this.

Objections have been raised relating to terms of noise from the extraction system, and whilst Environmental Health had initial concerns, these were reduced following information submitted by the application. As a result Environmental Health withdrew their objection and instead have requested two conditions be added.

An objection has been raised regarding the visibility of the extraction system from a neighbouring window, and its overshadowing of their courtyard. The current ducting is set directly opposite the only window serving the first floor bedroom of No. 3 Oscar Road, is extremely visible. However, whilst this is agreed to be an unattractive addition at this height, the ducting is set approximately 3.18m away from the neighbouring window, and does not appear to block any light, outlook or cause overshadowing into either the bedroom window or private amenity space. As such it is not harmful enough to warrant refusal in this instance. Objections were also raised regarding its visibility from other neighbouring windows and blocking of views towards Oscar Road. However, loss of private views are not protected under planning legislation.

The application therefore complies with Policy QD03 of the Thanet Local Plan and the NPPF, subject to safeguarding conditions.

Other

The overlooking from the extension into private amenity space was an issue identified within approved application F/TH/22/0348, and a fence panel to screen off the site from the neighbouring property, No. 3 Oscar Road was conditioned. An objection was raised within this application regarding the fact that this has not been erected. This is however a matter for enforcement and not part of this planning application.

The lack of the proposed fire escape has also been raised, but this is covered under building regulations.

Transportation

The proposed works are not considered to create any additional impact on the use of cars or pedestrian safety.

For these reasons, it is not considered that the proposed development would result in harm to highway safety or amenity.

Conclusion

The extraction system by virtue of its size and prominent sitting is an unduly disruptive, obtrusive and incongruous feature unrelated to and out of keeping with the established street scene, to the detriment of the character and visual amenities of the Conservation Areas and detrimental to the visual amenities enjoyed by the occupiers of adjoining properties, contrary to Policies SP35, HE02 and QD02 of the Thanet Local Plan and the NPPF.

It is therefore recommended that members refuse the application.

Case Officer

Tanya Carr

TITLE:

F/TH/23/0239

Project

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