

**R09**

**F/TH/23/1303**

PROPOSAL: Installation of aluminium shopfront (Retrospective)

LOCATION: 223 - 227 Northdown Road MARGATE Kent CT9 2PJ

WARD: Cliftonville West

AGENT: Mr Mohamed Abdulla

APPLICANT: Mr Cankat

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposed development, by virtue of its modern design and materials fails to preserve the architectural and historic merit of the building, detracting from the special character and significance of the Conservation Area as a designated heritage asset, resulting in harm which is not considered to be outweighed by the public benefits of the proposal. This development is therefore contrary to the aims of paragraphs 130, 197, 199, 200, and 202 of the National Planning Policy Framework and Thanet Local Plan Policies HE02 and QD02, whilst diminishing the quality of the approved development contrary to paragraph 135 of the Framework.

#### SITE, LOCATION AND DESCRIPTION

The application site relates to the ground floor of numbers 223-229 Northdown Road. It is a four storey corner property located on the northern side of Northdown Road, at the junction with Norfolk Road and within a row of commercial properties at ground floor level. The property is within a prominent position within the Northdown Road Conservation Area.

The application form indicates that the works to the shopfront requested as part of this application have been completed.

#### RELEVANT PLANNING HISTORY

F/TH/23/0033 - Replacement of windows from timber and UPVC sash windows to composite sash double glazed windows in white. Refused 29th March 2023. Appeal lodged

F/TH/22/0725 - Installation of replacement shopfront - Refused 1st March 2023

F/TH/21/1927 - Retrospective application for the proposed removal of the existing shop front and the reinstatement of the traditional timber shop front. Granted 27th June 2022

## PROPOSED DEVELOPMENT

This is a retrospective application for installation of replacement aluminium shopfront.

## DEVELOPMENT PLAN POLICIES

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE02 - Development in Conservation Areas

HE03 - Heritage Assets

QD01 - Sustainable Design

QD02 - General design Principles

QD03 - Living Conditions

TP02 - Walking

TP03 - Cycling

TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice was posted close to the site and an advert placed in the local newspaper.

No third party letters of representation have been received.

## CONSULTATIONS

**TDC Conservation Officer** - 223 - 229 Northdown Road is a property located within Northdown Road conservation area affronting the main thoroughfare through the street.

Previously this following comment was made under reference F/TH/22/0725 objecting to the application on the ground that it was aluminium within the conservation area and a lack of justification for the level of harm which it would consider to be caused. It had since become apparent that the work had already been undertaken and the entirety of the shopfront has been removed with all reference to what was previously present removed from the site.

This application looks to formalise the unlawful replacement of this shopfront which I maintain my objection to based on my previous response for F/TH/22/0725.

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 (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Guidance under the National Design Guide Section C2, Paragraph 45 highlights that when determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape and paragraph 47 which states Well-designed places and buildings are influenced positively by the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details.

Under reference F/TH/21/1927 work to this shopfront was approved for replacement, but with timber panels and reflective of its previous form with fan light windows, traditional proportions and recesses at its openings. It was also considered that it was a benefit to the surrounding conservation environment given it was the removal of aluminium and its replacement with timber, a more appropriate and authentic material.

What has been installed is a heavy aluminium design which totally loses any legibility of being separate shop fronts but instead appears to have taken the space of three entire shop fronts and spaces. Excessive lighting has been installed as well as heavy unperforated external shutters. Fanlights have been included but are minimally visible given the external shutter boxes which largely cover this detail.

New information has been submitted as part of the current application to justify the works which makes reference to other aluminium shopfronts in the surrounding environment which is not considered to justify the retrospective work but instead dilute the integrity of the surrounding environment. No effort has been made to reference the traditional property already present on the site and how the shopfront integrates with its history, architecture, influence or design which I would consider integral part of this application and site.

To understand now that this application is retrospective is incredibly disappointing and in direct contradiction of the previously approved timber replacement for the site. I do not think it has considered its implication to the setting and appearance of the surrounding conservation area or its relationship with the rest of the traditional albeit unlisted property which is a large part of the site. As such I object to the application proposed and would suggest that it is referred to enforcement.

*Previous Comment Made in 2022.*

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 (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Typically with shop fronts, even more so within the conservation environment, it is a preferred approach to retain traditional materials where possible as well as keep a sense of recess and openings and undulation to their facade. I can acknowledge that an attempt has been made to retain and reinstate in some aspects these recesses however the material of the shopfront is changing from timber to aluminium which would not be the preference in this environment. Within the conservation area, timber would be the appropriate and traditional material of choice, as this is already in place I would insist that it should be retained. Some areas appear to be staying timber which is a positive, but this should be retained throughout the scheme.

No design and access statement has been included as part of this application and as such neither has any justification for the works or material choices been included. I can see looking through the development of the site that the commercial aspect of the unit has been redeveloped in the past. However due to a lack of statement no further history has been provided.

Overall I do not think this application has considered the implication to the character and appearance of the surrounding conservation area or the importance of acceptable shop fronts in this setting. As such I object to the application proposed and suggest that it is reconsidered."

## COMMENTS

This application has been called in to the Planning Committee by Cllr Currie due to concerns regarding the safety and security of the building, similar shop fronts within the vicinity and potential economic impacts of replacing the installed shopfront.

### **Principle**

The site comprises an existing building located within the urban confines of Margate. The principle of extending and altering an existing building is considered acceptable subject to all other material considerations.

### **Character and Appearance**

The site is located within the Northdown Road Conservation Area and, therefore, the Council must 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.' The NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's

conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." (Paragraph 199)

Policy SP36 of the Council's Local Plan is a strategic policy which states that the council will support, value and have regard to the historic or archaeological significance of Heritage Assets. Policy HE02 of the Thanet Local Plan 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 119 of the NPPF states planning policies and 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 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 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.

Paragraph 135 of the NPPF states that "Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)."

Policy QD02 of the Thanet Local Plan provides general design principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects.

The shopfront in the ground floor front elevation that has been installed prior to this application being submitted is constructed from aluminium and has a flat frontage and aluminium bars dividing the windows within the shopfront. Fan lights are included at the top of the glazing/main windows. The door openings to two of the three commercial units are not recessed, the only recessed one being the corner unit. The proposal also includes a grey shutter box to house the shutters for the shopfronts when the shops are closed/evenings. A fascia is located above the shopfronts, this remains unchanged.

This building is identified as a positive unlisted building within the Northdown Road Character Appraisal and Management Plan (October 2016).

The shopfront that was previously located within the front of the property was constructed from aluminium which is a non-traditional material within the Conservation Area.

The planning history is important within the context to this application as it clearly sets out the Local Planning Authority's constant and clear line within this proposed replacement

shopfront. Under reference F/TH/21/1927 work to this shopfront was approved for its replacement, but with timber panels and a form reflective of its previous form with fan light windows, traditional proportions and recesses at its openings. It was also considered that it was a benefit to the surrounding conservation area given it was the removal of non traditional aluminium and its replacement with timber, a more appropriate and authentic material. Following on from that decision an application was lodged under application reference F/TH/22/0725 for the installation of a replacement shopfront which altered its form and materials to aluminium which was refused on the 1st March 2023.

This application which seeks to regularise the existing shopfront is to install a heavy aluminium design which totally loses any legibility of being separate shop fronts but instead appears to have taken the space of three entire shop fronts and spaces. Excessive lighting has been installed as well as heavy unperforated external shutters, which is not encouraged within Conservation Areas. Fanlights have been included but are mean in their dimensions especially given the external shutter boxes which largely cover this detail. The overall design is not considered to link the shop front with the design of the rest of the building, giving it no sense of visual coherence in the street scene. Overall the design and use of inappropriate materials combined represent poor design that destroys the character and coherence of the design of the original buildings and gives an uninteresting and inappropriate shopfront.

Whilst it is appreciated that there may be other aluminium shop fronts within the area, these may have been installed prior to the designation of the Conservation Area and it is confirmed that each case is treated on its own merits. In addition the site 274 Northdown Road which is specifically cited within the supporting statement was considered by Members and approved, however, it is considered that the two schemes are fundamentally different. This current proposal before Members is effectively three shop fronts and therefore covers a much greater length of the Northdown Road Conservation Area adding to its prominence, furthermore this current proposal does not include traditional features such as stall risers, appropriately sized fanlights and traditional styled door openings which you would expect and would give a much more diluted appearance to the shop fronts which has no real traditional aspects within its design or use of materials.

The earlier approved scheme for the reinstatement of a traditional timber shopfront was considered to be more appropriate to this Conservation Area, where traditional shop fronts are sought to be retained and put back wherever possible, this application is a clear retrograde step and in officers opinion would be severely harmful to the special character. Traditional materials and with a traditional design are features that are visible in a number of the older shopfronts that remain along Northdown Road. It is therefore considered that the shopfront that was previously approved, due to its design (angled recesses) and materials made a positive contribution to the character and appearance of the conservation area and no overriding justification has been given to relax the Council's policy stance. Reference is also made to paragraph 135 (as detailed above) of the NPPF and that the agreement of this application would effectively diminish the quality of the development between the original consent and what has been constructed and as such it is considered to be at clear odds within the aims of paragraph 135.

The approval of this application and the acceptance of aluminium, a non-traditional material within the Conservation Area, is a clear retrograde step to the previous approval for timber.

No evidence has been provided to justify this change to this large and prominent shopfront, which equates to three single shopfronts. It is therefore considered that whilst there are examples of poor quality shop fronts in the surrounding, the shopfront that was previously approved made a positive contribution to the character and appearance of the conservation area and the replacement shop front which shares a number of similarities with shop fronts has resulted in clear harm to the character and appearance of the Conservation Area.

Cllr Currie has indicated that the refusal of this proposal could raise safety and security issues, and potential economic impacts of replacing the installed shopfront. It appears that the property has operated for a significant period of time as a commercial premises with the previous shopfront arrangement in place. No evidence has been provided to demonstrate that it was not possible to repair the shop front or improve the security, by using a design that incorporated traditional design and materials. Whilst there now may be an additional cost to the applicant as a shopfront was installed without having the required planning consent in place, these works were carried out at the applicants' risk.

The public benefits, such as improved the security of the property, must be weighed against the harm to the Conservation Area through the change of the shopfront. Given the modern design and materials of the shopfront and the absence of any evidence to show that these benefits could not be achieved through the previously approved timber shopfront the harm resulting to the conservation area is considered to outweigh these benefits.

It is considered that paragraph 135 of the NPPF is directly applicable, as the proposed change in design and materials would materially diminish the quality of the approved development. It is, therefore, considered that the alteration to the shop front that has been completed without the benefit of planning permission, has resulted in significant harm to the character and appearance of the conservation area and without justification the public benefits of the proposal do not outweigh this harm. This development is therefore considered to be contrary to policies HE02 and QD02 of the Thanet Local Plan and paragraphs 130, 135, 202, 203 and 206.

### **Living Conditions**

This development has not significantly altered the scale of the property and is therefore not considered to result in any significant harm to the living conditions of the neighbouring property occupiers, in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

### **Transportation**

This development has not significantly increased the scale of the property or its proximity to the highway and the door opens inwards and would therefore have no effect pedestrian movements. It is therefore considered that this development would have no adverse impact upon pedestrian or highway safety.

### **Conclusion**

The site lies within the Northdown Road Conservation Area, in which it is the duty of the Council, as Local Planning Authority, to preserve or enhance the area's special character and appearance under Section 72(1) of the Planning (listed Buildings and Conservation Areas) Act 1990.

The harm identified falls within the category of "less than substantial harm" to the significance of the heritage asset. Paragraph 202 of the National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The alterations carried out to the shop front have resulted in the replacement with non traditional materials and with a non traditional design. The new shopfront has resulted in some public benefits such as improved security, however, it has not been adequately demonstrated that these benefits could not be achieved through the adaption of the previously approved shopfront or the use of more sympathetic materials and design and therefore these benefits are considered to be outweighed by the harm. The replacement shopfront by virtue of its modern design and materials fails to preserve the architectural and historic merit of the building, detracting from the special character and significance of the Conservation Area as a designated heritage asset, resulting in significant harm which is not considered to be outweighed by the public benefits of the proposal. The development also conflicts with the aims of the Framework particularly paragraph 135 which seeks to guard against the quality of developments being materially diminished between permission and completion through changes to the permitted scheme. This development is therefore contrary to the aims of paragraphs 130, 135, 197, 199, 200, and 202 of the National Planning Policy Framework and Thanet Local Plan Policies SP36, HE02 and QD02.

**Case Officer**

Gillian Daws



TITLE:

F/TH/23/1303

Project

223 - 227 Northdown Road MARGATE Kent CT9 2PJ

