

R06

F/TH/23/1470

PROPOSAL: Replacement of the existing shopfront and associated signage works, and proposed works to the first floor front elevation, which include the replacement of the existing windows with doors and the installation of glass handrails to create a balcony.

LOCATION: 35 Marine Terrace MARGATE Kent CT9 1XJ

WARD: Margate Central

AGENT: Mr Marius Alexandru Pustai

APPLICANT: Mr D Brar

RECOMMENDATION: Refuse Permission

For the following reasons:

1 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. This development is therefore contrary to the aims of paragraphs 135, 203, 205, 206, and 208 of the National Planning Policy Framework and Thanet Local Plan Policies HE02 and QD02.

2

The first floor balcony to the front elevation, due to its height appears as an incongruous feature, that is unrelated and visually jars with adjoining balconies due to its unrelated height, 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 any public benefits of the proposal. This development is therefore contrary to the aims of paragraphs 135, 203, 205, 206, and 208 of the National Planning Policy Framework and Thanet Local Plan Policies HE02 and QD02.

SITE, LOCATION AND DESCRIPTION

No. 35 Marine Terrace (A28) is located on the southern side facing onto Margate Main Sands. The property is four storey in height and within a row of properties that have a similar appearance in terms of height and window openings. Properties along Marine Terrace have commercial uses at ground floor- comprising amusement arcades, public houses, takeaways and gift shops. The site is located within the confines of the Margate Conservation Area, it is confirmed that the property is not listed.

RELEVANT PLANNING HISTORY

F/TH/23/1206 - Replacement of the existing shopfront together with replacement of existing timber windows with timber doors and the installation of glass balustrade to create balcony at first floor (part retrospective). Refused 01/11/2023

The reasons for refusal were:

"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. 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."

"The proposed first floor balcony to the front elevation, due to its height appears as an incongruous feature, that is unrelated and visually jars with adjoining balconies due to its unrelated height, 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 any 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."

A/TH/23/1471 Erection and display of 1No internally illuminated fascia sign. Current

A/TH/23/1207 - Erection and display of internally illuminated fascia sign. Refused 01/11/2023

PROPOSED DEVELOPMENT

Planning consent is sought for the replacement of the existing shopfront and associated signage works, and proposed works to the first floor front elevation, which include the replacement of the existing windows with doors and the installation of glass handrails to create a balcony.

The shopfront which is in situ has two large glazed panels from the fascia to approximately 0.2m above street level and an entrance door to the side with a glazed window above. The fascia advert and fascia as described within the advert application is above this. At first floor level a glazed balcony is proposed- again already in situ. This is constructed in toughened glass with a brushed aluminium handrail. The glazed balcony has a height of approximately 1.1m and sits in from the neighbouring properties by between 0.1 and 0.2m

This application is the same as the previously refused application for changes to the shopfront and construction of the first floor balcony.

PLANNING 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

Neighbours have been notified, a site notice posted and an advert placed in a local newspaper. No representations have been received.

CONSULTATIONS

TDC Conservation Officer - 35 Marine Terrace is a prominent property on Margate's main seafront as well as being within Margate 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.'

As well as the NPPF Section 16, Paragraph 192 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 and (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.

This application is for the removal and replacement of the existing shopfront from timber to aluminium as well as a contemporary balcony proposed at first floor level. Largely this application is retrospective and has already been undertaken. Application F/TH/23/1206 for similar works to the site has also been refused, the comment below reflects that also made previously.

The previously present shopfront, which has already been replaced, was constructed of timber and had traditional proportions to its form and layout. More recently this was covered with an additional layer of hoarding. Looking at images from the past it was unlikely it was original to the shop front but it did have some merit. To remove this timber shopfront and the historic features, is to the detriment of the setting and appearance of the surrounding conservation area and a direct violation of NPPF Section 16 Paragraph 192. Its then further replacement with a more contemporary aluminium framework is also viewed as a reduction in quality of materials, with further assists in the overall depletion of historical integrity of the shop front asset.

None of the original proportions of the shopfront removed have been reflected in its replacement and the design is almost fully glazed. There are examples of aluminium shop frontages neighbouring this property, however I would not consider this a reason to further degrade the appearance of the street scene.

An internally lit fascia sign is proposed as part of the works, this is inappropriate for the conservation environment given that signage would ideally be externally lit to reduce its contemporary appearance as well as its brightness and outlook in the historic environment.

Secondly, a contemporary balcony treatment has been added to the first floor of the property. Which, although is of modern appearance, is obviously so and reads as a later addition to the property. However this should have been installed to match that of the adjacent property in order to create a horizontal emphasis on the street scene and retain a sense of balance through development. As it sits now, it is somewhat higher than both neighbours, and as such should be reduced appropriately.

No design and access statement has been provided in order to justify the harm caused by the proposed setting and appearance of the surrounding conservation area nor any explanation of design choices made.

The application does not state that it is retrospective although largely the works have already taken place.

Concerns were raised previously about a lack of design and access statement and justification of which has also not been included in this application.

Unfortunately I do not believe that this proposal has taken into consideration the full weight of the harm caused by this application and the loss that is accumulated by the alteration to the design of the timber shop front.

More frequently traditional shop frontages are being lost within conservation areas which have a large impact on the character of the area in question and it is vital that they are

protected and retained where possible. I do not feel that this proposal meets with national or local guidance or sets a betterment standard for the area and therefore I object to this application and suggest that it is reconsidered.

COMMENTS

The application is brought before members as the application has been called in by Cllr Pugh for Members to consider the economic benefits of allowing this proposal.

It is confirmed that the Planning Officer contacted the agent to advise of the concerns and invited them to make changes to the application, however, no response has been received and accordingly the application is brought to Members as submitted.

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

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 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 205)

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 135 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. Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design. Policy QD02 is a general design policy and sets out 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. External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases.

The shopfront that has now been installed is constructed from aluminium and has a flat frontage and an aluminium bar divides the window within the shopfront creating two large expanses of glazing.

The shopfront that was previously located within the front of the property was constructed from timber with more traditional shopfront features - stall risers, fenestration detailing - and was more traditional and sympathetic to the area and had a fascia of more appropriate proportions.

It is not clear if that shopfront was original, however, it was constructed from traditional materials with a traditional design. The replacement with a more contemporary aluminium framework is viewed as a reduction in quality of materials, which again has a negative overall impact. It is therefore considered that the shopfront that was previously in situ, which due to its design and materials, made a positive contribution to the character and appearance of the conservation area.

It is also considered that the loss of the smaller fascia board that was previously located above the shop front and its replacement with a much larger one is an incongruous feature and a further negative element.

The proposed balcony treatment at the first floor of the front property has a modern appearance, (toughened glass and brushed aluminium handrail) and reads as a later addition to the property. It is however, considered that this should have been installed to match that of the adjacent property (36-42 Marine Terrace) in order to create a horizontal emphasis on the street scene and retain a sense of balance through development. As it sits now, it is higher than both neighbours, and appears as an incoherent and incongruous addition to the principal elevation. Given its position on Marine Terrace these alterations are clear and visible from a distance and the building is read in conjunction with the adjoining properties.

The agent was invited to amend the proposal to address officers' concerns, however, no revised plans or justification for the submitted scheme have been received.

As set out above, benefits from the scheme, such as improved the security of the property, is not considered to be a public benefit and therefore cannot be weighed against the harm to the conservation area through the change of the shopfront, this is considered to be a private benefit. 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 adaption of the previous shopfront or the use of more sympathetic materials and design, the harm resulting to the conservation area is considered to outweigh any private benefit.

It is, therefore, considered that the retrospective alteration to the shop front results 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 the National Planning Policy Framework.

Living Conditions

Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 135 f) details planning decisions should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy QD03 of the Local Plan deals specifically with living conditions. This policy states that all new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to 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 alterations to the shopfront 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.

In regard to the provision of a first floor balcony, this would overlook the sea and other public areas. It is set slightly in from the neighbour terrace properties to either side. This is a similar arrangement to other first floor balconies within this area, as such I consider this aspect not 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.

The proposed development is, therefore, considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and paragraph 135 National Planning Policy Framework.

Highway Issues

Paragraph 114 of the NPPF says that in assessing applications for development it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Local Plan Policies TP02 and TP03 concern walking and cycling. They require that new development will be expected to be designed to facilitate safe and convenient movement by pedestrians and the safety of cyclists and facilities for cyclists. Policy TP06 states that proposals for development will be expected to make satisfactory provision for the parking of vehicles, including disabled parking. Suitable levels of provision will be considered in relation to individual proposals taking account of the type of development, location, accessibility, availability of opportunities for public transport, likely accumulation of car parking, design considerations.

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

Conclusion

The site lies within the Margate 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. The retrospective alterations to the shop front have resulted in the loss of a shop front that was constructed from traditional materials and with a traditional design. The new shopfront has resulted in some public benefits such as improved security, thermal efficiency and accessibility, however, it has not been adequately demonstrated that these benefits could not be achieved through the adaption of the previous shopfront or the use of more sympathetic materials and design and therefore these benefits are considered to be outweighed by the harm. Furthermore the proposed balcony at first floor takes no account of adjoining structures and therefore appears as an incongruous addition. There are no clear public benefits from this element. This development is therefore contrary to the aims of paragraphs 135, 203, 205, 206, and 208 of the National Planning Policy Framework and Thanet Local Plan Policies HE02 and QD02.

Case Officer

Gillian Daws

TITLE:

F/TH/23/1470

Project

35 Marine Terrace MARGATE Kent CT9 1XJ

