

Application No: Y17/0461/SH

Location of Site: 15 Sandgate High Street Sandgate Kent CT20 3BD

Development: Change of use of ground floor commercial unit to a residential flat, along with change of use and conversion of 1st & 2nd floor maisonette to one flat and one maisonette together with external alterations.

Applicant: Mr Leo Griggs
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Date Valid: 25.04.17

Expiry Date: 20.06.17

Date of Committee: 29.08.17

Officer Contact: Mr Julian Ling

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| RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report. |
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1.0 THE PROPOSAL

- 1.1 This application seeks detailed planning permission for the change of use of ground floor shop to a residential flat, along with change of use and conversion of the first and second floor maisonettes to one flat and one maisonette together with external alterations.
- 1.2 The ground floor flat would be accessed via an entrance off Castle Road to the rear and the first and second floor flats would be accessed off a communal entrance and staircase to the front of the building off Sandgate High Street. Refuse storage is proposed to the rear of the building at ground floor level.
- 1.3 Concerning the internal layout, the ground floor flat would comprise an entrance hallway, two bedrooms, a combined living room and kitchen and a bathroom. There is also a basement area which would be used for storage purposes. At first floor the second flat would comprise two bedrooms, a

bathroom and combined living room and kitchen. The third unit, a maisonette, would be set over the second and third floors and comprise three bedrooms (one with an ensuite bathroom), a separate bathroom and an external flat roof terrace area facing south on the rear of the building at second floor level. The third (top) floor would contain a combined kitchen and living area and a WC.

- 1.4 Some external alterations are also proposed. On the front elevation, no significant alterations are proposed as the existing shop front and fenestration would be retained and the glass replaced. Three existing roof lights on the front roof slope are to be retained which are standard roof windows that have already been installed and do not have planning permission. To the rear, the existing lean-to roof over the entrance yard would be removed and the brickwork repaired and made good and a bin store constructed, a ground floor bedroom window would be replaced with a larger window and a new side window installed within the same bedroom. At roof level (third floor) it is proposed to construct a large pitched roof dormer window with French doors and a Juliet balcony.
- 1.5 The front elevation upper floor windows have recently been replaced with uPVC windows. This requires planning permission but does not form part of this application and will be dealt with separately.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 This application site is located within the centre of Sandgate. The site is located on the south side of the road at the bottom of Sandgate Hill and within the conservation area.
- 2.2 The premises are three storey with attic space and basement level. They front onto Sandgate High Street and form part of a long terrace of properties of the same scale and appearance. To the rear is Castle Road which is predominantly a residential road. Opposite are Enbrook Park and Saga. The property is currently redundant, empty and boarded up. It was last used as a shop at ground floor with residential living accommodation above.

3.0 RELEVANT PLANNING HISTORY

There is no recent or relevant planning history for this property.

4.0 CONSULTATION RESPONSES

- 4.1 Sandgate Parish Council
Objection

On the basis that we feel the ground floor should be retained as a commercial unit. We would otherwise support the proposal to renovate the building and for the two flats in the upper parts as submitted. There is no

satisfactory proposal for parking as currently Sandgate High Street residents could not get a permit to park in Castle Road as suggested.

4.2 Heritage Consultant

No objection in principle subject to some external amendments.

The property is one of a terrace of 5 No. three storey shops at the east end of Sandgate High Street on its southern side and backing onto Castle Road. No15 has lain empty for about 20 years.

The terrace, Nos. 13 -21, is a terrace of five purpose built Victorian terrace shops with two floors of accommodation above and a room within the roof, lit by a dormer to the rear side only. This three storey terrace appears to date from the late c19th, built of red brick with a slate roof. The front elevation is red brick with projecting black header feature courses and there is a central parapet feature with half round capping that projects through the eaves line. The rear elevation is rendered with a catslide roofed dormer lighting the attic.

The upper sash windows were, until recently, the original, mostly 12/1 pane format but with some windows 2/2 format. However, recently these have all been changed to 'good quality' Upvc replacements to the same design. The shopfront is mostly the original (as are the others in the terrace) but is boarded up. There is a separate side access door providing access to the upper floors.

The terrace 13-21 Sandgate High Street is generally in quite good condition for its age however, it is run down and No. 15 particularly so given that it, apparently, it has been empty for about 20 years! It is also clear that the shopping frontage here is very marginal, positioned away from the centre of Sandgate High Street at its eastern limits. Only two of the shops in the terrace are in retail use, these also very marginal, and so the change of use seems to be an inevitable result of the marginal status of the frontage.

The nearby property No.19 has also been converted into flats recently and apparently, the internal reordering is to a similar layout to that proposed in No15.

The upper floors however have recently been re-windowed with Upvc sash windows to the same format as the originals.

At roof level, both Nos.13 and 21 have had roof windows inserted into the front roof slope. No.13 has two conservation pattern rooflights. The proposals at No.15 need to appear identical to this and the rooflights should be of the same conservation pattern, of the same size and 2 No. only rather than the three shown on the drawing.

At the rear, large dormers have already replaced the original catslide dormers at Nos.13 and 21. The one at No.13 is different from the design of the proposed dormer. It is narrower, the roof pitch is steeper, there is a pair of French doors with sash window side lights and the dormer is clad with dark coloured featheredge boarding. The proposed dormer fails to match this. The design is wider, with a slack pitched roof and rendered. There are no side lights to the doors.

The current design is therefore not acceptable due to its excessive size and clumsy design. The dormers at Nos.13 and 21 set the precedent for dormers here and it is essential that the one at No.15 is a close match in size, design and materials to that existing on the adjacent No.13.

It is unfortunate that the original sashes, the last surviving in the terrace, have been changed to Upvc but at least the replacement windows are the correct format with proper sash operation and sufficiently close to the appearance of the original to be acceptable in the context of this building, which is not listed.

The removal of the yard roof and reinstatement of windows is to be welcomed.

The alterations to the interior are, of course, not subject to control but generally the rearrangement of the interior seems sensible – the minimum necessary to achieve the required three flats, which are quite generously sized.

The conversion and loss of the shop is regrettable, but this seems inevitable given the state of retailing in Sandgate. However, we do need to be reassured that issues of ventilation (required by the building regulations) are capable of being accommodated without unfortunate alterations to the shopfront. We will need details of all locations of vents and flues on the building.

RECOMMENDATIONS

Request changes to the scheme as follows:

- Front Elevation – Reduce rooflights to 2, conservation pattern, to match the size and spacing to those on No.11
- Rear Elevation – Amend dormer design to be narrower, with a steeper pitched roof and French Doors with sidelights with the dormer front and side clad in grey weatherboarding, all to be exactly matching the design and detailing of No.13.
- Shopfront – Request confirmation that the ground floor conversion will not require alterations to the shopfront as a result of requirements of building regulations

Once these issues are resolved I would suggest grant subject to the following conditions:

- Detail of repairs to shopfront
- Details of the design and construction of the proposed dormer (to precisely match no13) scale 1:5 or 1:10
- Door and window details scale 1:1 or 1:2
- Details of cladding materials

Details of the location of vents and outlets

4.3 Building Control Officer

No objection

This application will need the standard Latchgate condition applied.

4.4 Environmental Health

No objection

4.5 Southern Water

No objection

The attached plan drawing number 9371.08A Rev A appears to show that the existing development lies over a public foul sewer which is not shown on records. Any changes to the building foundations will require Southern Water approval.

Southern Water requires a formal application for a connection to the public sewers to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable, sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:

"Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 29.05.2017

5.2 Site Notice. Expiry date 05.06.2017

5.3 Press Notice. Expiry date 08.06.2017

6.0 REPRESENTATIONS

6.1 1 letter received objecting to the application on the following summarised grounds:

- The property is within a conservation area.
- New plastic windows and velux windows have already been installed which do not have planning permission.
- The rear flat roof will be changed to a roof terrace.
- Loss of the shop to a residential use which will affect the viability of the row of shops.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE4, BE8, HO1, TR5, TR12, U1, U4.

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS3

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework (NPPF) Paragraphs 49, 51
National Planning Policy Guidance (NPPG)
Kent Design Guide
Sandgate Village Design Statement 2013 Supplementary Planning Document (SPD)

8.0 APPRAISAL

8.1 The key issues to be considered in the determination of this application are the principle of the conversion of the building in terms of planning policy, the visual impact on the conservation area, impact upon the amenities of residents and highways and transportation matters.

Policy

8.2 The site is located within the Sandgate settlement boundary as defined in the Core Strategy Policies Maps, and is covered by saved policy HO1 of the Local Plan Review, in which the principle of the conversion of existing buildings, particularly where this would result in the preservation of a building of architectural or historic interest, is acceptable. Sandgate is not identified as a primary or secondary shopping area in the local plan and

there is no policy covering Sandgate High Street that would enable planning permission to be refused for the loss of the commercial unit.

Principle of residential conversion

- 8.3 In terms of the principle of the conversion, the formation of three residential units is considered acceptable under saved Local Plan Review policies HO1 and SD1 which allow the conversion of existing buildings where it makes good use of previously developed and brownfield land/buildings and/or would result in the preservation of a building of architectural or historic interest. It would also bring back into use a building that has stood redundant for a period of twenty years according to the applicant's agent and is in poor condition.
- 8.4 The NPPF also advises in paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development and in accordance with paragraph 51, which seeks to bring back into use empty buildings and make efficient use of existing housing stock. To promote sustainable development and prioritise urban regeneration, a target is set for at least 65% of dwellings to be provided on previously developed land by the end of 2030/31(Core Strategy policy SS2).
- 8.5 It is considered that the site is located within a central urban area that benefits from town services and amenities with good pedestrian and vehicular connectivity as well as a public bus service. The internal layout complies with the minimum standards for properties undergoing conversion to self contained flats and are acceptable for modern day living and the flats would contribute to the mix of housing within the district, ideally suited to single/couple orientated accommodation.
- 8.6 In terms of the loss of the retail shop, Sandgate High Street is not identified as a primary or secondary shopping area so there is no policy need to safeguard ground floor retail or business units. Therefore there is no policy justification to keep the ground floor use as retail or another business use. It is therefore considered that the principle of the conversion of the building to three self contained units is acceptable in accordance with saved policies SD1 and HO1 of the Local Plan Review, Core Strategy policy SS2 and the NPPF: 2012 para 51.

Visual Impact

- 8.7 The site is located within Sandgate Conservation Area and therefore section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and saved policy BE4 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 8.8 In this regard, this application does not propose significant alterations or extensions and the exterior of the building will predominantly remain as existing. Importantly, the development seeks to retain the shop front which would preserve the character of the building and show its previous use, which would in turn help conserve the character and appearance of the

conservation area. The glass would be replaced to upgrade it for building regulation purposes which is considered reasonable and acceptable. To ensure glass is used, and not an inappropriate different material this can be conditioned for details to be agreed prior to its installation. Within the front roof slope, three roof windows are also proposed to be retained, having already been installed without planning permission. It is considered that their design is not ideal within a conservation area as a conservation style roof light which has a slimmer profile would be preferred. Nevertheless given the angle of pitch of the roof and their location high upon the building they are not highly visible from the streetscene they are on balance considered to be visually acceptable.

- 8.9 Concerning the rear elevation, the new slightly larger replacement window and new side window within the proposed rear bedroom are considered to be generally acceptable. They would have minimal visual impact and therefore conserve the character and appearance of the conservation area. Whilst the use of uPVC is regrettable, it is considered on balance to be acceptable, subject to the right design of windows, given the significant amount of uPVC already installed within this terrace row of properties. To ensure that appropriate style windows are installed a condition is recommended for their details to be agreed prior to their installation. A ground floor lean too roof that is in a poor dilapidated condition would also be removed and the brick wall repaired and made good to create a wider entrance yard. This is considered acceptable as it is not considered to be an important traditional feature and there would be no harm to the conservation area character and appearance from its loss and it would improve the current untidy appearance.
- 8.10 The biggest and most prominent alteration would be to the rear roof slope where a large pitched roof dormer window is proposed to be installed. It is considered that it is visually acceptable given that a dormer window already exists to the rear, together with the fact that there are other similar size and style dormers within this row of properties. Whilst larger than the existing, this is not considered to be unduly large or top heavy to the detriment of the visual amenity of the conservation area, as it is considered it would sit comfortably within the roof slope. The design is considered acceptable with a pitched roof and French doors with a Juliet balcony where the Heritage Consultant has not raised an objection to the principal. However he has recommended some small changes to improve the scheme being that the rear dormer is reduced in size to be narrower and the dormer front and side clad in grey weatherboarding, all to be exactly matching the design and detailing of No. 13. The cladding has been agreed, but the size has not been amended. As a similar size dormer has recently been permitted next door it is considered that it would be unreasonable and inconsistent to insist on a smaller dormer in this case. As such the alterations and additions are considered to be acceptable and would conserve the character and appearance of the conservation area in accordance with saved Local Plan Review policies BE1, BE4 and BE8. Furthermore the development is considered to be in accordance with Sandgate Village Design Statement policies SDS 4, 5 and 6, where the development conserves the conservation area and the development provides detailed elevation plans which show that

the scale, form and design is visually acceptable and retains the existing elevations of the building and the shop front and therefore conserves the character of the area.

Neighbouring Amenity

- 8.11 In terms of residential amenities, it is considered that the development would safeguard the amenities of surrounding residents. It is considered that a residential use would be appropriate within this mixed use area which already has many similar houses, flats and maisonettes. The building currently has a commercial use with residential above and it is considered that the change to full residential would result in a less intensive use than existing.
- 8.12 There would be no impact to the front which fronts onto the busy Sandgate High Street and only marginal impact to the rear. There are no extensions proposed and therefore no overbearing or overshadowing impacts would occur. With regard to the proposed dormer window this is also not considered to result in any overbearing/overshadowing issues as it is positioned high in the roof level and away from other neighbouring windows. Some overlooking to the south would occur towards Beaufort and other houses in Castle Road, but this is considered acceptable and not significantly more harmful than existing where this terrace row of properties has many windows and terrace areas that allow views south. Castle Road is also very narrow with properties positioned on both sides of the road where there is already a degree of interlooking occurring. As such any overlooking from the dormer window is considered to be acceptable.
- 8.13 At second floor level upon the rear of the building an existing flat roof terrace area is proposed to be as an external amenity space. This already exists but because the building has been empty for a considerable time has not been in use recently. In this instance it is considered that its use would be no greater than existing where at any time the residential unit could be occupied and the terrace area used. There are several other such elevated terrace areas upon the back of these properties where the impact would be no greater and as such acceptable. Subject to the retention of the parapet wall and installation of a safety rail onto of the parapet wall as a means of enclosure to safeguard users this is considered acceptable. The installation of the ground floor windows is acceptable, being minimal and would not give rise to a loss of privacy as a large degree of interlooking already occurs between properties on the each side of Castle Road. Therefore subject to a condition for the terrace balustrade to safeguard the future occupiers of the flat, the development is considered to safeguard residential amenities.

Highways/Transportation

- 8.14 With regard to location and wider sustainable connectivity, the site is located within the centre of Sandgate and benefits from good connectivity having access to road and pedestrian footpath networks and close to local services. The site also benefits from public transport services with a bus stop on the

A259 immediately outside. As such, the site is considered to be a sustainable location in transport terms.

- 8.15 In terms of car parking, the existing use does not have any off street car parking and the proposed development does not propose any either. However some on street parking is available within the local area and there is a public car park nearby in Castle Road to the rear of the site. Nevertheless in the absence of off street parking, this is considered acceptable given the sustainable town centre location where occupiers would not necessarily need to use a car. To promote alternative means of transport, the development also proposes some cycle parking facilities.
- 8.16 It is noted that policy SDS11 of the Sandgate Design Statement requires all planning applications to demonstrate adequate off-road parking provision in accordance with car parking standards. However, based on the existing use of the building (ground floor retail unit and residential maisonette above) in this case the proposed development will result in a small reduction in parking demand particularly during daytime when the shop would have been open. Therefore it is considered that the development is acceptable in this regard.

Other Considerations

- 8.17 The application proposes to connect to the main public sewer for foul and surface water disposal which is recommended and which Southern Water have not objected to. Refuse and recyclables storage is also proposed in a communal area to the rear of the building which is considered acceptable and can be conditioned for retention. Although the Building Control Officer has recommended that a soil stability condition be applied, given no new foundations are proposed this is not considered necessary.
- 8.18 Concerning local financial considerations, Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £100 per square metre for new dwellings which will result in a total sum of £20,300.00.

Human Rights

- 8.19 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are

relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

8.20 This application is reported to Committee given the views of Sandgate Parish Council.

9.0 SUMMARY

9.1 The development proposes to make efficient use of an existing empty building that is in a poor condition. It is a previously developed site and proposes three self contained units that conform to the Council's minimum standards for properties undergoing conversion to self contained flats and that would contribute to the mix of housing stock in the area. The external alterations are acceptable and would conserve the character or appearance of the conservation area and the development would safeguard the amenities of residents. There are no adverse highway issues.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions:

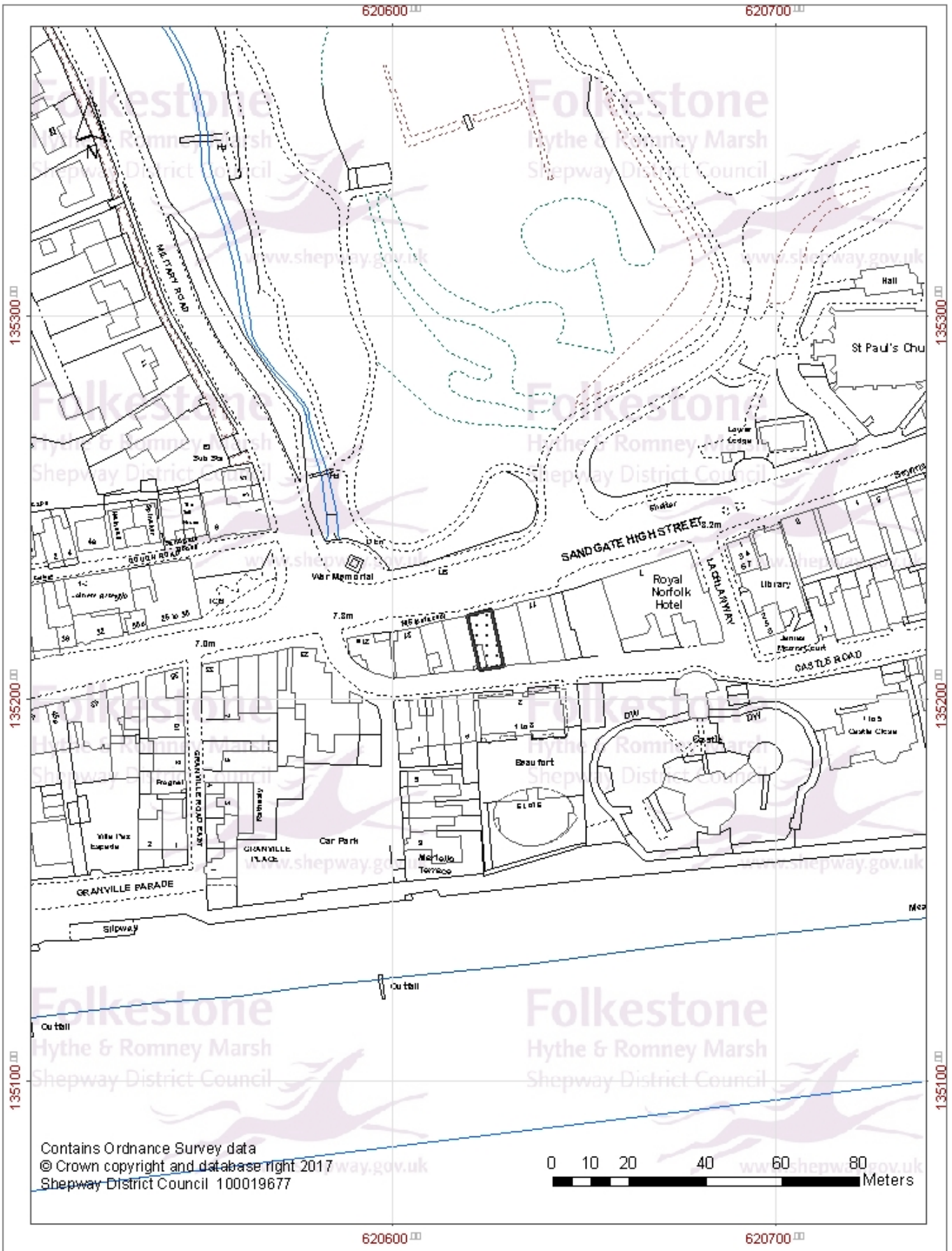
1. Standard Three Year Condition.
2. Approved plans.
3. Details to be submitted to and approved prior to commencement of development for the following;
 - New rear windows
 - New front glass to shop front
 - External terrace rail
4. Provision and retention of refuse/recyclables storage.
5. Provision and retention of cycle parking.

Informatives

1. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
2. For the avoidance of doubt this permission does not include the retention of the front upper level replacement windows uPVC windows which requires separate planning permission.

Decision of Committee

Y17/0461/SH
15 Sandgate High Street
Sandgate



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Shepway District Council 100019677

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