



Appeal Decision

Site visit made on 9 August 2016

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 September 2016

Appeal Ref: APP/V2255/W/16/3150520
19 South Road, Faversham, Kent ME13 7LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs L.C Guthrie against the decision of Swale Borough Council.
 - The application Ref 15/509814/FULL, dated 18 November 2015, was refused by notice dated 17 March 2016.
 - The development is proposed new dwelling to the rear of 19 South Road, Faversham, Kent ME13 7LR.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised in respect of the appeal is the effect of the development on the character and appearance of the surrounding area, and, whether the Faversham Conservation Area would be preserved or enhanced.

Reasons

3. The proposed development site would comprise that part of the rear garden of No 19 South Road positioned at an angle behind the rear gardens of dwellings fronting on to South Road. The appeal site abuts and relates more closely to Cross Lane, a narrow well-used pedestrian route linking South Road and Bank Street. Cross Lane is bounded on each side by high walls which are mainly of brick construction and incorporate pedestrian gate accesses. To the eastern end of Cross Lane are public car parks and the modern public buildings of Faversham Health Centre, Arden Theatre and Faversham Pools with the outdoor swimming pool with diving platform abutting the boundary of the appeal site. The rear gardens of surrounding dwellings border either side of the walkway over much of its route. With the exception of the single-storey outbuildings to the rear of Nos 29 and 31 South Road and 54 South Street there is a general absence of built development within the abutting gardens. The vegetated gardens with trees and plant growth oversailing the boundary walls along Cross Lane gives the area an open verdant feel to its character. This section leading to South Road is relatively tranquil, leafy and largely undeveloped in nature and contrasts with the busier more developed eastern end of the passageway. I observed that the appeal site relates to this part of the street scape.

4. The proposal would create a substantial building with first storey and pitched roof visible over the Cross Lane boundary high wall. Although Cross Lane is narrow with high walls either side, this would not restrict views of the proposed dwelling as a result of its height and closeness to the pathway. Whilst the eaves height have been kept low and the trees on the swimming pool site would, to some extent, screen the site, the proposed dwelling would be prominently visible in views when travelling in both directions along Cross Street and would be particularly prevalent when viewed immediately adjacent to the site. It would also be visible from neighbouring properties and their gardens and users of the outdoor swimming pool.
5. Whilst I agree with both parties that the design of the proposed development is not intrinsically poor and indeed may reflect other developments in the wider area, a dwelling of this height is not in context with the immediate environment. I note the plot size may have increased and the footprint of the proposed dwelling has reduced from that of the earlier concept schemes. However, the resulting dwelling would not, to my mind, be perceived akin to an ancillary building in the way that the outbuilding to the rear of Nos 29 and 31 South Road appear with a relatively small part of its pitched roof visible over the boundary wall. The proposed development would be out of keeping with the landscaped gardens that form the character and appearance of this part of Cross Lane.
6. I observed that some pedestrian access gates have been boarded up and a small amount of graffiti is present along the pathway. In addition, a section of wall to the western end of the route is topped with a security installation. The appellant suggests that these features degrade the appearance of the area. However, these elements do not detract from the overall appearance of the pathway appreciated by those that use the route. In addition, it is suggested that a dwelling in this location would create a greater sense of security and safety to people using Cross Lane, particularly at night. Nonetheless, any such benefits would not outweigh the harm I have identified above.
7. The appellant refers me to planning permissions for dwellings granted within the surrounding area. I have insufficient information before me to be able to determine the planning circumstances of these developments and the similarities, if any, to the proposed development. The appeal before me relates to a different site and therefore can and should be considered in its own right.
8. Both parties appear to accept that the site has relatively low heritage significance. The appellant's Heritage Appraisal identifies a degree of change to garden boundaries and other land between South Road and the western section of Cross Lane over the past 150 years or so. However, the verdant and largely undeveloped nature of this area that gives distinctiveness to the character and appearance of the appeal site and the surrounding area outweighs the limited heritage significance of the site.
9. The appeal site falls within Faversham Conservation Area and as such the proposal would have an effect on the setting of this part of the Conservation Area. For the reasons given above, I conclude the proposed development neither preserves or enhances the Conservation Area. Given the size and scale of the proposal in the Conservation Area, I consider there would be less than substantial harm to the character and appearance of the Conservation Area. In accordance with paragraph 134 of the National Planning Policy

Framework (the Framework), I must weigh the harm against the public benefit of the proposal. Although the development would bring forward a dwelling, the benefit to the public, in my view, would be limited, and insufficient to outweigh the harm identified. I conclude therefore that the proposal would fail to accord with national policy.

10. For the above reasons, the proposed development would be harmful to the character and appearance of the surrounding area. The proposal is contrary to Policies E1, E19 and H2 of the Swale Borough Local Plan that requires development to reflect the positive characteristics and features of the site and locality and requires development to be appropriate to its context in respect of scale, height and massing, amongst other matters. The proposal is also contrary to Policies DM14, DM33 and CP8 of the Bearing Fruits 2031: Swale Borough Local Plan that seek development to be sited and be of a scale, design, appearance and detail sympathetic and appropriate to the location, and, within a conservation area to preserve or enhance all features that contribute positively to the area's special character or appearance, including spaces, amongst other matters.

Other Matters

11. The appellant comments that there is a present shortfall in future housing provision for the area. The proposal would provide one additional home within the urban area in a sustainable location. Whilst the proposal would contribute a dwelling to the Borough's overall housing supply, this benefit would not outweigh the harm identified above.
12. I note the appellant's wish to remain resident in the area and to provide extended living accommodation for ageing family members. Whilst I sympathise with the personal circumstances of the appellant and the future accommodation needs of her family, I am mindful that the harm identified would be permanent and is not outweighed by the appellant's particular circumstances.
13. I have had regard to other matters raised, including those of loss of privacy and overlooking, noise disturbance, impact on trees and services, parking problems in area, and precedent raised by interested parties, however these matters do not outweigh my findings in respect of the effect of the proposed development on the character and appearance of the area.

Conclusions

14. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR