

2.3 REFERENCE NO - 19/504192/FULL		
APPLICATION PROPOSAL		
Conversion of existing rear extension to form one residential dwelling including raising of the roof height. Creation of new access and parking area for the existing and proposed dwelling.		
ADDRESS 29 Upper Brents Faversham Kent ME13 7DP		
RECOMMENDATION - Approve, subject to the conditions below, and the receipt of a SAMMS contribution of £245.56		
REASON FOR REFERRAL TO COMMITTEE		
Contrary to representation from Faversham Town Council		
WARD Priory	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Robert Curtis AGENT Nigels Sands And Associates
DECISION DUE DATE 14/10/19		PUBLICITY EXPIRY DATE 01/10/19

1. DESCRIPTION OF SITE

- 1.1 The property is a two-storey semi-detached house with a single-storey wing on the rear. The house is situated prominently on the corner of Upper Brents and Kennedy Close, within the established built up area boundary of Faversham, and within the Faversham conservation area. It is also subject to an Article 4(2) Direction dated May 2007 which was issued in order to prevent piecemeal degradation of the streetscape of the town via incremental Permitted Development changes and, ideally, to raise the standard of appearance of properties when changes are being made. Unfortunately, prior to the Direction being made the front elevation has had replacement windows fitted, which detract from the original character of the property.
- 1.2 The property wraps around the corner, with the main house fronting onto Upper Brents with the flank wall and the single storey rear wing running immediately adjoining the pavement in Kennedy Close. It has an existing rear amenity area, and at the rear of the site there is a small roadway leading to a garage court serving the properties in Kennedy Close.
- 1.3 The site faces the open space alongside Faversham Creek but it is not itself in an area at risk of flooding.

2. PROPOSAL

- 2.1 The proposal consists of raising the ridge height of the rear wing by approximately 0.5m and the insertion of rooflights and glazed rear doors to enable the change of use of the rear wing to a separate dwelling. This would comprise a living/kitchen space and bathroom at ground floor level lit by existing side windows, and two bedrooms on an inserted first floor level lit by three new rooflights.

2.2 The unit would have its own small private amenity space and a single off-road parking space to the rear. The drawings also show a single off-road parking space to the rear for the existing property which has no off-road parking space at present.

2.3 The rear of the property is 13 metres from the side elevation of 1 Kennedy Close, and (apart from the rear glazed doors) all fenestration would face across Kennedy Close towards 31 Upper Brents, with a distance of 14 metres between properties.

3. PLANNING CONSTRAINTS

3.1 Faversham conservation area

3.2 Within established built-up area boundary

4. POLICY AND CONSIDERATIONS

4.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2031 policies ST1 (Delivering Sustainable Development); ST3 (The Swale Settlement Strategy); ST7 (The Faversham and Kent Downs Area Strategy); CP4 (Good Design); CP8 (Conserving and Enhancing the Historic Environment); DM7 (Vehicle Parking); DM14 (General Development Criteria) and DM33 (Conservation Areas)

4.2 Supplementary Planning Guidance (SPG): “The Conversion of Buildings into Flats & Houses in Multiple Occupation”, and “Conservation Areas”.

5. LOCAL REPRESENTATIONS

5.1 One “objection” has been received from the attached neighbouring resident, but this is specifically neither in support of nor against the proposal. The objection relates only to an error in the drawings submitted which originally showed the red line boundary including an outside lavatory building within her ownership. In response to this, the applicant’s agent has submitted amended drawings remedying this error.

6. CONSULTATIONS

6.1 Faversham Town Council objects to the proposal for the following reasons:

“1) The proposed dwelling is close to neighbours.

2) The Committee questioned if the proposed extension is big enough to be a separate dwelling.”

6.2 Natural England raises no objection, subject to the receipt of a SAMMS payment as the site is within 6km of The Swale Special Protection Area (SPA). I have prepared an Appropriate Assessment in this regard below.

6.3 Kent Highways and Transportation have commented that the application does not meet their criteria for a response.

7. APPRAISAL

7.1 The main issues to consider in this case are those of the principle of the new dwelling here, residential amenity, and the effect upon the surrounding conservation area.

- 7.2 The site lies well within the built-up part of Faversham in a residential area where a new house is acceptable in principle, subject to the impact on the SPA being mitigated.
- 7.3 In terms of impact on residential amenity, the minor height increase will have minimal impact and there will be no loss of privacy to neighbours. I note the concerns expressed by the Town Council regarding the proximity of the proposed dwelling to other surrounding dwellings, but the new house will only be attached to the host property and the relationships to neighbours will not be unusual or unacceptable.
- 7.4 With regard to the surrounding conservation area, it should be noted that the physical changes proposed are fairly minimal, needing only the very slight raising of the ridge line by approximately half a metre, and some minor changes to fenestration. The proposal also includes two new off-road parking spaces, which are to be welcomed, and which will again be of benefit to the appearance of the conservation area.
- 7.5 The Town Council's second objection relates to the size of the proposed accommodation. There is no local policy on floorspace standards for new houses, but the Council does have published Supplementary Planning Guidance for flat conversions, and as this is essentially a conversion I feel that it is appropriate to consider this. Our guidance requires a two bed unit to have a minimum floor area of 40m². The unit concerned would have a floor area of 58.5m², thus far exceeding our minimum requirement. As such, although I acknowledge the concerns of the Town Council, I consider that their concerns do not amount to reasons to refuse the proposal.
- 7.5 Should the application be approved, it would create a small, more affordable unit, suitable for someone looking for their first home; such units have been identified as being needed within Faversham.
- 7.6 As such, I recommend that the application be approved, subject to strict accordance with the conditions given below and the receipts of a suitable SAMMS payment.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has

potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group (NKEPG).

NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others.

- 8. RECOMMENDATION** – Approve subject to the following conditions and receipt of a SAMMS payment:

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in complete accordance with drawing no. 19/3002/1f.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The materials to be used in the construction of the external surfaces of the new residential unit hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity

- (4) Upon completion, no further development, whether permitted by Classes A, C, D or E of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the conserving the special character of the conservation area.

- (5) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (6) The area shown on the submitted plan 19/3002/1f as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful

outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this case, the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

INFORMATIVES

- (1) The Council would welcome dialogue with the applicant with a view to discussing the restoration of the front of the property, particularly the windows.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

