

3.2 REFERENCE NO - 19/504412/FULL		
APPLICATION PROPOSAL Extension to garage/store to form observatory.		
ADDRESS Oyster Bay House, Chambers Wharf, Faversham Kent ME13 7BT		
RECOMMENDATION - Refuse		
REASON FOR REFERRAL TO COMMITTEE Officer view is contrary to the support from Faversham Town Council		
WARD Abbey	PARISH/TOWN Faversham Town	COUNCIL APPLICANT Mr Brian Pain AGENT Affinis Design
DECISION DUE DATE 11/11/19	PUBLICITY EXPIRY DATE 17/10/19	

Planning History

SW/98/0182

Double open fronted garage and internal store shed.

Approved Decision Date: 06.03.1998

1. DESCRIPTION OF SITE

- 1.1 This site is located on the south east bank of Faversham Creek within the Faversham conservation area, and lies equidistant between Iron Wharf and Standard Quay. Oyster Bay House is a large 19th Century Victorian former warehouse and Grade II listed building standing adjacent to the Creek which has been converted to use as a private house. There is a relatively small private amenity area to the south and east of the building described by the applicant's agent as a "gravel area and a kitchen garden".
- 1.2 To the rear of Oyster Bay House is a public footpath and beyond this is a 0.25 ha garden which serves the property. This garden contains a "wild pool" and a three bay weatherboarded garage/store containing two open fronted garage bays and an enclosed storage shed, with open parking spaces alongside. This relatively modern building is single storey with timber cladding under a hipped slate roof and is orientated at right angles away from Oyster Bay House.
- 1.3 To the east of the garage is a boatyard and to the west of the garden boundary lies a small residential development. The site has a wild and interesting character which centres on boats and the waterside and the wide expanse of marshland sweeping away towards the horizon. The area is fairly unspoilt with the history of the site still clearly legible.
- 1.4 The 2004 Faversham Conservation Area Appraisal describes the area as;

4.37. Iron Wharf adjoins Standard Quay to the north. Its past association with the branch railway is still recorded by the presence of several dozen, wheel-less, goods wagons stranded here when the railway track was removed. They continue to earn a living, however, as storage lock-ups and are an intriguing survival from the creek's 'railway era' and, as an evocative reminder of past times, they now form part of the

wharf's special identity. And ever present here is the persistent metallic clang of masts and metal rigging, as they respond to the constant rise and fall of the wind.

4.38. The wharf is now occupied by small leisure craft laid up for repairs or for storage, especially during the winter months. Buildings here are sparser than at Standard Quay although the commanding presence of the Oyster Bay Warehouse, formerly a secure store for goods in transit through the port but now used for offices and flats, is exceptional. Its height and yellow-brick bulk, coupled with its position on the very edge of the flat expanse of the Swale marshes, makes it one of the town's landmark buildings. Elsewhere, portakabins and sheds serving as small stores and workshops, are stationed at intervals amongst the orderly muddle. Rows of masts, when viewed from the east, are attractively silhouetted against the sky and are an important tell-tale in the flat landscape of the presence of the otherwise-hidden water channel.

4.39. Alongside Iron Wharf is Chambers Dock where the course of the Cooksditch stream has been deepened and widened as it joins Faversham creek. A small footbridge across the entrance carries the long distance Saxon Shore Way footpath away to the north, and although the dock itself is now a rather forlorn and muddy affair it still remains home to a number of veteran craft.

4.40. Here at Standard Quay and at Iron Wharf, the long-standing relationship of Faversham town with Faversham creek is still expressed in the traditional way: old waterside buildings have survived, veteran sailing craft still visit, and water-related activities continue to thrive. Here therefore is an authentic echo of the old, somewhat rough and ready working environment that once characterised this side of the creek. To the north, the muddy banks of the channel are the refuge of whistling oystercatchers and quarrelling gulls; the dribble of water at low tide is scarcely sufficient to float the smallest of dinghies. But still it is possible to visualise how, with high water filling the creek brimful with water, commercial craft once made their way quietly upstream, through meadows grazed by cattle and sheep, to discharge their loads at the Faversham quays. Over the centuries the creek environment has been a place of outstanding character and an integral part of the wider identity of Faversham town itself. The continued survival of this small pocket of traditional character and activity is therefore of crucial importance to the town's individuality.

1.5 The listing description for Oyster Bay House reads;

Warehouse. Circa mid C19, said to have been built circa 1843 when the creek was improved. Buff-coloured stock brick. Welsh slate roof with gabled ends and brick dentil eaves cornice. Plan: Rectangular on plan. Its north end to the creek has a hoist and a doorway at each floor for loading/unloading. There is also a hoist and doorway at each floor level at the opposite south end. Exterior: 3 storeys, the second storey partly in the roof space. 5-bay east and west sides and 3-bay north and south ends, the bays divided by brick pilasters, those at the ends clasping the corners. Segmental brick arch openings with original 16-pane cast-iron windows which have bosses at the inter-sections of the glazing bars. There is a doorway on the ground floor at right of the west side with an original door and a wider doorway at the centre of the east side. The gable ends have a central doorway on each floor with plank double doors, the ground floor doorway on the south end enlarged later and on the gables at both ends a weatherboarded timber-framed hoist housing containing old hoist mechanisms; the

hoist housing at the north end rises above the main roof level. Interior: not inspected.

2. PROPOSAL

- 2.1 This unusual application proposes the extension of the existing garage/store building over the adjacent parking spaces in the form of a tall octagonal structure topped with an observatory dome. This would all sit on a platform supported on wooden clad metal stilts connected to the southern end of the existing garage/store structure by means of an enclosed stairway. The observatory section would have a large glass fibre observatory dome above the main part of the octagonal structure, and a wide square platform around its base which would be enclosed by railings.
- 2.2 An entrance lobby is to be provided at ground floor level within the existing storage section of the building, leading via the covered staircase to an internal gallery/study area and an external deck on the first floor, with the telescope room on the upper floor. The external deck level is 4.1m above ground level (just below the ridge of the existing garage building, and the top of the dome is proposed to be at least 11.6m in height, whereas Oyster Bay House rises to over 16m tall. There would still be room for parking beneath the platform between the stilts.
- 2.3 The application also proposes the installation of an array of several PV panels on the west facing rear elevation of the garage roof slope, and the removal of three fruit trees which sit at the rear of the existing parking spaces.
- 2.4 The application is accompanied by a Design and Access Statement and a Heritage Statement which explain the significance of the area, and that the applicant is a keen astronomer with a large telescope which needs to be elevated to avoid its field of vision being obstructed by trees. It is suggested that the observatory extension will be a private facility and will *“add considerable interest into an area currently lacking architectural aplomb and could be the springboard for better structures in the future. Its impact will therefore be positive”*.

3. PLANNING CONSTRAINTS

Potential Archaeological Importance
Conservation Area Faversham
Environment Agency Flood Zone 3 135664

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies CP4, CP8, DM14, DM16, DM32 & DM33
- 4.3 Supplementary Planning Guidance (SPG): Conservation Areas and Listed Buildings

5. LOCAL REPRESENTATIONS

- 5.1 The Faversham Society commented has commented that:

"This site is detached from the immediate curtilage of Oyster Bay House which is a Listed Building. It is within the Faversham Conservation Area, and the existing garage to which it would be attached is a modest structure.

The Observatory would add visual interest to this part of the Conservation Area which is characterised by structures and vessels of various heights. "

6. CONSULTATIONS

6.1 Faversham Town Council supports the application stating the reason as being "An interesting proposal".

6.2 Natural England has offered no comment on the application.

7. BACKGROUND PAPERS AND PLANS

7.1 Plans and documents relating to application 19/504412/FULL

8. APPRAISAL

8.1 The site is located within Faversham conservation area and the principle building affected is a designated heritage asset, a Grade II listed building. The subject building, the garage/store, is a utilitarian building of unobtrusive appearance using appropriate vernacular materials, colour palette and form.

8.2 This is a sensitive setting and despite local support I do not consider the proposal would be compatible with the character of the area. It would be highly eye catching and intrusive within the generally low rise part of the conservation area, and it would be harmful to the isolated and prominent setting of the listed building. Its form would not lend itself in any positive way to the low key and utilitarian character of the buildings and of the vicinity itself; and it would be discordant to the setting of the former warehouse which has a distinct and industrial character. The height of the observatory dome would not accord with the rhythms and volumes of the surrounding built environment.

8.3 Furthermore, neither would the proposed design and appearance of the observatory on its own merits – as a standalone structure - be considered acceptable. The use of a material like glass fibre used in this context for a dome would not be acceptable and it would age to an unattractive patina. The combination of the raised platform and the octagonal/semi-circular observatory structure would be alien to the area's character.

8.4 The proposed enclosed staircase structure would be bulky, unattractive and obtrusive given its size and design, and it would not sit well with the compact and unobtrusive form and utilitarian character of the existing garage/store structure.

8.5 I also consider that the proposed solar panels would be detrimental to the character of the garage by harming its simple utilitarian character. They would also likely to be visible from the west and given the increased visibility of the site as a whole would harm the character and appearance of the surrounding conservation area given their number and density, and they would be detrimental to the setting of the listed building.

8.6 I note the comments from the Town Council and The Faversham Society which support the application describing it as "an interesting proposal" and likely to "add visual

interest” but in my view a more detailed and wider consideration of the design reveals a harmful impact from the proposal given the site’s unique and specific sensitivities, leading to the conclusion that whilst this is indeed an interesting proposal, it is not an acceptable one. In my view the proposal is contrary to adopted Local Plan policies relating to design, conservation areas and listed buildings.

8.7 Paragraph 196 of the NPPF states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

In this case I consider that there will be harm to designated heritage assets but I see no public benefit arising from this uniquely personal proposal to outweigh the harm that I have identified. As such I do not see the application being supported by paragraph 196.

8.8 I consider that the proposed observatory extension will harm the character and appearance of the conservation area and it would also be detrimental to the setting of the listed building.

CONCLUSION

8.9 This site is located within Faversham conservation area and is immediately adjacent to the listed and imposing Oyster Bay House which is a very significant heritage asset in the skyline of the Creek, and thus the site has a unique set of sensitivities. However, the proposed development due to its size, siting, design and form would harm the character and appearance of the conservation area and be detrimental to the setting of the listed building.

9. **RECOMMENDATION** - REFUSE for the following reason:

- (1) The proposed to erect this tall observatory extension and the resultant alterations to the existing simple garage/store building, including the unattractive and obtrusive staircase link would, by virtue of its size, design, scale and form, harm the character and appearance of the Faversham conservation area and harm the setting of the grade II listed Oyster Bay House building contrary to policies CP4, CP8, DM14, DM16, DM32 & DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 Policies and Supplementary Planning Guidance (SPG): Conservation Areas and Listed Buildings.

The Council’s approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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 instance the application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

It is noted that the applicant/agent did not engage in any formal pre-application discussions.

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.

