

PLANNING COMMITTEE – 12 OCTOBER 2023**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO: 23/502886/FULL		
PROPOSAL Insertion of replacement windows and doors.		
SITE LOCATION 2 Walnut Court Lammas Drive Sittingbourne Kent ME10 2DR		
RECOMMENDATION REFUSE.		
APPLICATION TYPE Householder		
REASON FOR REFERRAL TO COMMITTEE Cllr Tony Winckless has referred the application to the Planning Committee based upon the relationship of the scheme with heritage assets.		
Case Officer Julia Marshall		
WARD Milton Regis	PARISH/TOWN COUNCIL N/A	APPLICANT Miss Esther Owusu AGENT Blackrock Architecture Ltd
DATE REGISTERED 23/6/2023	TARGET DATE 18/8/2023	
BACKGROUND PAPERS AND INFORMATION: 23/502886/FULL Insertion of replacement windows and doors. 2 Walnut Court Lammas Drive Sittingbourne Kent ME10 2DR (midkent.gov.uk)		

1. SITE LOCATION AND DESCRIPTION

- 1.1 2 Walnut Court is a two storey detached dwelling located within the built-up area of Sittingbourne. It forms part of a small housing development approved in 1990.
- 1.2 The surrounding area is characterised in part by residential development of mostly semi-detached dwellings. The dwelling is sited immediately to the rear of buildings fronting the High Street, most of which are listed buildings. Land and buildings to the east and south fall within the Milton Regis High Street Conservation Area, and this boundary partially covers the application site itself.

2. PLANNING HISTORY

- 2.1 **SW/90/1485** – Planning permission granted on 07.02.1991 for “Three 4-bedroom detached chalet bungalows with associated garages, access drives, turning area, landscaping.”

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission to replace all windows and the entrance door to the property (excluding the roof lights). The single glazed, painted timber windows and front door are proposed to be replaced with brown coloured UPVC units.

4. CONSULTATION

- 4.1 One round of notification and publicity has been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper.

- 4.2 No responses were received in relation to the notification and publicity process.

5. REPRESENTATIONS

- 5.1 **SBC Conservation:** - advise that the application property was one of a small development of houses designed to quite a high standard, in large part reflecting its sensitive location in heritage terms. Whilst a double glazed window design could almost certainly be supported, the need to respect the heritage sensitivity of the site and maintain a high standard of design dictates against the use of UPVC. The additional supporting information does not justify replacing the current timber windows with uPVC replacement windows, and refusal is recommended.

6. DEVELOPMENT PLAN POLICIES

6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

ST 3 The Swale settlement strategy

CP 4 Requiring good design

DM 14 General development criteria

DM 16 Alterations and extensions

DM 32 Development involving listed buildings

DM 33 Development affecting a conservation area

6.2 **Supplementary Planning Guidance (SPG)**

Supplementary Planning Guidance – ‘Designing an Extension – A guide for Householders’

- 6.3 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (TCP Act)

7. ASSESSMENT

- 7.1 This application is reported to the Committee at the request of Cllr Winckless.

- 7.2 The main considerations involved in the assessment of the application are:

- The Principle of Development
- Design of the proposed development
- Heritage

Principle

- 7.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

- 7.4 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 7.5 Policy ST 3 of the Local Plan 2017 supports the principle of development within the built up area boundary of established towns and villages within the Borough.
- 7.6 The principle of replacing windows and doors is not at issue here. The key consideration is whether the design and style of the replacement windows and door would preserve or enhance the character and appearance of the conservation area and the setting of nearby listed buildings, as well as its impact on the wider character and appearance of the area.

Design of the proposed development / Heritage

- 7.7 Sections 66 and 72 of the TCP Act place a duty on Local Planning Authorities to have special regard to the desirability of preserving the special character or appearance of conservation areas and preserving listed buildings (including their setting). The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Great weight should be given to the asset's conservation, irrespective of the level of harm. 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 that may arise. Policies DM32 and DM33 of the Local Plan place similar requirements on development proposals.
- 7.8 The application property forms part of a small development of 3 houses within the immediate setting of Milton Regis High Street Conservation Area and a number of Grade II listed buildings are located immediately adjacent to the site on the west side of the High Street. In addition, the conservation area boundary partially crosses the application site and cuts through the existing dwelling. The application property and other dwellings within this small development approved in 1990 were designed to a higher standard of architectural design and associated contextual sensitivity than the other dwellings on Lammis Drive that are sited further away from the above heritage assets. The existing timber windows are in keeping with the rustic, semi-vernacular form and appearance of the dwellings. It is also noted that the planning permission for the development removed permitted development rights for alterations and extensions to the dwellings, to control impacts on the setting of heritage assets.
- 7.9 It is considered that replacing the windows at the application property with uPVC frames would materially diminish the design quality of the building and in turn impact negatively on the design quality of this small development and views into and across the western edge of the Milton Regis High Street Conservation Area. It would also impact negatively on the setting of the listed buildings backing onto the application property at nos. 67 to 97 (odds, inclusive) High Street. As such, the proposed development would fail to comply with the requirements of policies DM32 (Development involving listed buildings) and DM33 (Development affecting a conservation area) of the Local Plan, which inter-alia, require the Borough Council to sensitively manage the setting of listed buildings and conservation areas when considering development proposals.

- 7.10 In terms of the National Planning Policy Framework, the level of harm arising to the setting of the aforementioned designated heritage assets from the development, through a change to their setting, is of a relatively low order and would fall within the realm of less than substantial harm. However, as officers consider that double-glazed windows would be acceptable in principle, but not uPVC variants as proposed, the level of public benefit arising from the proposed change to the property is, in accordance with paragraph 202 of the NPPF, not considered to be sufficient to outweigh the identified heritage harm. It should be noted that officers have sought amendments to the application, but that the applicant has declined to do so.
- 7.11 Overall and for the above reasons, the development would fail to preserve the character, appearance and setting of the conservation area and adjacent listed buildings, contrary to the NPPF and to the Local Plan.

Conclusion

- 7.12 The proposed uPVC windows and composite door would fail to preserve or enhance the character and appearance of the development at Walnut Court, the Milton Regis High Street Conservation Area and the setting of adjacent listed buildings. It is recommended that the application be refused.

REASON FOR REFUSAL

1. The proposed replacement windows and door would, by virtue of their design, appearance and use of inappropriate materials, detract from the traditional character and appearance of this property and would impact negatively on views into and across the western edge of the Milton Regis High Street Conservation Area and the setting of listed buildings backing onto the application property at Nos 67-97 (odds) High Street. As such, the development would fail to preserve or enhance these heritage assets and their settings and the character and appearance of the area, contrary to policies CP4, DM14, DM16, DM32 and DM33 of Bearing Fruits 2031 - The Swale Borough Local Plan (2017) and Chapter 16 of the National Planning Policy Framework.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), September 2023 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.

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

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.

