

2.4 REFERENCE NO - 23/504657/FULL		
PROPOSAL Erection of single storey rear extension, insertion of rooflights and side extension under existing first floor undercroft.		
SITE LOCATION 37 Abbey Street Faversham Kent ME13 7BP		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions.		
APPLICATION TYPE Householder		
REASON FOR REFERRAL TO COMMITTEE Faversham Town Council Objection		
CASE OFFICER Mandi Pilcher		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Dr P Wilkinson AGENT Alpha Design Studio Limited
DECISION REGISTERED 17/10/2023	TARGET DATE 12/12/2023	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted All representations received The full suite of documents submitted pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S2ERY6TYJ3I00		

1. SITE LOCATION AND DESCRIPTION

- 1.1 No. 37 Abbey Street is a two storey terraced property within the built up area of Faversham and the Faversham Conservation Area. The property is within an area subject to an Article 4(2) Direction which removes specific permitted development rights.
- 1.2 Although much of Abbey Street is comprised of historic buildings this is not exclusively the case and the host property and the dwellings that immediately neighbour the site are more recent additions to the streetscene.

2. PLANNING HISTORY

- 2.1 **23/501179/FULL** Planning permission granted on 30.06.23 for a Garage conversion into a home office and removal of the front facing dormer and replace with tiles to match the existing. The brickwork to the front elevation of the property is also to be painted dark

stone (as per material finishes on the proposed drawings) New access gates will be installed under the underpass and a flue to the rear.

- 2.2 **SW/13/0365** Planning permission granted on 28.05.2013 to replace timber windows with timber windows.
- 2.3 **SW/12/0865** Planning permission refused on 12.10.2012 for authentic replacement uPVC windows to front elevation.
- 2.4 **SW/95/1025** Planning permission granted on 15.01.1996 for extension to study and main bedroom.

3. **PROPOSED DEVELOPMENT**

- 3.1 The application seeks planning permission for the erection of a single storey rear extension, insertion of rooflights and side extension under the existing first floor undercroft.
- 3.2 The property has an existing staggered rear projection which will be extended sideways by 1.3m, at a depth of 2.5m. The height to the eaves of the rear extension is 2.4m, with an overall height of 3.4m, incorporating two rooflights and rear double doors.
- 3.3 The proposed side extension would measure approximately 3.9m in depth by 2.5m wide with a single door on the front and rear elevation. The extension would be sited under the existing first floor undercroft and behind the access gates previously approved under 23/501179/FULL.
- 3.4 The existing side window on the west elevation will be reduced in size and sit directly behind the proposed side extension.
- 3.5 The external materials will match that of the existing dwelling.

4. **CONSULTATION**

- 4.1 Two rounds of consultation with neighbours has been undertaken. A site notice was also displayed at the site and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.2 2 letters were received objecting to the application on the following grounds:

Comment	Report reference
Loss of visual continuity of streetscene	Paragraph 7.11
Overlooking of no.36 from side window	Paragraph 7.21
Loss of car parking space	Paragraph 7.26
Lack of clarity regarding the existing front garden / the existing garage	Paragraph 7.28
No details regarding the party wall or how the side extension will be ventilated	Paragraph 7.28
No details regarding joinery	Paragraph 7.12

No information regarding drainage	Paragraph 7.28
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4.3 **Faversham Town Council** were consulted on two occasions. In response to the first consultation they raised an objection on the following grounds:

- The design of the infill of the undercroft will affect the street scene in the Conservation Area;
- Concern regarding loss of car parking which would be reduced from 3 spaces to 1.

4.4 In response to the second round of consultation Faversham Town Council referred to their initial comments (as set out above).

5. **REPRESENTATIONS**

5.1 **Historic England** provided no comments.

5.2 **KCC Archaeology**: No objection subject to condition requiring an archaeological watching brief.

5.3 **SBC Conservation Officer**: No objection.

6. **DEVELOPMENT PLAN POLICIES**

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

ST3 The Swale settlement strategy

CP4 Requiring good design

DM7 Vehicle Parking

DM14 General development criteria

DM16 Alterations and extensions

DM32 Development involving listed buildings

DM33 Development affecting a conservation area

DM34 Scheduled Monuments and archaeological sites

6.2 **Supplementary Planning Guidance/Documents**

Supplementary Planning Guidance - Designing an Extension – A Guide for Householders

Supplementary Planning Document - Swale Parking Standards

7. **ASSESSMENT**

7.1 This application is reported to the Committee because Faversham Town Council object to the proposal. Considering these comments and the scheme that has been submitted, the committee is recommended to consider the following points:

- The Principle of Development
- Character and appearance / Heritage
- Living Conditions
- Highway safety and parking

Principle

- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 The site lies within the built confines of Faversham and therefore the principle of development is considered acceptable subject to the consideration of other material planning considerations as discussed below.

Character and appearance / Heritage

- 7.6 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.7 Policies CP4, DM14 and DM16 of the Local Plan state that developments and extensions should be well designed and respond positively to the building and its surroundings. The Council's SPG entitled Designing an Extension – A guide for Householders recommends that for single storey rear extensions close to your neighbours common boundary, the Borough Council considers that a maximum projection of 3m will be allowed.
- 7.8 In addition, 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. 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 and this is endorsed by the Local Plan.
- 7.9 Policy DM33 of the Local Plan requires proposals to preserve or enhance the conservation area's special character or appearance.
- 7.10 The site is located in the Faversham conservation area and the surrounding area is comprised of dwellings constructed in a variety of styles and designs. A large number of the dwellings in the surrounding area are terraced. In terms of the rear extension ,it incorporates a pitched roof, and will be constructed from external materials matching the existing dwelling. It is small scale and would not be visible from public vantage points. As such it is considered that this element of the scheme would have no detrimental

impact upon the streetscene and would preserve the character and appearance of the conservation area.

- 7.11 The proposed side extension under the first floor undercroft is set back from the front elevation by 2.8m. It would be constructed from brickwork to match the existing dwelling. It is also the case that a set of gates approved separately under ref. 23/501179/FULL would, if implemented, block any views of the front elevation of the side extension. However, even if this wasn't the case, it is considered that the front elevation of the side extension is appropriately designed and would not harm the streetscene, and would preserve the character and appearance of the conservation area.
- 7.12 The existing timber window on the north west elevation will be reduced in scale. It would be entirely hidden from public vantage points and be constructed from timber which is an appropriate use of materials and would preserve the character and appearance of the conservation area.
- 7.13 On the basis of the above, the scheme has been appropriately designed and would sit comfortably in the streetscene. It is considered that the proposal would preserve the character and appearance of the conservation area. On this basis the application complies with policies CP4, DM14, DM16 and DM33 of the Local Plan.
- 7.14 Policy DM32 of the Local Plan requires proposals to preserve the setting of listed buildings. Policy DM34 of the Local Plan states that development will not be permitted that would adversely affect the setting of a Scheduled Monument and that appropriate archaeological investigation and recording will take place.
- 7.15 Abbey Street has a number of listed buildings / structures, the closest being the grade II listed lamp posts outside no.s 80, 81, 83, 91, 95 and south of no. 99 Abbey Street, along with the grade II* listed Arden's House, at No.80 Abbey Street. These designated heritage assets at their closest point lie approximately 20m to the south east of the application site. In addition, the Scheduled Monument of the site of St Saviour's Abbey also lies approximately 20m away. The only part of the proposal that would have any potential intervisibility with that of the listed building / structure and Scheduled Monument would be the front elevation of the side extension. However, on the basis that it is set back from the front elevation as described above and the acceptable design and use of appropriate materials it is considered that the scheme would preserve the setting of the listed buildings and Scheduled Monument referred to above. The site does lie in an area of high archaeological potential and the KCC Archaeological Officer has been consulted. A condition requiring an archaeological watching brief has been recommended and this has been imposed below. As such the scheme complies with policies DM32 and DM34 of the Local Plan.
- 7.16 In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

Living conditions

- 7.17 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, policy DM14 states that any new

proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight. Policy DM16 also requires that alterations or extensions to existing buildings protect residential amenity.

- 7.18 The existing rear elevation of the property is staggered and the existing element situated on the boundary with no.38 Abbey Street projects to the rear of this property by a distance of 3.2m on the common boundary. The proposed rear extension will extend the furthest rearward part of the existing dwelling sideways towards no.38, resulting in the extended side wall being approximately 2.4m off the neighbouring boundary with this property. In addition, the extension has been designed in such a way as to be largely obscured from No 38 by the existing rear projection to No 37 described above. On this basis, due to the separation distance and that the existing dwelling would largely obscure the proposed extension from the rear of No.38 there would be no significant impact on the living conditions of the occupants of No.38 from this element of the proposal in terms overshadowing or loss of outlook.
- 7.19 In terms of the impact of the rear extension upon the living conditions of the occupants of No.36, the rear extension would project no further than the closest part of the existing dwelling to this neighbouring dwelling. As a result there would be no harm in this regard.
- 7.20 In respect to the side extension under the first-floor undercroft, this would project rearwards approximately in line with the rear elevation of no.36 and as such would give rise to no unacceptable harm to the living conditions of the occupants of this property.
- 7.21 The existing side window on the ground floor will be reduced in scale. As such there would be no increased opportunities for overlooking compared to the current arrangement and is therefore acceptable.
- 7.22 Taking the above into account the proposal is considered to have an acceptable impact upon on the living conditions of surrounding dwellings in accordance with policies DM14 and DM16 of the Local Plan 2017.

Highway safety and parking

- 7.23 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

- 7.24 The NPPF also states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 7.25 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 7.26 The submitted details show that one car parking space would remain within the curtilage of the property. The proposal would mean that much of the area in the undercroft would be lost to the side extension. The space within the undercroft measures 2.5m in width. The Council's Parking SPD states that the minimum car parking space requirement when the space abuts a hard boundary on both sides, as would be the case here, is 2.9m. On the basis that the undercroft falls below this minimum requirement it is not considered that the side extension would lead to the loss of a parking space. A gate at the front of the undercroft has also been approved under ref. 23/501179/FULL which would restrict access to this area, however, regardless of whether this is installed the above assessment of the available parking space remains relevant.
- 7.27 There have also been comments received that the proposal leads to the loss of the garage space. The garage, located at the rear of the property already has planning permission, under ref. 23/501179/FULL for its conversion. Part of the reason for granting planning permission for those works was on the basis that the garage was undersized when assessed the Council's Parking SPD. Therefore, it is considered that the scheme would have no material impact on the parking availability at the property. In addition the scheme does not propose any additional bedrooms. On that basis the available parking remains as per the current situation and therefore I consider this acceptable and in accordance with Policy DM7 of the Local Plan.

Other Matters

- 7.28 Although a number of the matters raised in the representations have been responded to by virtue of the discussion above, those that remain are considered as follows. Firstly, comment has been raised regarding the lack of clarity in relation to works to the front garden, however, no works are proposed in this respect. A comment sets out that there is a lack of detail regarding works to the garage, however, no works are proposed to the garage as part of this application (having already been approved under ref. 23/501179/FULL). In respect of drainage, the site does not lie in an area of high flood risk and in any case, for a scheme of this scale drainage would be a matter for Building Regulations. In terms of the ventilation of the side extension, there are doors proposed and finally, issues related to the party wall are not planning considerations.

8. CONCLUSION

- 8.1 On the basis of the above, the scheme is considered to be in compliance with policies ST3, CP4, DM14, DM16, DM32, DM33 and DM34 of the Local Plan and the Council's SPG's related to house extensions and conservation areas. It is recommended that planning permission is granted.

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 accordance with drawings 1660/R12 rev Band 1660/R13 rev A.

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 development hereby permitted shall match those stated on the Application Form.

Reason: In the interests of visual amenity.

- (4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

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.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

