

**PLANNING COMMITTEE – 26 November 2024****PART 5**

Report of the Head of Planning

**PART 5**Decisions by County Council and Secretary of State, reported for information

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- **Item 5.1 – 8 Edyngham Close, Sittingbourne**

**APPEAL DISMISSED****DELEGATED REFUSAL****Observations**

The application related to a new boundary wall and the Inspector identified that the main issue was the effect of the development on the character and appearance of the area. The Inspector found that enclosing the open space to the side of the appeal property would create a substantial feature that would be clearly visible in views from the public realm in a highly prominent location. The Inspector found that enclosing the open space to the side of the dwelling would be out of keeping with the character and appearance of the area and, as such, the development would be visually harmful as it would erode the distinctive qualities of the locality. Other examples within the area were not found to justify the impact of this development and other matters raised by the appellant were not found to outweigh conflict with the development plan that exists as a result of the identified harm.

- **Item 5.2 – 73-75 High Street, Queenborough**

**APPEAL DISMISSED****DELEGATED REFUSAL****Observations**

The application related to the change of use of the building to form two flats with the physical works involved including the raising of the roof, the provision of balconies and the formation of a roof terrace with an enclosed staircase. The Inspector identified that the main issue was the effect of the proposal on the living conditions of the occupiers of two neighbouring properties. Due to the height of the works to the rear of the building and the proximity to the neighbouring property of 77 High Street, the Inspector found that the extension would have an overbearing effect that would dominate the outlook of the residents of that property. Moreover, it was found that the size and elevation of the proposed roof terrace would enable direct overlooking of 69 and 77 High Street to an unacceptable degree. Whilst it was found that the impact on the sunlight received within the neighbouring properties would not be unacceptable, the impact on the occupiers of 69 High Street was otherwise acceptable and the provision of privacy screens would prevent unacceptable overlooking from some potential vantage points, the impact on privacy and the outlook of the occupiers of 77 High Street was unacceptable and contrary to policies DM14 and DM 16 of the Local Plan. The harm caused was found to clearly and demonstrably outweigh the benefits arising from the proposal which included the benefit of boosting Housing Land Supply, the potential benefit to the character and the limited economic benefits of the proposal.

- **Item 5.3 – Land Rear of 17 Station Street, Sittingbourne**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

**Observations**

The application related to the erection of a building consisting of four flats, each with one bedroom. The Inspector identified that the main issues were the effect of the proposal on the living conditions of the existing neighbouring occupiers and the future occupiers of the development and the impact on the Swale Special Protection Area. It was found that the development would diminish the enjoyment of the adjacent residential living environment due to the overshadowing caused by the proposed development. It was also found that there would be unacceptable inter-visibility between existing neighbouring residents and future occupiers of the development, to the detriment of the living conditions of all. The proposal was therefore found to conflict with Local Plan policies DM14 and CP4. The impact on the Swale Special Protection Area was not considered further due to the overriding harm that was identified in relation to living conditions. The harm caused was found to clearly and demonstrably outweigh the benefits arising from the proposal which included the benefit of boosting Housing Land Supply and limited economic benefits during construction.

- **Item 5.4 – Land Rear of 98A Sockless Road, Minster**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

**Observations**

Outline planning permission with all matters reserved except for access was sought for the erection of 6 dwellings. The Inspector found that the main issues were the impact on the Swale Special Protection Area and the effect on the character and appearance of the area. The impact of the proposal on the character and appearance of the area was found to be acceptable and the housing supply benefit was found to weigh in favour of the proposal. However, as suitable mitigation to off-set the impact of the development on the Special Protection Area was not secured, the Inspector found that the proposed development could result in harm to the integrity of the Special Protection Area and would conflict with the Habitats Regulations, policies ST1, DM14 and DM28 of the Local Plan and the NPPF.

- **Item 5.5 – 102 Athelstan Road, Faversham**

**APPEAL ALLOWED**

**DELEGATED REFUSAL**

**Observations**

The application sought permission for a single storey rear extension to a dwelling and was refused on the grounds of the impact of the development on the daylight and outlook

of the neighbouring property of 104 Athelstan Road. Whilst it was noted that there was 'limited' conflict with the Council's Designing an Extension – A Guide for Householders Supplementary Planning Guidance, the Inspector concluded that the proposed extension would not cause significant harm to living conditions for neighbouring residents. The Inspector referred to the modest eaves height, the pitched roof design and the inset from the boundary of the extension as well as the screening at the boundary and the orientation of the dwellings in reaching the opinion that the development would not cause an unacceptable loss of daylight or sunlight and not be visually dominant or intrusive.

- **Item 5.6 – Faversham War Memorial**

**APPEALS DISMISSED**

**APPLICATIONS FOR PLANNING PERMISSION AND LISTED BUILDING CONSENT NOT DETERMINED**

**Observations**

The proposal was to dismantle the Faversham War memorial and re-erect it in the centre of the Memorial Garden, with other works involving interpretation boards, raised beds, an access path, the removal of an iron railing fence and the repair and re-laying of existing paving. Following a non-determination appeal being submitted and the Planning Committee setting out that the applications would have been refused, the Inspector proceeded on the basis that the main issues were whether the development preserves the listed building, its setting and any features of special architectural and historic interest that it possesses, and whether it preserves or enhances the character or appearance of the Conservation Area. The Inspector found that the war memorial would no longer be listed if moved and that the proposal would cause a total loss of the heritage asset at its existing site. The Inspector took the view that relocating the monument would make it the focus of the garden which would give it a grandiose setting which would be at odds with the modest and understated design and scale of the monument. It would have the appearance of architectural salvage or a relic, disconnected from its original location. Due to its location at the back of the Memorial Gardens, it would be less prominent in the street scene and less visible to passersby. In terms of the Conservation Area, the works would result in the loss of the focal point on the site and the erosion of the visual connection with the Cottage Hospital and the wider street scene. The positive contribution made by the war memorial to the street scene and distinctive character of the Conservation Area would thereby be lost. Moreover, the scale of the memorial and its new setting were found to detract from the character of the Conservation Area. Public benefits of the proposal were considered but not found to be sufficiently substantial to outweigh the harm caused.

- **Item 5.7 – Orchard View, Easting Road, Eastling**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

**Observations**

Permission was sought for the siting of two mobile shepherd's huts to be used as holiday lets with other works including the planting of a wild meadow. The main issues assessed by the Inspector were the impact on character and appearance, including the application of policies of relevance to the AONB (now National Landscape), and the impact on the

provision of best and most versatile agricultural land. It was found that the development in this location had not been justified and that the development would urbanise this undeveloped land, introducing an uncharacteristic use and associated built form into the prevailing farmed rural landscape. It was stated that the development would be inappropriate and intrusive in this countryside location, visually jarring with the open and green characteristics of the area and inharmonious with the natural beauty of the AONB. Moreover, in the absence of evidence that less valuable land was not available for the development, it was found that the loss of agricultural land would be contrary to Local Plan policy DM31. Rural economy and tourism benefits were considered by the Inspector but found to be significantly outweighed by the identified harm.