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## Appeal Decisions

Site visit made on 8 July 2024

by **N Thomas MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

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### Appeal A: APP/V2255/W/24/3337870

#### Stonebridge Lodge, West Street, Faversham, Kent ME13 7RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs R Parry against the decision of Swale Borough Council.
  - The application reference is 23/502205/FULL.
  - The development is proposed adaptations and extension to Stonebridge Lodge.
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### Appeal B: APP/V2255/Y/24/3337873

#### Stonebridge Lodge, West Street, Faversham, Kent ME13 7RU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
  - The appeal is made by Mr & Mrs R Parry against the decision of Swale Borough Council.
  - The application reference is 23/502206/LBC.
  - The works are proposed adaptations and extension to Stonebridge Lodge.
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## Decisions

### Appeal A

1. The appeal is dismissed.

### Appeal B

2. The appeal is dismissed.

## Procedural Matters

3. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. Although not referred to in the reasons for refusal, the development plan includes Faversham Creek Neighbourhood Plan (NP). The appellant has provided copies of the relevant policies and I have taken them into account in my determination of the appeals.
5. Since the applications were determined, the Council has granted planning permission and listed building consent<sup>1</sup> to erect replacement boundary walls and gates including alterations to the access. I have taken this into account in my decisions.

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<sup>1</sup> Ref 23/505604 and 23/505605

Appeal Decisions APP/V2255/W/24/3337870, APP/V2255/Y/24/3337873

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6. The reasons for refusal do not refer to neighbouring listed buildings (LB) but the appellant considered the effects on them and in view of my statutory duties I have considered them as main issues. The reasons for refusal refer to Stonebridge Pond, which is identified in the NP as a non-designated heritage asset (NDHA) centred on Stonebridge Pond. I have considered it as such in my decisions.

### **Main Issues**

7. The appeal property is a Grade II listed building (LB) described as "Faversham Stonebridge Lodge" (Ref: 1240312). It lies within Faversham Conservation Area (CA). There is a Grade II listed building adjacent to the site described as "Warehouse (G Twyman and Son Limited)" (Ref: 1067599), (Twymans Mill). To the rear of Twymans Mill is a further Grade II listed building, described as "Former Forge now part of curtilage of 64 West Street" (Ref: 1240483) (the Forge).
8. Given the above, I find the main issues to be whether the proposal preserves the LBs, their settings and any features of special architectural and historic interest that they possess; whether it preserves or enhances the character or appearance of the CA; and the effect on the significance of Stonebridge Pond as a NDHA.

### **Reasons**

#### *Stonebridge Lodge*

9. The LB is a single storey building alongside West Street, with a 3-window range to the front and a left of centre doorway. The windows are hornless 8 over 8 sashes. The rear has four sash windows and a doorway, with keystones to the windows. The windows are timber and single glazed. It is in rendered brick with a short brick stack towards the centre of the ridge and a tiled hipped roof. The render has an ashlar finish to appear like stone with a thin joint line and has been painted in a pale green with a darker band below the height of the windows on the roadside elevation. Externally the building has a simple and functional appearance. The interior contains a circular painted panel on which are depicted various sabre positions.
10. The building is thought to date from the late 18<sup>th</sup> century and is likely to have provided training and space for a volunteer force established by the Royal Gunpowder works to guard against the threat of attack, known as the Powder Mill Volunteers. It was described as a watchman's house in 1806 and formed part of the Lower and Bennet gunpowder mills, which were part of the Home Works within the Royal Gunpowder Factory. It was first used as an armoury to defend the Works during the Napoleonic Wars. Gunpowder made at the Home Works was used in the Battles of Trafalgar and Waterloo.
11. In 1822 the building was being used as a charitable schoolhouse for children of workers at the gunpowder factory. It was included as part of the Home Works gunpowder works on the 1838 tithe map and the list description states it was a school from 1848-61. However, there is some evidence that it was still a school in 1868. A photograph dated 1890 shows the building with three chimney stacks at regular intervals along the length of the ridge.
12. By 1940 almost all the structures relating to the Home Works gunpowder mill had been demolished. By the late 1960s or early 1970s the building was in a

dilapidated state and it was saved from demolition by a property developer in 1975. It was then converted for residential use and it was listed in 1980. At this time the three chimney stacks and sash windows appear to have been removed, according to photographs reportedly taken in the early to mid-1970s during renovation. It is still in use as a residential dwelling. The remaining chimney stack and the sliding sash windows are therefore likely to be replacements.

13. There is evidence of an extension to the southeastern end, with thinner walls evident externally through a slight inset, casement windows and a glass paned door. There is a filled in doorway on the rear elevation, although the lintel is low. The appellant considers that this was a mid-1970s extension of a former lean-to structure although the Council states that it was added in 1982. The hipped roof has been extended to incorporate the addition.
14. The LB is an example of a watch house and armoury associated with gunpowder manufacturing in Faversham and one of the few buildings remaining associated with Home Works gunpowder mill. Stonebridge Pond comprises waterways and a system of leats or artificial water trenches for moving powder around the mill. The proximity of the site to Faversham Creek provided a navigable route, linking to The Swale and the Medway Estuary, allowing access to nearby centres of naval activity and the import of raw materials. One of the inlets divides the garden, and there is a watercourse to the east. The garden is planted with trees, including a large weeping willow to the east of the building. The pond and gardens provide an historic context to the LB indicative of its evolving uses and are important to the atmosphere within which it is experienced.
15. Insofar as it relates to these appeals, the special interest of the LB lies in the legibility of its surviving historic fabric, plan form and the evidential value of its evolving uses. The building is a visible remnant of the important gunpowder industry in Faversham and forms part of the narrative of the town, giving it a further layer of historic interest. Special interest also lies in its architectural value as a simple but aesthetically pleasing building associated with gunpowder works.
16. The proposal involves both internal and external alterations to the LB. A door and window on the southeast end elevation would be blocked up, a window and door on the northeast elevation would be removed, an internal door would be removed. New internal partitions would be installed and works to existing walls are indicated on the application drawings at the southeast end of the building. The existing living room would be turned into a master bedroom and would be subdivided to provide an ensuite bathroom and a dressing room. It is not clear from the drawings whether this would involve full height partitions and the effect on the character of the internal space cannot therefore be fully understood.
17. There is reference within the application documents to insulating currently uninsulated walls, floor and roof of the existing building but no details of the works are provided. The Flood Risk Assessment provided with the appeal states that the site is in flood zone 3 and it has a medium probability of flooding from rivers and the sea (fluvial and tidal flooding). The report recommends that the ground floor refurbishments are carried out in a flood resilient manner in line with Ciria C790F – Code of Practice for Property Flood Resilience and DCLG

Improving the flood performance of new buildings: flood resilient construction to allow the building to recover in the event of flooding (2007). Neither of these documents refer to works to listed buildings. They indicate that the works could include waterproof plaster and the use of flood resilient floors. It is not clear what the implications of this for the LB would be and whether the flood resilient refurbishment would be suitable for the type of construction, nor indeed whether they are necessary. The works to insulate and improve the flood resilience of the building have not been detailed or justified. They are likely to be harmful to both the historic fabric and the aesthetic value of the building.

18. There is reference to repairing and repainting the external render and repainting the building. I observed that there are areas of render that have failed but no information has been provided as to the extent of the work needed or whether this would constitute a repair. The appellant states that conservation paint would be used to repaint the building in 'Suffolk Pink', but no details of the appropriateness of the colour or type of paint have been provided.
19. It is also stated that the windows will be replaced with timber double glazed windows to improve energy efficiency. It has not been argued that they require replacing due to their condition. While it is unlikely that they are original, it is probable that they replicate earlier windows. No details of the proposed replacement windows have been provided, but double glazing is likely to result in chunkier frames, cills, glazing bars and meeting rails which would change the relationship between the timber elements and the glazing, as a result the panes are likely to be slightly smaller than the existing. The double-glazed units would also be apparent due to the different visual and reflective qualities which would be discernible in views of the property.
20. I note that the extension would be set back from the road and to the side and rear of the building, so that the LB retains its prominence in the street scene. Through its design and materials it would represent a clear break between the old and the new elements and there are minimal openings in the front elevation of the extension. Nonetheless, the extension would add a significant built form, considerably taller and wider than the LB, so that it would be out of scale with it. While the highest point of the extension would be lower than the ridge of the original house, the eaves would be higher, even on the front elevation. The footprint of the extension is considerably greater than the existing house and it would not appear as a modest addition but as a large building in its own right. As a result it would visually dominate the LB, obfuscating the relationship of the LB with the adjacent pond and eroding its historic legibility as a former watch house and armoury. While the design has avoided creating a 'pastiche' of the existing building, the extension would be jarring and unsympathetic in contrast with the simple utilitarian form of the LB.
21. The loss of the large weeping willow tree to allow the extension to be built would further erode the setting and would open up public views of the extension in juxtaposition with the LB. The appellant has suggested that proposed replacement planting and the approved front boundary treatment with planting would reduce the public visibility of the proposal and therefore there would be no harm to the LB. However, listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views of the building can be gained.

22. The weeping willow is leaning towards the building and its roots have caused some unevenness in the surface of the parking area and entrance to the garage. It has not been argued that the tree poses an imminent risk to the LB. Even if that were the case, this does not justify the harm that would be caused to the special interest of the LB through the proposal as a whole.
23. While the Council did not raise any concerns, there has been no detailed assessment of the effects of the proposed internal and external works on the special interest of the building. I note the appellant states that the original painted target in the existing kitchen would be better revealed through the use of the room as a bedroom but the proposals would result in further alterations to the building that would result in the erosion of the legibility of the LB and harm to the historic fabric. No evidence has been put forward to indicate that it is historically appropriate to create a 'small dock abutment' alongside the lean in this position. I do not therefore consider it to be a benefit.
24. The demolition of the garden building and the garage have not been raised as concerns and I have no reason to disagree. However, they are simple buildings that do not detract from the setting of the LB and their removal is not a benefit in terms of the special interest of the LB.
25. Overall, the proposal would detract from the aesthetic and historic value of the LB, thereby harming its special interest. It follows that the proposal would fail to preserve the Grade II listed building, its setting and any features of special architectural or historic interest which it possesses. This is a matter of considerable importance and weight.

#### *Twymans Mill*

26. The Mill is a 19<sup>th</sup> century warehouse in 2 parallel ranges over 4 storeys. It appears on the 1838 tithe map. It was built as a wool warehouse but has been converted into flats with extensive alterations. It has historic interest as part of the evolution of Faversham and its role as a seaport and market town. Although it has been altered, it still has evidential value through its surviving historic fabric and plan form. It has architectural value as an aesthetically pleasing former warehouse building in a prominent location on the edge of the historic core of the town.
27. I find the special interest as derived from its setting, insofar as these appeals are concerned, to be the legibility of the functional relationship with Stonebridge Pond and the navigable routes that would have been used for transportation.
28. It is separated from the appeal site by a watercourse and there is intervisibility with the appeal site. The relationship with Stonebridge Pond and the garden of Stonebridge Lodge contribute positively to setting within which the LB is experienced due to the historic activity on the site.
29. While the extension would be visually apparent it would have little appreciable effect on the legibility of the Mill or its relationship with the pond and the garden. It would not erode the relationship between the watercourse and the former commercial building adjacent to it. The proposal would therefore preserve its special interest.

### *The Forge*

30. The Forge is within a residential curtilage but was formerly a forge, dating from the 18<sup>th</sup> century. It is a simple single storey building in red brick and part rendered, with a plain tiled roof. Its special interest in relation to this appeal lies in its evidential value as a surviving forge building and as part of the group of former industrial buildings surrounding Stonebridge Pond. It also has aesthetic value as a former forge building. The Forge is separated from the appeal site by part of Stonebridge Pond and the pond with its mature vegetation contributes to the historic and attractive setting within which the LB is experienced.
31. I find the special interest as derived from its setting, insofar as these appeals are concerned, to be the legibility of the relationship of the former industrial use in the group of historic buildings having a functional relationship with Stonebridge Pond and the navigable routes that would have been used for transportation.
32. The proposal would result in the loss of some of the informal planting on the site, including the large weeping willow and the addition of the extension. The replacement planting consists of ornamental trees in a more formal layout and the extension would be a modern intrusion. However, due to the distance from the site and the intervening vegetation, as well as the presence of the substantial form of the Mill, the proposal would not result in a harmful intrusion into the setting of the LB. I am therefore satisfied that the special interest of the LB would be preserved.

### *Conservation Area*

33. Much of the centre of Faversham is designated as CA. The town has Saxon origins and has been a port and market town subject to successive waves of development. It prospered with an abbey in the 12<sup>th</sup> century, while the use of Faversham Creek for navigation made it an important port with several industries flourishing, including gunpowder manufacturing. The accessibility and proximity of the town to nearby centres of naval activity and London allowed it flourish. In the 19<sup>th</sup> century the railway led to far reaching change.
34. Stonebridge Lodge is a modest building in a prominent position on an approach to the CA from the west. It is visible at the entrance to West Street, the main east-west axis of the town with much medieval fabric. Along with the adjacent Warehouse and Stonebridge Pond, it provides visible reminder of the industrial and commercial function of this part of the town. Its garden forms part of Stonebridge Pond and provides a pleasing area of open space with mature planting, including the large weeping willow tree, which is visible above the front boundary of the appeal site. It forms a backdrop to the attractive area of open space at the junction of West Street with Flood Lane and Tanners Street to the front of the Warehouse and frames Stonebridge Lodge.
35. Insofar as it is relevant to the appeals, the significance of the CA lies in its early origins and the role of the industries in its subsequent development. The appeal site makes a positive contribution to the significance of the CA.
36. The addition of the large extension and incongruous extension would detract from the visual relationship between Stonebridge Lodge, the pond and the Warehouse. This would be apparent in public views from the adjacent roads

and the area of open space. The removal of the weeping willow would open up views of the extension. While replacement planting is proposed, it would be to the side of the extension in a physically constrained position and would not frame the existing building. This would fail to preserve the character and the appearance of the CA and harm its significance which is a matter to which I attach considerable importance and weight.

#### *Public benefits*

37. Paragraph 205 of the National Planning Policy Framework (NPPF) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of the asset or from development within its setting and that any such harm should have a clear and convincing justification.
38. Taking into account the scale and nature of the development, I find the harm to be less than substantial, but nevertheless of considerable importance and weight in the planning balance of these appeals. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the NPPF advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
39. The proposal has been designed to result in a 'zero-power carbon footprint' development, whereby the energy requirements will be provided by photovoltaic panels on the roof of the extension. Underfloor heating would be installed with an air source heat pump and the extension would use high performing thermally insulated construction materials, including the sedum roof finish. This would depend on the insulation measures to the existing listed building, for which no details have been provided. The sedum roof finish has benefits in terms of carbon sequestration, the creation of wildlife habitat, water management, air quality and thermal insulation. I accept that these are public benefits.
40. Although paragraph 164 of the Framework requires significant weight to be given, irrespective of any energy efficiency improvement and the scale of any associated carbon reduction, it does not disapply those parts of the NPPF set out above or the need to give any resulting heritage harm great weight in the public benefit balance.
41. The proposal will bring about employment through construction and local supply chain for building services and materials which are public social and economic benefits but due to the small scale these attract limited weight.
42. The appellant has argued that the proposal will result in a net increase in trees, and this would bring a range of benefits, including compliance with NP Policy NE3. The policy requires that any new planting at the feeding area at Stonebridge Pond open space shall use native species to improve biodiversity. However, the appeal site is not within the feeding area at Stonebridge Pond and in any event black birch and weeping willow are not native species. Furthermore, much of the planting would be ornamental species in a formal layout, in contrast with the informal planting around the pond. Nonetheless

there would be benefits in renewing the planting and I give this moderate weight as a public benefit.

43. The provision of additional living space is private benefit. The dwelling would expand from one bedroom to three bedrooms. The appellant argues that this would be commensurate with the size of the gardens and the form of accommodation would be more in line with current expectations. It has not been argued that there is a lack of three-bedroom houses, and I do not consider the expansion of the property to be a public benefit in this regard. I acknowledge that the site is in a location that is accessible to local amenities, facilities and public transport connections. The proposal maintains off-street parking provision and is not harmful to residential amenity.
44. There would be benefits in terms of the accessibility of the property as a dwelling as the existing building has uneven floor levels and narrow corridors, whereas the extension would be both accessibility and adaptable to future needs, in accordance with paragraph 63 of the NPPF. These are future private benefits for the occupiers of the dwelling and I have not been advised that the proposal is required to meet the specific mobility needs of a particular individual.
45. The appellant states that the works are required to repair and upgrade the LB, as it suffers from damp, and that to carry out the necessary works to the LB without the extension would not be financially feasible. However, the internal works and flood resilience measures are likely to be harmful to the special interest of the building and have not been fully justified. It has not been argued that the use as a dwelling would cease or that the LB will be at risk without the works.
46. I do not find that the public benefits are sufficient to outweigh the harm that I have identified in this instance. I also note that the continued viable use of the appeal property as a dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.

#### *Stonebridge Pond*

47. The effect on the significance of a NDHA should be taken into account in determining the appeals, as set out in paragraph 209 of the NPPF. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
48. Stonebridge Pond survives from the days of gunpowder manufacture. The reservoir of water was not only used to work the powder mills but the network of waterways provided the means of moving powder safely by punt between the various processes. The finished gunpowder was loaded onto boats moored at the adjoining quay at the head of Faversham Creek. Trees have grown up around the pond so that it is now a quiet area that provides a pleasant and tranquil setting to this part of the town.
49. The proposal would result in the loss of some of the planting within the area resulting in some harm to the pleasant setting. However, there would be scope to include appropriate replacement planting if I were minded to allow the appeals. Having regard to the scale of the harm and significance of the heritage asset it would not be harmful to Stonebridge Pond as a NDHA.



Appeal Decisions APP/V2255/W/24/3337870, APP/V2255/Y/24/3337873

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*Conclusion*

50. Given the above and in the absence of public benefits that would outweigh the harm that would be caused, I conclude that, on balance, the proposal would fail to preserve the special interest of the Grade II listed building and that the character or appearance of the CA would be neither preserved nor enhanced. This would fail to satisfy the requirements of the Act and paragraph 205 of the NPPF.
51. The proposal would therefore be in conflict with Swale Borough Local Plan 2017 policies CP4, CP8, DM14, DM16, DM29, DM32, DM33, NP Policies HE1, HE2 and HE3 insofar as they seek to ensure development is of a high-quality design that sustains and enhances the significance of heritage assets; avoids the loss of trees that make a positive contribution to the value of the site.

**Other Matter**

52. Concerns have been raised by local residents in relation to the effect of the proposal on their living conditions and on wildlife. As I am dismissing the appeals I have not considered these matters further.

**Conclusion**

53. For the reasons given above the appeals should be dismissed.

*N Thomas*

INSPECTOR