



Appeal Decision

Site visit made on 2 July 2015

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 29 July 2015

Appeal Ref: APP/V2255/W/15/3004664
Land adjoining 71 South Road, Faversham, Kent ME13 7LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Billy McQuoid against the decision of Swale Borough Council.
 - The application, Ref. 14/503662/FULL, dated 3 September 2014, was refused by notice dated 3 February 2015.
 - The development proposed is the construction of a new four bedroomed dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a new four bedroomed dwelling on Land adjoining 71 South Road, Faversham, Kent in accordance with the terms of the application, Ref. 14/503662/FULL, dated 3 September 2014, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (i) whether the loss of the existing gap and the construction of the proposed dwelling would preserve or enhance the character or appearance of the Faversham Conservation Area, and (ii) the effect of the development on the setting of the adjoining grade II listed building, No. 71 South Road. Although these are technically two separate matters I consider it expedient to deal with them together in the reasons for my decision.

Reasons

3. The Council's objection to the appeal scheme is less to the design of the new building and more to the principle of the loss of the existing gap between Nos. 71 and 73. One of the most contentious issues in relation to both the effect on the conservation area and the setting of the listed building (but more so the latter because of the relevance of the historical perspective) is whether this land was originally part of the garden of No. 71. Whilst I consider that a plausible case has been made on both sides, on balance the evidence, and in particular the cartographic evidence, favours the appellant's argument that it was not. This has informed my decision in this appeal but on its own it is not the determining factor.
 4. Turning to the site's current circumstances, I do not agree with the appellant's description that it is an 'ugly gap'. On the other hand I can offer little support to
-

www.planningportal.gov.uk/planninginspectorate

Appeal Decision APP/V2255/W/15/3004664

the views expressed in the Council's appraisal as to the site's value to the street scene in particular and the conservation area as a whole. The site does not offer any visual relief of importance to the built up form of this side of South Road; indeed the period buildings are sufficiently varied and interesting not to need such relief. The front boundary wall of the site also severely limits any perception of a pleasing green space.

5. Nor does the site provide any vistas that enhance South Road. There are a couple of trees to the rear but these form a backdrop with the more modern buildings in Plantation Road and there are no views beyond this point. The main consequence of the land's openness is to open up to public view the featureless and uninteresting flank walls of Nos. 71 and 73, especially the latter. The prominence of these walls, even allowing for the fact that one of them forms part of the listed building, is in my judgement a negative feature in the South Road street scene.
6. I have seen the photographs of the land when it was overgrown and with this vegetation it did appear to confer some element of visual amenity. However, given the removal of that growth, in particular the trees, and the apparent absence of any realistic prospects for their replacement, I must assume that the site's contribution to the character and appearance of the conservation area is the essentially neutral one that I saw on my visit.
7. From this visit and all that I have seen and read, I consider that the attractive and distinctive character and appearance of this part of South Road and the conservation area is formed by the contrast between on the one hand the attractive period buildings on the same side as the appeal site, and on the other hand the almshouses and the open greenery of their lawned gardens opposite. I am in no doubt that it is primarily this to which the conservation area character appraisal is referring in its statement that *'near to the almshouses the layout is rather less rigid and a little greener in appearance'*. In my view, within this townscape the appeal site is not visually significant.
8. Turning to the proposed dwelling, I am minded to agree with the Council's reservations about some elements of its design, in particular the pyramidal roof. However overall it would be a well designed and handsome building that would be in keeping with its neighbours, including the listed building, and make a positive contribution to the street scene. Because the site has at best a neutral impact and because I am unconvinced as to any functional historic relationship with the listed building, I consider that the latter's setting will be enhanced by the eye being drawn to its attractive front elevation and walled front garden rather than the weatherboarded flank wall, which will become far less prominent as a result of the development.
9. In addition to assessing the appeal scheme's compliance with Policies E1, E14, E15 and E19 of the Swale Borough Local Plan 2008, I have had regard to Section 12: 'Conserving and enhancing the historic environment' of the National Planning Policy Framework 2012. Both the conservation area and the listed building are designated heritage assets and the Council has referred to paragraphs 132 and 134 of the Framework in its Notice of Refusal.
10. However, my overall conclusion is that the appeal proposal would enhance both the character and appearance of the Faversham Conservation Area and the

Appeal Decision APP/V2255/W/15/3004664

setting of the adjoining grade II listed building. In these circumstances the development would not conflict with either the Council's policies or with national policy in the Framework. I have fully taken into account the views of the Council and local residents who object to the scheme and all the other matters raised, but have found nothing to alter my conclusion that I should allow the appeal.

Conditions

11. The Council has suggested some conditions if the appeal is allowed and subject to some minor amendments I consider that these are reasonable and necessary. A condition requiring the development to be carried out in accordance with the approved plans and additional detailed plans is needed for the avoidance of doubt and in the interests of proper planning.
12. Conditions relating to external materials, landscaping and the withdrawal of permitted development rights will ensure that the proposed dwelling enhances the character and appearance of the conservation area. A condition to agree measures to preclude the deposit of earth and other materials on the road will maintain highway safety.
13. A condition requiring sustainable building construction will assist with mitigating the effects of climate change, whilst a condition is also reasonable to safeguard any archaeological interest of the site. Conditions in respect of hours of construction, including pile driving, and measures to mitigate dust will protect the living conditions of nearby occupiers.

Conclusion

14. For the reasons explained above the appeal is allowed subject to the conditions specified in the attached schedule.

Martin Andrews

INSPECTOR

Appeal Decision APP/V2255/W/15/3004664

Schedule of Conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this Decision;
- 2) Other than required in condition nos. 5) and 6) below, the development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 13/38/01 Rev. A; 13/38/02 Rev. A; 13/38/03 Rev. A;
- 3) Before the development hereby permitted is commenced, samples of all facing materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;
- 4) Before the development hereby permitted is commenced, a 1 metre square panel of brickwork and mortar, to be laid in Flemish bond, shall be constructed on site; inspected on site and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details;
- 5) Notwithstanding the drawings and details submitted, before the development hereby permitted is commenced detailed drawings of all external joinery and finishes thereto at two scales - 1:20 and 1:2 or 1:1, and showing the relationship of the windows to the brickwork at head, cill and jamb, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with these approved details;
- 6) Before the development hereby permitted is commenced, detailed constructional drawings of the eaves and verges at a scale of 1:5, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with these approved details;
- 7) No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority, which set out the measures taken to ensure that the development incorporates sustainable construction techniques relating to water conservation, recycling and renewable energy production including solar thermal or photo voltaic installations, and energy efficiency. The details shall be incorporated into the development as approved;
- 8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority;
- 9) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following hours: Monday to Friday: 0730 – 1900 hours, Saturdays 0730 – 1300 hours, unless in association with an emergency or with the prior written approval of the Local Planning Authority;

Appeal Decision APP/V2255/W/15/3004664

- 10) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following hours: 0900 – 1700 hours, unless in association with an emergency or with the prior written approval of the Local Planning Authority;
- 11) The commencement of the development shall not take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority;
- 12) Before the commencement of development measures to prevent the deposit of mud or any other material on the public highway shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed measures for the duration of construction;
- 13) All rainwater goods shall be of cast iron;
- 14) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting schedules of plants, to include native species, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.
- 15) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 16) Upon completion of the approved landscaping scheme, any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority;
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement of the building shall be carried out.