

PLANNING COMMITTEE – 10 MARCH 2016

PART 3

Report of the Head of Planning

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 15/509814/FULL		
APPLICATION PROPOSAL Erection of one detached dwelling.		
ADDRESS 19 South Road Faversham Kent ME13 7LR		
RECOMMENDATION REFUSAL		
SUMMARY OF REASONS FOR REFUSAL By reason of scale, siting and height the proposal represents a harmfully intrusive element into the area that would fail to preserve or enhance Faversham conservation area.		
REASON FOR REFERRAL TO COMMITTEE Councillor request		
WARD St Ann's	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mrs L C Guthrie AGENT Redsquare Architects Ltd.
DECISION DUE DATE 21/01/16	PUBLICITY EXPIRY DATE 12/02/16	

1.0 DESCRIPTION OF SITE

- 1.01 The site is a terraced residential property located on South Road, Faversham. The property has a long rear garden similar to others in the immediate vicinity, however, towards the rear of the garden it widens and angles behind the rear gardens of no 21, 23, 25 and 27 South Road to abut Cross Lane.
- 1.02 The site is located within Faversham conservation area and the character of the rear of the site where the new dwelling is proposed is an attractive area of rear gardens positioned either side of the largely C19 brick walls bounding each side of Cross Lane (a pedestrian walkway linking Bank Street to South Road). Individual pedestrian gate entrances to houses on Stone Street punctuate the rear garden walls off Cross Lane and the only notable vertical intrusions into this leafy green area come in the form of trees punctuating the skyline in places.
- 1.03 The site's eastern boundary is that of the Faversham Pools with the outdoor pool set approx. 1.5m from the site boundary.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of a new dwelling house which comprises two blocks one a two storey block located on the west boundary which includes the boundary wall with no 23 South Road. This will provide a bedroom, study, w.c and hallway on the ground floor and two further bedrooms and a bathroom on the first floor. It is located approx. 4.7m from the front of the site which is the boundary brick wall facing Cross Lane. Four roof lights are provided and first floor windows on both gable ends facing across Cross Lane and across the proposed rear garden. A further four windows measuring a total of 2.6m in length and 0.7m in depth will provide light to the landing area and provide views to the east towards the swimming pool. This element measures 12.2m in length and 4.5m in width and has an eaves height of 4.4m and a ridge height of 7.2m.
- 2.02 The single storey element of the house is located to the east and set back over 2m from the front elevation of the two storey block and extends 1.7m to the rear, making the length 11.8m in total and 4.5m in width with a height of 3.4m. This is a lean to element that provides an open plan kitchen, dining and lounge space.
- 2.02 The building also has a basement which is accessed from the hallway and provides a utility and storage space.
- 2.03 The building is shown to have a slate roof, stained timber weather boarding, timber joinery and conservation style roof lights.
- 2.04 There is no vehicular access to the site and a garage is owned by the applicant in Tanners Street for use by future occupants.
- 2.05 The Council engaged in pre application discussions over a protracted period with the applicant. However, it is only with the submission of the application with the full details, including the Heritage Impact Assessment that a full assessment and determination is able to be made.
- 2.06 The initial response in 2013 was limited as no drawings were provided with the submission for the “eco house” but it was confirmed that with the site being in the defined built up area of Faversham there was a presumption in favour of a high quality proposal. However, due to the sensitive nature of the site and likely impact on the surrounding area it was confirmed the requirement for any proposal to be of an exceptional design standard. The applicant was invited to submit further design details to gain pre application advice.
- 2.07 Further pre application details were submitted in 2014 but due to the bulk, massing and multi pitched roof elements it was considered harmful to the character of the area and the conclusion was that any revisions should be reduced in scale and massing and that the submitted scheme did not relate well to the special character and appearance of the conservation area.
- 2.08 Further revised drawings were received mid 2015 offering 2 schemes. The conclusion then was that support was not able to be offered for either scheme with acknowledgment that “this is a difficult site and it may be that it is not possible to achieve what your client requires on this small site.”

- 2.09 Following a site meeting and revised drawings a response in September 2015 offered encouragement that the building showed a stronger relationship to its context and was now of the proportions and scale of a modest coach house, whilst the lean to was the least successful part and consideration should be given to reducing the width. Further advice was given that any formal application “*should give a good indication of eaves and verges, fenestration design, quality of materials...important to demonstrate that acceptable access arrangements to the site can be provided and that it be vital to provide justification/evidence showing how this type of development is appropriate in this location*”

3.0 APPLICANT’S SUPPORTING INFORMATION

- 3.01 The application is supported by additional information from the applicant in the form of a Heritage Impact Assessment as required by para 128 of the NPPF which concludes that the potential impact of the development is that:

- Could visually impact on surrounding properties
- Architecturally its aesthetic could be inappropriate for the conservation area
- 19 South Road reduced garden could be inappropriate for that house

- 3.02 Each of the points above are addressed, stating that the pre application design development in conjunction with Officers had ensured a final design for the site that is both unimposing, modest and architecturally appropriate and that the revised rear garden boundary would match that of neighbouring properties.

- 3.03 Also, a pre application history report has been provided explaining from the applicants viewpoint the process and stating at the end that “*The above documented record completes our pre application history and confirms that the proposed scheme submitted for planning application has been developed in full with Swale Planning and Conservation, and that an informal recommendation of support has been agreed in principle.*”

- 3.04 Additional details have been provided to alleviate concerns and misunderstandings and to provide assurances that the project has been considered in light of both neighbours and the neighbourhood specifically. Cross Lane will not be closed, no trees will be removed as part of the application, the garden wall adj to no 23 is owned by the applicant, no habitable windows overlook any part of the neighbouring sites, bins will be within the development site, liaison with Building Control has confirmed either a new dedicated dry riser or an automist system or sprinkler system would comply with relevant fire protection regulations.

4.0 PLANNING CONSTRAINTS

Conservation Area Faversham

MOD Thurnham MOD Safeguarding Directive Thurnham

Thurnham Exclusion Zone Thurnham, Kent

Thurnham Wind Station tHURNHAM WIND SAFEGUARDING

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan: Swale Borough Local Plan 2008 (saved policies) E1, E19 & H2
 Bearing Fruits Local Plan 2031 (Publication Version, December 2014) Policy DM14:
 General Development Criteria CP8: Conserving and Enhancing the Historic
 Environment: Policy DM33: Development Affecting a Conservation Area

Supplementary Planning Documents: Conservation Areas

6.0 LOCAL REPRESENTATIONS

6.1 Over 50 comments of objection to the proposal have been received raising the following summarised issues;

- Want the 1st floor window facing Cross Lane which overlooks the gardens & looks directly into the back windows of our property and reduces our degree of privacy removed or obscured.
- This is effectively a three story building at the end of the applicant's garden that will not blend in and be highly visible from all angles.
- proposed house is too large for the site
- If there is a real need for the applicant to build a domestic residence in their rear garden then a single storey less intrusive building would be far more acceptable
- It is not a modest house. At 204m² the proposal is close to twice the size of the average home in Faversham and directly comparable in floor space to many of its established neighbours.
- The building will both overshadow and overlook our garden, which until now has been a private space
- Will have an uncomfortable relationship with our land which is in use all year round and will lose the morning sun all year
- Proposed window on the second floor overlooking Cross Lane, will overlook to the rear of properties on Stone Street, the rear gardens abut Cross Lane at a substantially lower level.
- The two storey dwelling will 'tower' above the end of the garden and will overshadow the entire garden. This will reduce privacy and will adversely impact the end of the garden.
- The proposed building is tall (we estimate 9m from the plans) and will loom over its surroundings
- The open aspect that the gardens in South Road means that this building will be seen from our kitchen and from the first and second floors bedrooms which means the loss of existing views and would adversely affect the residential amenity of our house
- The established pattern of development in this area consists of houses along South Road with lengthy rear gardens. The proposed development is in conflict with the established pattern and would be detrimental to the townscape of this area.
- The general character of the area enclosed by the houses of South Road, Stone Street and the Swimming Pool is leafy and open, with many mature trees and much wildlife.
- It will have an adverse effect of the development on the character and appearance of the Conservation Area
- Establish a precedent encouraging further developments in gardens, effectively 'in-filling' the green spaces within the town centre.

- Faversham has a characterful and historic town centre with many attractive Victorian and Georgian buildings alongside gardens and green spaces. We believe these spaces and the character of the town need to be protected
- The encircled garden enclave which forms a crucial and original aspect of this part of the conservation area
- By siting this substantial dwelling in the middle of this garden enclave it will fundamentally and very substantially alter the dynamic of this space, in a way which neither conserves nor enhances it
- Swale Local Plan point 5.3.1 that they will "consider policies to resist inappropriate development of residential gardens"
- Proposal does not satisfy planning policy E15 to protect Conservation areas, as it does not "preserve or enhance all features that contribute positively to the area's special character or appearance".
- It does not "pay special attention to the use of detail and materials" as the design is nothing like the houses in South Road, Stone Street or further along the lane.
- It does not "retain the layout, form of streets, [or] spaces" because there is no residential development along that stretch of lane; it is an area of gardens.
- There is no mention of development along the lane being considered suitable in the current Local Plan or emerging Local Plan
- It is reasonable for residents to be able to enjoy their properties without the uncertainty of sudden changes in their environment and there has been no expectation, or local consultation, that the lane would ever be prey to development.
- Faversham Town Council's Town Action Plan states 'green spaces within Faversham are precious and should not be lost'
- Also of concern is the proposed 'package treatment plant'
- The property is not to be connected to the main sewer. There are no details on the plan as to where this will be sited or whether there has been consultation with the Environment Agency and the Water Authority.
- A new property in this position (footpath which is little used at night, no CCTV, already the subject of graffiti) would lead to the South Road back gardens being increasingly vulnerable to break-ins
- Application states that there are no trees or hedges on the proposed development site. However, there are number of established trees and hedges located along the west wall which will need to be removed as this wall will be incorporated in the proposed new building.
- Design is to give it a 'workshop/coach house' aesthetic and that it aligns with other buildings further down the lane" Which buildings are these? There are none in Cross Lane visible at all, between South Road and Bank Street.
- Understand the aim of the appearance of this proposed dwelling is to mimic a 'modest' coach house, but we feel this effect is incongruous due to its location and the nature of the terraced houses surrounding it. Also, its design and size is not in keeping with a Victorian coach house
- It is clear that significant thought has been given to the design of the proposed property in terms of its potential impact on the privacy of existing neighbouring properties. However, this exacerbates the problems from a visual perspective, particularly the aspect from the properties on South Road where the plans indicate that there would be an expanse of weatherboarding and roof.
- If a building is to be erected on this site, believe it should be one storey. As many of the concerns relating to the visual impact of the proposed property stem from the fact that it is a two storey building
- In the neighbouring properties while there are a couple of single storey garden structures, such as summer houses, these are entirely in keeping with the large gardens in which they sit.

- The workshop/coach house aesthetic does not work due to the non-authentic and excessive use of banks of skylights
- While Faversham does indeed have some 2 storey workshops or coach houses, they are almost exclusively associated with current or former pubs and shops. As such, while this aesthetic may fit in with some parts of the conservation area it is not architecturally appropriate in this specific setting of substantial Victorian family homes
- Add to the parking problems of the neighbouring roads and should be considered
- There is no parking provision at the site
- A family house of this size, particularly if older family members are being accommodated, will almost certainly require more than the one parking space provided by the Tanner Street garage
- The proposed building does not conform to the 2010 Building Regulations,
- There is no vehicular access what about Fire Engines, Deliveries and bin collection
- The application states this is an environmentally friendly design however it gives no evidence beyond stating it will comply with building regulations, which is a legal requirement rather than an ambition, and some vague suggestions
- How would the construction take place, would Cross Lane be closed?
- The build itself will also cause disruption in terms of noise and dust
- The use of heavy machinery along Cross Lane during construction may cause subsidence into our garden
- If permission was granted for this building it would set a precedent as there are other neighbouring gardens which also have rear access and possible building space.
- The design and access statement indicates that there have been informal discussions with the planning department about this application - to the extent that the plan is described as being designed 'in conjunction with Swale Borough Council's planning and conservation department'. I would like to understand, in the spirit of transparency, to what extent this plan has been preapproved or socialised to decision makers already?
- The planning application states that there are no trees or shrubs on the site or adjoining it, which is incorrect

6.02 The Faversham Society commented that the application should be refused as there is no precedent within the gardens of South Road for back land development of residential units. Also that the house will be out of character with the appearance of Cross Lane and the proposal would result in significant harm to the character and appearance of the Conservation Area.

6.03 Faversham Pools commented that they have operated for over 50 years and provided pleasure for more than 200,000 visitors during the summer months. They acknowledge that on the busy days noise from visitors to the pools can be heard by residents in the surrounding properties more than 50m away. This application is only 1.5m from the boundary wall. They raised concern that Cross Lane could possibly be closed due to the construction. Furthermore the pool has 6 staff parking bays adjacent to Cross Lane which would not be available to contractors' vehicles. They also state the safeguarding policy would have to be reviewed as the application would closely overlook the bathers.

7.0 CONSULTATIONS

7.01 Faversham Town Council originally discussed the proposal on 15 December and recommended no objection, subject to full protection being given to the existing brick walls bounding Cross Lane. They then reconsidered the proposal at their 8 February meeting and offered no comment pending receipt of further information

7.02 Kent Highway Services commented that the development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

7.03 Kent Fire & Rescue Services comment that access to the site for them, is inadequate. Consideration has also been given to on site access as required by Building Regulations Approved Document B and British Standard 9991.

In particular they comment:

1. The width of the access to the site is inadequate; a minimum of 3.7m is required as defined in the above guidance.
2. The access to the dwelling is over 45m from the parking place for a fire appliance; the variation detailed in British Standard 9991 can be applied to extend this distance to 90m by the installation of domestic sprinkler system in the dwelling.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Application papers, plans and correspondence fro application 15/509814/FULL

9.0 APPRAISAL

9.01 The site is located within the built up area boundary of Faversham and as such the principle of an additional dwelling here is acceptable. However what needs to be assessed is whether the proposal “preserves or enhances the conservation area” and also the impact on the amenity of local residents and the occupiers of the proposed new dwelling of its location.

9.02 The application site is located within the Faversham conservation area, and an assessment of the character of the area is critical in understanding the impact of the proposed dwelling.

9.03 The adopted Conservation Area Character Appraisal (2004) describes the area consisting of Cross Lane and the Central Car Park as follows:

‘8.20. Cross Lane, running parallel with Stone Street, is a well-used footpath linking the town centre with the residential areas to the west. Rather broad at its western end it passes between brick-built garden walls, then close to Bank Street it is fronted by a run of C19 houses. Near to Preston Street, however, it squeezes alley-like between brick walls and old timber-framed buildings. The main town centre car park, established in 1952, is rather uncompromisingly juxtaposed with the outstanding historic environments of Preston Street, Market Place and West Street. It also provides the means of rear servicing to many town centre properties; in a number of instances the rear boundaries and yards abutting the car park are rather unattractive in appearance. Leslie Smith Drive, the service road at the back of West Street, has foreshortened the original property curtilages. The substantial bulk of the swimming pool, built, in the 1980s, marks the western edge of the car park, and the small Arden theatre building stands alongside.’

9.04 In the western half of Cross Lane (which runs between South Road to the west and the central car park to the east) leaving aside the bulk of the large modern buildings containing the Swimming Pool, Arden Theatre and Health Centre, the distinct impression one gains is of an attractive area of rear gardens positioned either side of the largely C19 brick walls bounding each side of the lane. Individual pedestrian gate

entrances punctuate the walls and the only notable vertical intrusions into this leafy green area come in the form of trees punctuating the skyline in places.

- 9.05 There are a number of buildings located within this area characterised by walls, trees and shrubs and with the backdrop of the rear elevation of Victorian townhouses on South Road and Stone Street, but as these are either single storey in form and/or very modest in scale.
- 9.06 The proposed building is to have a two storey element to an eaves height of 4.4m and a roof ridge height of 7.2m. This is very different in character and appearance to the existing buildings in the locality which do not intrude into the tranquil leafy scene in the same way that I suggest the proposed development would, to the detriment of the current attractive and established character and appearance of the area.
- 9.07 In the context of para 132 of the National Planning Policy Framework (NPPF) it states that “great weight should be given to the assets conservation” and the intrusion of a two storey development contrary to the Conservation Area character does not fulfil this aim.
- 9.08 New development can enhance a conservation area, and conservation areas are designated not to prevent any new development taking place, but to help ensure that where development does take place, it is sensitive to the special character of the area and of a high standard of design.
- 9.09 The part of the conservation area in question is not however weak/deficient in character or in particular need of enhancement through sensitively managed change. In this context, whilst I would suggest that the design of the proposed development is not poor per se in terms of its architectural form and/or detailing, it is however very much out of context for its immediate environment.
- 9.10 The shock of the new is of course a factor that often comes into play in the perception of new development, but I consider that a development of this nature at this location is never even likely to ‘blend in’ after a period of time, as it is an area simply not suitable for two storey residential development.
- 9.11 I would also be concerned that despite all applications being determined on their individual merits the approval here could lead to pressure for other submissions. Just one dwelling/two storey building of this scale would be harmful enough to the established character of the area by representing an alien intrusion into it, but further piecemeal/incremental development of a similar nature would in my view give rise to very significant harm.
- 9.12 In the context of paragraph 134 of the National Planning Policy Framework, there are no specific public benefits associated with the proposed scheme to weigh against the Council’s statutory duty (set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990) that *‘special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of the conservation area’*.
- 9.13 Certainly the site would provide one unit to help the Council meet its defined housing target, but there are plenty of other sites that can also provide this function without giving rise to harm to such a designated heritage asset.
- 9.14 There has been considerable public interest and comment on this application and I have considered all the comments in coming to my recommendation.

- 9.15 I would however address a number of pertinent issues, Firstly the development's siting next to a well-used and much valued public facility of Faversham Pools. The building is to be located approx. 1.5m from the boundary wall and as such will be very close to the outside pool and grassed area and as it is acknowledged that this area does give rise to significant noise disturbance I would be concerned as to the impact on the residents of the proposed dwelling of this noise during the summer months when the area is heavily used and the outside space of the property would be in use. However, incoming residents will be aware of this when deciding to occupy the property and the noise is for only a limited part of the year, over defined opening hours.
- 9.16 Furthermore the outlook in this direction from the pool area is characterised by the existing trees along the boundary and the rear of the houses of South Road and Stone Street being some distance away. The siting of the proposed property at approx. 1.5m from the boundary is likely to be imposing and overbearing to a substantial degree. Its impact would be exacerbated were it to result in the shadowing of the pool site.
- 9.17 Considering the amenity of the residents of South Road or Stone Street the proposed dwelling would be approx. 40m from the rear of the properties and as such whilst I appreciate their view would be altered the proposal would not result in overlooking or loss of privacy to a degree likely to warrant grounds for refusal.
- 9.18 The proposal will not have any vehicular access and provides a garage in Tanner Street, due to the sites town centre location close to all transport, services and facilities I find this would not be an obstacle to development.
- 9.19 There have been protracted discussions with the applicant and their architect regarding the proposal. Whilst I note the comments in the submission the interpretation of some of the informal advice does appear to have been promoted to a level beyond that which was given by officers. The Council offers pre application advice and as in this case, advice was given between 2013 and 2015 that whilst accepting the principle of development here officers rejected the design and scale of many of the proposals.
- 9.20 It is also not unusual, nor necessarily an indication of support, following lengthy revisions that it is recommended by Officers that a planning application be made. This is so it can go through the formal process of determination with all the necessary details and supporting documentation provided together.

10.0 CONCLUSION

- 10.01 This is a proposal for a single house in the rear garden of 19 South Road, as the site is located in Faversham conservation area the impact of the proposal needs to be carefully considered. The formal determination of the application required the full details of the scheme and for it to be considered in the context of the immediate vicinity. The two storey element of the proposal is an intrusion contrary to the conservation area character of the vicinity and does not fulfil the aim of preserving the character of the area and thus the heritage asset. The design is also out of context for its immediate environment and is unlikely over time to "fit in" with the area.

11.0 RECOMMENDATION – REFUSE for the following reasons:

- 11.01 By reason of its siting and scale, and in particular its height, the proposed development would read as an alien and intrusive form of development in an attractive part of the Faversham conservation area characterised by established rear gardens located either side of Cross Lane, where the only notable vertical intrusions into this leafy green area come in the form of trees punctuating the skyline in places. The proposed development would therefore fail to preserve or enhance the character or appearance of the Faversham conservation area at the location in question contrary to Swale Borough Local Plan 2008 (saved) Policies E1, E19 and H2 Bearing Fruits 2031: Swale Borough Local Plan (Publication Version Dec 2014) Policies DM14, DM33 and CP8

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance 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.