



The Planning Inspectorate

Appeal Decision

Site visit made on 31 January 2023

by **Mr Kim Bennett BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th February 2023

Appeal Ref: APP/V2255/D/22/3310942

20 London Road, Faversham, Kent ME13 8RX

- 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 N Redman against the decision of Swale Borough Council
 - The application 22/503855/FULL, dated 18 August 2022, was refused by notice dated 4 November 2022.
 - The development proposed is the creation of a driveway and dropped kerb, including the repositioning of existing brick front wall and gate.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the development would preserve or enhance the character or appearance of this part of the Faversham Conservation Area.

Reasons

3. The appeal property comprises a traditional late C19 semi-detached house located on the northern side of London Road just to the west of its junction with The Mall. It is one of a group of similarly aged properties between The Mall and Kingsnorth Road and forms part of the extensive Faversham Conservation Area. Currently, the front garden is enclosed by a low brick wall with brick piers at either end, and the proposal is to create a vehicular access on to London Road, involving the demolition of the boundary wall, with the front garden area being converted to hard paving to accommodate a vehicle turntable. The boundary wall would be rebuilt further to the rear, just in front of the main property.
4. A similar proposal to construct an access at the adjoining property, No 18 London Road was refused by the Council and subsequently dismissed on appeal in September 2020 (the 2020 appeal)¹, the Inspector finding there would be unacceptable highway safety issues and harm to the Conservation Area. As referred to above, the current proposal involves the provision of a vehicle turntable which is acceptable to the Highway Authority and the Council and therefore is not an issue in respect of this particular proposal.

¹ Appeal reference APP/V2255/D/19/3244088

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5. Because of its location within the Conservation Area, there is a statutory duty for special attention to be given to the desirability of preserving or enhancing the character or appearance of that area. In that respect, I note that the Conservation Area Appraisal of 2004 identified that the group of houses of which the appeal property forms part, have a similarity in overall form and general appearance and as such read as a single coherent entity. In my view that coherence is also partly due to the predominance of existing front boundary enclosures to the group of buildings. In relation to the appeal property and as my colleague observed in determining the 2020 appeal on the adjacent property, and which I agree with, the presence of front boundary walls to that property and No 20, reinforced the strong symmetry of both buildings and added to the visual coherence of the group of buildings in this part of the road.
6. The removal of the front boundary wall would harm that symmetry and detract from the character and appearance of both the pair of houses, as well as weakening the coherence of the group as a whole. As such I consider there would be harm to both the character and appearance of this part of the Conservation Area. I do not consider that harm could be mitigated by the rebuilding of the boundary wall further to the rear, which in itself would be out of character with the form of enclosures on this part of London Road.
7. I acknowledge that some enclosures have been removed, albeit that the majority remain. The Council advises that most of these are longstanding and have not received planning permission with the exception of Nos 30, approved some time ago, and No 86 which involved the widening of an existing access. Indeed, to prevent further degradation of the front enclosures, the Council has made an Article 4(2) Direction which withdraws the permitted development rights for the removal of front boundary walls and provision of hard surfacing.
8. Of those properties that have removed walls, the open forecourts at both Nos 14 & 16 London Road, in my view illustrates the harm that would be caused, in that in those instances the visual coherence of the group of buildings has been eroded by the opening up of the frontages.
9. The harm to the wider Conservation Area would be small in scale and less than substantial. In such circumstances, the National Planning Policy Framework (the Framework) says that the harm should be weighed against any public benefits arising. In that respect, the appellant argues that the Council gave insufficient consideration to the advantages of having electric vehicle charging on site which is the appellant's intention as part of the proposal. To reinforce the point, the appellant also points to the Government target to cease the sale of petrol/diesel cars in the UK by 2030.
10. Whilst I acknowledge the above, it is often the case that different Government targets and policies can have tension between them in terms of their implementation and in this case, I attach greater weight to the harm arising to the Conservation Area than the potential gains arising for on site electric vehicle charging for one vehicle. Part of my reasoning in this respect is recognition that if the Government target is to be achieved, it will inevitably require substantially more investment in public charging points, in order to provide for the numerous properties that either cannot accommodate any charging points on site, such as terraced houses, or properties such as this where other factors may be overriding.

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11. I acknowledge the inconvenience of having to park away from the property in nearby streets, although I noted that there was plenty of such parking available at the time of my site visit. I also noted that although London Road is very busy at this point, there is scope to park outside to load and unload for short periods when required. Although not ideal it does at least offer a practical solution for such requirements.
12. I note the letters of support from local residents and the absence of an objection from the Town Council, but they do not persuade me to reach a different finding. I am also mindful that were permission to be given in this instance, then the Council would find it very difficult to resist similar proposals, particularly those which involved on site turning facilities, which would negate the objective of the Article 4(2) Direction. In that respect, the opening up of even more frontages through the removal of boundary enclosures would cumulatively cause greater harm to the Conservation Area.
13. For the reasons set out, the proposal would not preserve or enhance the character and appearance of the Conservation Area. It would therefore be in conflict with Policies DM14 and DM33 of Swale Borough Council's Local Plan Bearing Fruits 2031, in that whilst it would respond to opportunities for climate change, it would not reflect the positive characteristics of the site and locality, would not respond positively to the Conservation Appraisal, or retain a means of enclosure which contributes positively to the area's special character or appearance.
14. Accordingly, the appeal should be dismissed.

Kim Bennett

INSPECTOR