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## Appeal Decision

Site visit made on 3 April 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14<sup>th</sup> April 2025

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Appeal Ref: APP/V2255/W/24/3350370

38a High Street, Sittingbourne, Kent, ME10 4PB

- 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 Simon Reynolds of A E Barrow & Sons Ltd against the decision of Swale Borough Council.
  - The application Ref is [24/500334/FULL](#).
  - The development proposed is described as 'demolition of existing bakery at rear of shop and construction of a 4 storey block of flats'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in December 2024. As this could affect the issues and matters in this case, the Council and the appellant were invited to make further comments, but only the appellant responded. My decision reflects the latest version of this document, and the response received on it.

### Main Issues

3. The main issues in this appeal are whether the proposal would:
  - preserve or enhance the character or appearance of the Sittingbourne Conservation Area; and
  - provide acceptable living conditions for future occupiers, with particular regard to odour, outlook, light, disturbance and noise.

### Reasons

#### *Character and appearance*

4. The appeal site comprises a part single and part two storey building which forms a rear addition to an existing bakery within Sittingbourne town centre in the Sittingbourne Conservation Area (CA), a designated heritage asset. Close by, there is a row of two storey early 19<sup>th</sup> century buildings with pitched roofs behind front parapets at 34-38a High Street (nos 34-38a), next to which is a dominant 19<sup>th</sup> century three storey building with a mansard roof.
5. Having regard to the Sittingbourne Conservation Area Character Appraisal & Management Plan 2021 (the Appraisal), the historic significance of the CA derives in part from its linear High Street which follows a Roman road and early important

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medieval route. It was an important 18<sup>th</sup> century coaching stop between London and Canterbury and the coast, and historic alleyways survive from coaching inn days on both sides of the High Street. Predominantly 18<sup>th</sup> and early 19<sup>th</sup> century development remains with some earlier buildings on narrow burgage plots. The Appraisal outlines that the varied property heights and different details in roof forms provide an interesting roofscape, with pitched roofs dominating, some hipped roofs and others set behind brick parapets.

6. There are various rear extensions to buildings on the High Street, and the Appraisal notes that back end areas remain subservient in character. However, it states that modern development, highway interventions and vacant or underused sites detract from the setting of the CA. The nearby structures in the High Street are identified in the Appraisal as development of contextual design and interest or unlisted buildings that characterise the historic development of the High Street. Further, several historic alleys lie close by to the east.
7. The proposal is to replace the rear extensions with a three and four storey block of flats. It would be a relatively narrow, tall building comprising two sections, a four storey element around 13m in height with a hipped roof and a flat roof three storey section approximately 9.2m high. Due to its height, substantial length and rectangular shape, the proposed building would be of considerable scale and bulk, towering above the nearby structures at nos 34-38a and visible from the High Street and nearby alleyways.
8. The proposed scheme would lack architectural detailing, including large expanses of brick and block walls on the same plane to the east and west, little visual interest to the gable walls and a plain, sizeable, hipped roof. Further, the large flat roof terrace would be at odds with the surrounding roofscape.
9. There are references to four and five storey developments in the area approved by the Council. However, as the St Michael's Road development would be further from buildings on the High Street behind taller buildings, it is not comparable to the appeal scheme. In addition, I have limited information on the proposed extension to 69 High Street so am unable to compare it with the current proposal.
10. The heritage statement provides little information on how the proposed development would impact on the significance of the CA. Nevertheless, whilst the front fascia of no 38a would remain unaltered, for the reasons set out the proposal would neither preserve nor enhance the character or appearance of the CA, although the harm would be less than substantial. Policies CP8 and DM33 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 (LP) state that development within conservation areas will preserve or enhance all features that contribute positively to the area's special character and appearance and accord with national planning policy in respect of heritage matters.
11. The Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. The proposal would provide an additional six flats, creating more efficient use of a site in a town centre location with good access to services and public transport, and providing natural surveillance to the rear and side of the site. However, the public benefits of the development would not outweigh the great weight to be given to the harm to the CA caused by the



proposed scheme. Therefore, the proposal would be contrary to Policies CP8 and DM33 of the LP and the Framework.

12. Consequently, I conclude that the proposal would not preserve or enhance the character or appearance of the CA. It would conflict with Policies CP4, CP8, DM14 and DM33 of the LP. Together, these require developments to be sympathetic and appropriate to the location, including in relation to scale, height, design and appearance, amongst other things. They also seek to sustain and enhance the significance of designated heritage assets.

*Living conditions*

13. The existing building lies between a high boundary wall to the west and a hardstanding area used for car parking to the east. Whilst dual aspect, the proposed ground floor flat would have windows only around 1.5m from the boundary on one side and openings facing the parking area on the other side, separated by a narrow footpath and handrail. Thus, the wall and parked cars would dominate the outlook from the ground floor flat, causing a harmful sense of enclosure to the future occupiers of this dwelling.
14. In addition, the proximity of the openings in bedroom 1 of the ground floor unit to the boundary wall and the proposed commercial waste area would limit light to this room and give rise to odour concerns, exacerbated due to the small space available for ventilation. Further, some habitable room windows to this flat would abut an external pedestrian access to the bakery which due to the comings and goings of the bakery's employees, would give rise to concerns of disturbance to future occupiers of this property. As such, the proposed scheme would not create acceptable living conditions for the future residents of the ground floor flat.
15. The proposed development would back onto a commercial bakery and at my site visit, although only a snapshot in time, there was a humming noise emanating from equipment associated with the bakery in the area beside the existing building. The Council's Environmental Health Officer objects as no noise assessment under BS8233<sup>1</sup> has been carried out to demonstrate that future residents would not be adversely affected by noise from commercial premises. This should consider whether there would be adequate insulation to avoid harmful noise transmission between commercial units and the proposed flats. In the absence of a noise assessment, I cannot be satisfied that the proposed scheme would provide a satisfactory living environment for future occupants in terms of noise.
16. The appellant refers to other approvals of flats in the area but there is no information on their relationship with commercial premises or how they addressed any noise issues, so I am unable to compare them to the appeal scheme.
17. Therefore, I conclude that the proposal would provide unacceptable living conditions for future occupiers with particular regard to outlook, light, odour and disturbance. Further, it has not been demonstrated that it would provide acceptable living conditions for future occupants in respect of noise. This would be contrary to Policies DM14 and CP4 of the LP where they require proposals to create comfortable places and cause no significant harm to amenity and other sensitive uses.

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<sup>1</sup> BS8233:2014 Guidance on sound insulation and noise reduction for buildings

**Other Matters**

18. The bakery within the defined primary retail frontage would be retained to maintain the retail function of the area but this does not form part of the proposed scheme.
19. The Council did not find harm or development plan conflict in relation to several other matters, including the parking, proposed bin and cycle storage for the flats, and carbon emissions. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.
20. The proposed development would be likely to have a significant effect, either alone or in combination with other projects, on The Swale Special Protection Area due to its location within 6km of the protected site. However, given my conclusions above there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.
21. The appellant has expressed general dissatisfaction with the Council's handling of the application, but this is a matter between those parties, and it does not in this instance have any bearing on my determination of this appeal.

**Conclusion**

22. For the reasons above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

*A Wright*

INSPECTOR