

PLANNING COMMITTEE –**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 23/500931/FULL		
PROPOSAL Partial change of use of ground floor offices to residential, and erection of a two storey rear extension, first floor side extension and a second floor, to create 3no. new residential flats including alterations to existing flat.		
SITE LOCATION 25-25A West Street Sittingbourne Kent ME10 1AL		
RECOMMENDATION Delegate to the Head of Planning to Refuse Planning Permission.		
APPLICATION TYPE Minor		
REASON FOR REFERRAL TO COMMITTEE The application has been called in by Councillor Stephen on the grounds that the applicant has made changes to the application as requested.		
Case Officer Rebecca Corrigan		
WARD Homewood	PARISH/TOWN COUNCIL N/A	APPLICANT Mr Sunil Popat AGENT Wyndham Jordan Architects
DATE REGISTERED 29.03.2023		TARGET DATE 20.08.2025
BACKGROUND PAPERS AND INFORMATION: The full suite of documents submitted and representations received pursuant to the above application are available via the link below: - 23/500931/FULL Partial change of use of ground floor offices to residential, and erection of a two storey rear extension, first floor side extension and a second floor, to create 3no. new residential flats including alterations to existing flat. 25-25A West Street Sittingbourne Kent ME10 1AL		

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site comprises a mostly two-storey building which has loft storage and a basement area. The building is currently in mixed use, with ground floor offices and an existing residential flat above. The site is located within an established urban area and is surrounded by a mixture of residential properties to the south, south east and south west of varying styles and scales, a supermarket and its car park to the north, a tattoo studio to the west and a vacant, former estate agents to the west. The building is not listed, nor is it located within a conservation area; however, it includes some features that contribute to the character of the street scene, particularly due to its prominent corner position and the traditional architectural detailing of some elements of the building.
- 1.2. The site is accessible via public transport and is within walking distance of services and amenities. Moreover, the site is located within the designated Town Centre of Sittingbourne and the frontage of the site is designated as a Secondary Shopping Frontage.

2. PLANNING HISTORY

- 2.1. No relevant planning history

3. PROPOSED DEVELOPMENT

- 3.1. The application seeks full planning permission for the partial change of use of the ground floor from office (Use Class E) to residential (Use Class C3) and the substantial extension and alteration of the building to result in the building having three floors of accommodation. The proposed development would result in the creation of three new residential flats, alongside alterations to the existing flat with most of the ground floor commercial use also being retained.
- 3.2. The proposed extensions would amount to the building having a similar footprint as currently exists but its upwards extension at all floors would result in a building that would be a full two storeys with further accommodation in the roof. The roof would be partly flat but with pitched elements, together with dormers to the front and side.
- 3.3. An existing element of the plot is the ground floor of a rear projection that connects the primary building at the site to the first property at the west side of William Street. The ground floor of that element is within the applicant's control and would be altered to be used as a bin and cycle store.

4. REPRESENTATIONS

- 4.1. Three rounds of consultation have been undertaken, during which letters were sent to neighbouring occupiers. A notice was also displayed at the application site. In response to the consultation 12 letters of support were received. Of these, two letters were from the same household and one letter formed the basis of a query. Full details of representations are available online.
- 4.2. Support was raised for the application for the following reasons (summarised) : -

Comments	Report reference
The proposed design is an improvement compared to the existing structure, contributing positively to the street scene.	7.3
Support for local business investing in the area	7.10.6
Would add to the housing stock where there is a need for affordable housing in Sittingbourne, particularly near the town centre and transport links	7.2.3 and 7.10.6
Support for repurposing underutilised or redundant space rather than developing new land, aligning with sustainable development principles	7.2.3 and 7.10.6
Would bring new residents, support local employment, and contribute to the long-term success of the town centre	7.2.3 and 7.10.6

5. CONSULTATIONS

- 5.1. Set out below is a summary of matters raised in representations, with the comments reflecting the final position of the consultee.
- 5.2. **KCC Highways** – Notes that the proposal does not include parking but that it is in a sustainable location, with on street parking restrictions meaning there will be no overspill onto the Highway, as well as public car parks nearby. It is noted that a secure bike storage has been provided at a ratio of 1 per apartment which is based on the number of bedrooms per dwelling. Subject to cycling being secured by condition, no highways objections are raised.
- 5.3. **KCC Archaeology** - No archaeological measures are required in connection with the proposal.
- 5.4. **SBC Heritage and Design** - The proposed extensions would significantly increase the overall bulk and scale of the existing building. When combined, they would substantially change the form, character and appearance of the original to a degree that is inappropriate when considering the relationship with the adjoining neighbour and its prominent location. Whilst the height of the roof would not exceed the existing ridge, its crown roof design (especially the flat element) would not appropriately integrate with the existing pitched roof-form and, given the visibility of roof forms of both 25 and 27 in the street-scene, it is likely the flat roof element would not be wholly hidden from view. As such, the scheme would result in a proposal that would appear incongruous and unsympathetic to the building and pair of dwellings.
- 5.5. **Mid-Kent Environmental Protection** - No objection subject to condition to protect residential amenity during construction

- 5.6. **Natural England (NE)** - No objection, subject to securing appropriate mitigation for recreational pressure impacts on Habitable sites.

6. **DEVELOPMENT PLAN POLICIES**

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 (the Local Plan):

- ST1 Delivering sustainable development in Swale
- ST3 The Swale settlement strategy
- ST4 Meeting the Local Plan development targets
- CP1 Building a strong, competitive economy
- CP2 Promoting sustainable development
- CP3 Delivering a wide choice of high quality homes
- CP4 Requiring good design
- DM1 Maintaining and enhancing the vitality and viability of town centres and other areas
- DM2 Proposals for main town centre uses
- DM6 Managing transport demand and impact
- DM7 Vehicle parking
- DM14 General development criteria
- DM19 Sustainable design and construction
- DM21 Water, flooding and drainage
- DM28 Biodiversity and geological conservation
- DM32 Development involving listed buildings
- DM33 Development involving Conservation Areas
- DM34 Scheduled Monuments and archaeological sites

Supplementary Planning Guidance/Documents –

The conversion of building into flats Supplementary Planning Guidance (SPG)
Parking Standards Supplementary Planning Document, 2020.

**National Planning Policy Framework (the NPPF)
National Planning Practice Guidance (NPPG)**

7. **ASSESSMENT**

- 7.1. The main considerations involved in the assessment of the application are:

- Principle
- Visual Impact
- Archaeology and Heritage Assets
- Ecology
- Transport and Highways
- Living Conditions
- Sustainability

7.2. Principle

- 7.2.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.2.2. The NPPF provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 7.2.3. Policy ST3 of the Swale Local Plan 2017 supports development within the urban confines of towns and local centres across the borough. In this case, the site is located within the built-up area boundary of Sittingbourne, where the principle of residential development is acceptable, subject to compliance with other relevant planning policies. Furthermore, Swale Borough Council is currently unable to demonstrate a five-year supply of deliverable housing sites, as required by the National Planning Policy Framework (NPPF). In this context, the uplift of three residential units would make a modest but positive contribution toward addressing the borough's housing shortfall.
- 7.2.4. The site lies within the designated town centre of Sittingbourne which, in this area, is characterised by a mix of retail, residential, and commercial uses, of which the existing premises form part. The frontage of the site is also designated as part of a Secondary Shopping Frontage. Policy DM1 seeks to maintain and enhance the vitality and viability of town centres and other designated areas, while Policy DM2 supports retail, leisure, office, and other complementary uses within existing town centres.
- 7.2.5. The proposal includes the partial change of use of the ground floor from office (Use Class E) to residential (Use Class C3), alongside extensions and alterations to create additional residential units. However, the operational use of the ground floor is to remain within Class E, thereby retaining an active commercial frontage and contributing to the mixed-use character of the area.
- 7.2.6. As such, the proposal is considered to be consistent with the core principles of Policies ST3 and DM1 of the Swale Local Plan 2017, and the principle of development is therefore acceptable, subject to the detailed design and amenity considerations set out in the following sections. The housing supply benefits and other identified benefits of the proposal will be considered in the planning balance that is to be undertaken below.

7.3. Visual Impact

- 7.3.1. Policy CP4 of the Swale Local Plan 2017 requires development proposals to be of high-quality design and to be in keeping with the character of the area. It states that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any future proposals.

- 7.3.2. Policy DM16 of the Swale Local Plan 2017 supports alterations and extensions to existing buildings provided are of an appropriate design and quality which responds positively to the style and character of the building being extended.
- 7.3.3. The application relates to one half of what appears to have been pair of two-storey semi-detached properties located at a prominent corner of William Street and West Street. The eastern half of the building appears to have been extended historically to the side to form the subservient part of the building that is within the application site. Whilst the original pair has been subject to extensions and alterations which have resulted in the pair becoming unbalanced in some respects, the original symmetry of the pair is still able to be appreciated, with the core features of the original host buildings still being balanced and evenly proportioned, with matching pitched roofs, eaves, ridge heights, and some matching features
- 7.3.4. The proposed development involves substantial extensions that have been described above. These alterations would significantly increase the overall bulk and massing of the building, particularly at the upper levels, resulting in a form that appears overly dominant and visually incongruous within its context.
- 7.3.5. While the proposed roof height would not exceed the existing ridge, the introduction of a crown roof, particularly the flat central element, would cause the resultant eaves height to awkwardly exceed the eaves height of the attached building and cause the side elevation of the roof to have a contrived relationship with the roof of the attached building. This would result in the crown roof becoming an obvious feature and the element of flat roof would not integrate appropriately with the existing pitched roof form. Given the visibility of the roofscape of both Nos. 25 and 27 in the street scene, the flat roof element would be visible and appear discordant. Moreover, by featuring even higher eaves at the side elevation, the building would have a poorly proportioned elevation fronting William Street. This would be visible in views from Dover Street, West Street and William Street and cause the building to be unreflective of the traditional building forms, mostly featuring larger elements of pitched roofs, that are dominant at the south side of the A2. Whilst stepped roofs are a feature of the area and the properties of William Street immediately to the rear of the site feature a mixture of roof forms, they are far less prominent and not as bulky as the roof that would result in this situation. They do not, therefore, mitigate or justify the harm that would be caused by taking that approach in this case.
- 7.3.6. As such, the scheme would result in a development that appears incongruous and unsympathetic to the host building and the original pair of buildings as well as causing substantial harm to the character and appearance of the locality. The proposal would unbalance the architectural harmony of the semi-detached pair and fail to respect the established form, proportions, and design features that contribute positively to the local character.
- 7.3.7. The overall impact of the proposed extensions and alterations would result in a visually intrusive and poorly integrated form of development, contrary to the aims of Policies CP4, DM14 and DM16 of the Swale Local Plan 2017, the design objectives of the National Planning Policy Framework (2024), and the Council's adopted design guidance.

7.4. **Archaeology and Heritage Assets**

- 7.4.1. Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
- 7.4.2. A similar duty exists where the proposed development will be within a conservation area where section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.4.3. The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 7.4.4. Policies DM32, DM33 and DM34 of the Local Plan related to heritage assets including listed buildings, conservation areas and archaeological features.
- 7.4.5. Following a review of the proposal and the site's context, the KCC Archaeology Officer has confirmed that no archaeological measures are required in connection with the development and no further archaeological assessment or mitigation is deemed necessary. Moreover, it is considered that the proposals would have no impact on the setting of heritage assets given the distance from the proposed works to the nearest assets, being the listed building of the Holy Trinity Church to the north and the Sittingbourne Conservation Area to the east.
- 7.4.6. As such, the proposal is considered to comply with the requirements of the abovementioned policies and the NPPF.

7.5. **Ecology**

- 7.5.1. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.

Appropriate Assessment

- 7.5.2. The application has been the subject of an Appropriate Assessment (AA) under the Habitats Regulations, the conclusion of the AA was that there is a potential risk of harm to the European designated sites at the Swale/Medway SPA and Ramsar Site. The impacts were assessed for this development and this development in combination

with other planned development. The AA, which was prepared in consultation with Natural England concludes that these impacts can be mitigated through financial mitigation (The SAMMS payment).

- 7.5.3. Section 40 of the Natural Environment and Rural Communities Act (2006) states *“For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England”* and *“A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.”* Furthermore, the NPPF states that ‘the planning system should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.’ The NPPF states that ‘if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’
- 7.5.4. Due to the scale of the development there is no scope to provide on-site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £337.49 per dwelling (total £1012.47). Whilst this would be a matter that would be resolvable with procedural ease, as no payment has been received, the inadequate provision of measures to mitigate the impact on the designated habitat sites amounts to a recommended reason for refusal.

Biodiversity Net Gains

- 7.5.5. The application was submitted prior to the implementation date of the mandatory Biodiversity Net Gain (BNG) requirements introduced under the Environment Act 2021. As such, the proposal is not subject to the statutory BNG provisions.. However, Policy DM28 of the Local Plan sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.5.6. The proposal does not involve the loss of any significant habitat or features of ecological value. Given the urban nature of the site and the scale of development proposed, it is not considered that the scheme would result in any significant adverse impacts on biodiversity. Opportunities for minor ecological enhancements, such as the installation of bird or bat boxes, could be secured by condition if necessary.

7.6. Transport and Highways

- 7.6.1. Local Plan Policies CP2 and DM6 promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 7.6.2. Policy DM7 of the Local Plan requires parking provision to be in accordance with the Council’s Parking SPD. The SPD advises that a one-bedroom dwelling in an edge-of-centre location should typically provide one car parking space. However, it also includes a footnote allowing for reduced or nil provision in areas with good accessibility to sustainable modes of transport.

- 7.6.3. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

- 7.6.4. The application site is located within Sittingbourne town centre, offering excellent access to a range of sustainable transport options. It is within walking distance of Sittingbourne railway station, which provides regular services to London and the wider region. The site is also well-served by local bus routes and is close to shops, services, and employment opportunities, thereby reducing the need for private car ownership
- 7.6.5. Given the site’s central location and high accessibility, the proposed car-free development is considered appropriate. The absence of on-site parking supports the objectives of reducing car dependency, promoting sustainable travel, and making efficient use of land in urban areas. This approach is consistent with the flexibility allowed under the SPD and aligns with the broader aims of the Local Plan and the NPPF.
- 7.6.6. To support sustainable travel, a safe, secure, and sheltered cycle storage area is proposed to the rear of the site. This provision complies with Policy DM7(3) of the Local Plan, which requires developments to provide appropriate facilities for cycle parking.

7.7. **Living Conditions**

- 7.7.1. Policy DM14 of the Swale Local Plan 2017 states that development proposals should not cause significant harm to the amenities of surrounding uses or areas. In particular, consideration must be given to the impact on neighbouring properties in terms of overshadowing, loss of light, and general amenity. The NPPF includes a similar requirement with respect to residential amenity.

Existing residents

- 7.7.2. *Nos 2, 2A and 2B William Street* – The adjacent building to the south comprises of three addresses. It is known that there is a commercial use at ground floor with a beauty salon currently being in situ and a café having been at the site previously. At first floor, there appears to be a flat with accommodation that projects to within the application site, oversailing the ground floor element of the commercial use that is at the application site.
- 7.7.3. The east facing first floor elevation features a window which is currently enclosed to the south by the side elevation of the existing building at the neighbouring site. From the perspective of that window, the existing building at the application site protrudes 3.8 metres forwards at the north side with that wall being set 2 metres away from the window at its closest point. This would not be changed as a result of the proposal.

However, whereas the rear part of the existing building is single storey with a pitched roof, the proposed elevation would be 7.4 metres tall to the eaves. This would have the effect of narrowing the outlook from within the room served by that window, which is understood to be a habitable room.

- 7.7.4. As the extensions are to the north of that window, the impact on sunlight as a result of the proposal would be negligible. Moreover, due to the suitable arrangement of windows and the ability for the use of obscured glazing to be controlled by condition, there would be no unacceptable impacts in terms of privacy or overlooking.
- 7.7.5. The formation of an enclosed area between the side elevation of the existing building at the neighbouring site and the rear elevation of the proposed extension, with all built form being substantially taller than that window, would cause that window to be served by a reduced outlook and less daylight relative to the existing situation where the pitched roof above the single storey element enables some daylight and outlook to serve residents. However, that room is also served by a window on the west elevation and, as such, between the two windows there would be sufficient outlook and light to ensure that the effect on living conditions is not unacceptable.
- 7.7.6. No other windows exist within that building such that living conditions within any other room would be harmfully affected as a result of light, privacy or outlook.
- 7.7.7. The provision of a cycle and refuse storage on the ground floor, directly beneath the abovementioned window has the potential to generate some noise and odour. However, the impact is expected to be limited due to the modest scale of the development and the small number of residential units proposed. Environmental Health have been consulted and raised no objections in this regard.
- 7.7.8. A representation was received from the occupier of the flying freehold, raising concerns regarding whether appropriate notice had been served in relation to the application. In response, the applicant's agent provided Land Registry documentation confirming that the freehold of 2B William Street is owned by Honeywell Property Investments Limited, which is the applicant's company. As such, notice was not required to be served on 2B. It is noted that the flat is subject to a long leasehold; however, this does not alter the statutory requirements for serving notice under the planning regulations. In any case, 2, 2A and 2B William Street have all been notified of the application on each occasion.
- 7.7.9. *Nos. 27,27A and 27B West Street* - To the rear of Nos. 27 and 25 West Street is a small shared lightwell. The proposal retains this lightwell to the rear of No. 25 and includes the removal of the existing external staircase and toilet block, which would result in a modest improvement to the quality of this space. The development also proposes an increase in the eaves height of the roof at No. 25, which would result in some additional overshadowing to the rear window of No. 27. However, as the most affected floors are in commercial use (basement and first floor), and the degree of overshadowing to the flat that exists at that site appears to be limited, the impact is not considered to result in material harm to amenity.
- 7.7.10. *Other Surrounding Properties* - Due to the corner positioning of the site, it is considered that no other neighbouring residential properties would be unacceptably adversely

affected by the proposal in terms of daylight or sunlight. The orientation and separation distances are such that the development would not result in any unacceptable loss of light or overbearing impact.

- 7.7.11. *Overall* - The proposal is considered to have an acceptable relationship with neighbouring properties and would not result in unacceptable harm to residential amenity, in accordance with Policy DM14 of the Swale Local Plan 2017.

Future residents

- 7.7.12. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 7.7.13. The proposed development seeks to deliver three new residential units through the extension and reconfiguration of the existing building and the alteration of an existing residential unit. The internal layout has been revised during the course of the application to improve the quality of accommodation provided.
- 7.7.14. Whilst showing double beds, the bedrooms are only of adequate size to be used as single bedrooms and should be considered that way accordingly. The two new one-bedroom units each provide a floor area that meets the minimum requirements set out in the Nationally Described Space Standards (NDSS). The existing first-floor unit will be reconfigured and a new studio unit is proposed on the second floor, providing 30 sqm of internal space. While this accommodation falls below the NDSS threshold, as it relates to the extension and conversion of an existing building, complies with the Council's adopted Supplementary Planning Guidance (SPG) for residential conversions and the NDSS is not able to be binding as a result of it not being adopted into the development plan, the proposed accommodation is therefore acceptable.
- 7.7.15. Whilst no outdoor amenity space would be provided, in the context of a town centre development which is served by other amenities, this is not unusual and, whilst not desirable, is not considered to be unacceptably harmful to living conditions.
- 7.7.16. Access to all units will be provided via an existing route to the rear of the building. Provision for refuse storage and secure cycle parking is proposed adjacent to the rear entrance, within the footprint of the existing office area, ensuring convenient and practical access for future residents.
- 7.7.17. Overall, as the proposal accords with the Council's SPG it is considered that the proposal is acceptable and able to provide future occupiers with living conditions that would not conflict with Policy DM14 of the Swale Local Plan 2017 and relevant guidance within the Council's SPG.

7.8. Sustainability / Energy

- 7.8.1. In accordance with policy DM19, measures should be taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of

solar thermal or solar photo voltaic installations and energy efficiency. This could be secured by condition if the development was found to be acceptable.

7.9. Other matters

- 7.9.1. Interested parties have referred to the provision of affordable housing. No affordable housing is proposed. The proposed accommodation are smaller units and, inherently, are likely to be cheaper for a resident to buy or rent, but in the context of the definitions that are applicable to the assessment of planning applications, none of the accommodation would be affordable housing.

7.10. Planning Balance – Benefits and Harm

- 7.10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.10.2. The development would result in significant harm to the character and appearance of the site and surrounding area due to the scale, form, and appearance of the proposed building. Therefore, it conflicts with policies CP4, DM14 and DM16. Moreover, whilst it would be resolvable, the proposal fails to mitigate its impact on designated habitat sites, which conflicts with policy ST1, DM14 and DM28 of the Local Plan. Therefore, while the proposal aligns with certain policies of the Local Plan, including ST3, DM1, and DM2, the development plan as a whole indicates that planning permission should be refused.
- 7.10.3. The NPPF is a material consideration and as the Council are unable to demonstrate a 5-year supply of housing land, paragraph 11.d of the NPPF is engaged. This states the following:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

- 7.10.4. In this case, as per part (i) and as a result of the impact on designated habitats not being mitigated, the application of policies that protect areas or assets of particular importance do provide a strong reason for refusing the development.

- 7.10.5. However, proceeding on the basis that this could easily be resolved if the proposal was acceptable in all other respects, it is considered that it is sensible to undertake an assessment on the basis of the habitats issue being addressed. In such circumstances, it would need to be considered whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This assessment is carried out below.

Benefits

- 7.10.6. The proposed development is within the built-up area boundary and is located within an accessible town centre location. However, this is cited above as justification to mitigate other shortcomings of the proposal and, as such, it is considered that this factor only carries a little weight. The proposal would boost housing supply to the extent of three additional residential properties which can carry significant weight as can the fact that the proposal would represent the use of previously developed land. These benefits are, however, moderated by virtue of the small scale of the proposal. Moreover, in conjunction with the construction and subsequent occupation, there would be a small economic benefit arising from the proposal, which can be afforded a little weight.

Harm (excluding the impact on protected habitats for the reason set out at 7.10.5)

- 7.10.7. The development would result in significant harm to the character and appearance of the site and surrounding area due to the scale, form, and appearance of the proposed building. This harm carries substantial weight in the planning balance.

Balance

- 7.10.8. Excluding the impact on protected habitats for the reason set out at 7.10.5 and applying the 'titled balance' on the basis that the protected habitats issue can be easily resolved, it is still considered that the harm arising from the visual impact of the development and the associated conflict with paragraphs 131 and 135 of the NPPF would significantly and demonstrably outweigh the benefits of the proposal.
- 7.10.9. The proposal is, therefore, contrary to the NPPF when taken as a whole.

7.11. Conclusion

- 7.11.1. For the reasons given above, the development plan indicates that planning permission should be refused and there are no other material considerations, including the NPPF, which indicate that a different decision should be reached. Consequently, it is recommended that the application is refused on the grounds of poor design and visual impact and due to the lack of a SAMMS contribution.
- 7.11.2. In considering the application, account has been taken of the information included with the application submission, the National Planning Policy Framework and the Development Plan, and all other material considerations including representations made including the views of statutory and non-statutory consultees and members of the public.

7.12. **Recommendation**

7.12.1. Refuse for the following reasons.

1. The proposed development, by virtue of the bulk and scale of the resultant building and the introduction of an incongruous crown roof form, would result in a visually discordant and unsympathetic addition that fails to respect the architectural integrity of the host building and its adjoining neighbour, thereby detracting from the character and appearance of the site and the locality. As such, the proposal is unacceptable and contrary to policies CP4, DM14, and DM16 of the Swale Borough Local Plan 2017, which seek to ensure high-quality design that responds positively to local context and reinforces local distinctiveness, as well as the design objectives of the National Planning Policy Framework (NPPF)
2. The proposed development will create potential for recreational disturbance to the Swale Special Protection Area and fails to provide adequate mitigation against that potential harm. The development would therefore affect the integrity of this designated European site, and would be contrary to the aims of policies ST1, DM14, CP7 and DM28 of Bearing Fruits 2031 - The Swale Borough Local Plan 2017; and the National Planning Policy Framework

