



Appeal Decision

Site visit made on 18 May 2026

by C Housden BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Appeal Ref: 6004642

25-25A West Street, Sittingbourne ME10 1AL

- 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 Popat against the decision of Swale Borough Council.
 - The application ref is 23/500931/FULL.
 - The development proposed is 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.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal an amended proposed second floor plan and proposed roof plan was submitted. These plans correct a number of errors on the original drawings, relating to the number of windows shown on the floor plan, and the removal of gable dormers on the proposed roof plan. The appellant explains that these amended plans were submitted during the planning application, however, were never uploaded on the application file on the Council's website. The Council have confirmed that the displaying of the original plans rather than the amended on the website was an administrative oversight, and the case officer relied upon the correct amended plans when assessing the application and presenting it to committee. As the Council relied upon these plans as part of its decision there are no procedural or substantive reasons not to accept these plans, which I have made my decision on.

Main Issue

3. The main issue is the effect on the character and appearance of the host building and area.

Reasons

4. The area is mixed in character with West Street comprising predominantly commercial properties along the ground floor level, whilst William Street is residential in character. Both roads contain a regimented and linear pattern of development with predominantly terraced two storey rows of properties. The land levels within the area decline along West Street and incline up William Street from the junction with West Street. The terraced buildings in this regard often feature modestly stepped eaves and ridge heights, whilst retaining the prevailing two storey stature of the buildings.

5. The appeal site is set on a corner plot between West Street and William Street, meaning it features within the streetscene of both roads. The plot contains a semi-detached property which mirrors its attached neighbour in the adjacent plot, and a single storey attached subservient structure with a large dormer window on the other side. The appeal site contributes positively to the character and appearance of the area through its balanced appearance with the neighbouring building and its overall modest stature which is commensurate with the buildings within the surrounding area.
6. The development would extend the building, significantly raising the eaves and introducing a shallow crown pitch roof with a pitch to the front elevation containing two dormer windows. The proposed eaves of the front elevation would notably exceed that of the adjacent property to accommodate the additional floor of accommodation. This would make the host property appear far more imposing and unbalanced with its neighbour within the streetscene.
7. To the side along the return, the building would be of an imposing three storey stature set in the prominent corner plot appearing of considerably greater bulk and massing than the two storey neighbours in the terrace it forms a part of making it appear overbearing within the streetscene.
8. As a result, the proposed development would be a discordant addition to the host building which would appear imposing and overbearing within the streetscene, and harmful to the character and appearance of the host building and area.
9. A number of buildings have been brought to my attention including the three storey block of flats at 1 William Street, the four storey flats at Wingavingate Court and the flat roof supermarket opposite the site. However, these examples are not directly comparable to the appeal scheme as whilst they are situated within the local area, they read as distinct entities within the streetscape, rather than as part of the predominant pattern of two storey rows of properties that the host building forms a part of and the proposal would be contrary to. In the case of the terraced properties of The Cloisters and other properties along West Street and William Street, whilst the ridge and eaves of some of these properties are stepped with the ground levels, these properties share the same proportions so are not comparable to the appeal proposal which appears larger and unbalanced with its neighbours.
10. The proposal would therefore cause considerable harm to the character and appearance of the area. It would conflict with Policies CP 4, DM 14, and DM 16 of the Swale Borough Local Plan (2017) (LP). These policies, amongst other matters, seek to ensure that development proposals are of a high quality design that is appropriate to its surroundings, reflect the positive characteristics and features of the site and locality and responds positively to the style and character of the building being extended.

Other Matters

11. The appeal site falls within the zone of influence of the Swale Special Protection Area. The evidence shows that residential development within the zone of influence would result in a likely significant effect to the protected sites in combination with other plans and projects through additional recreational disturbance.

12. The development would introduce a net gain of dwellings which would therefore exacerbate the recreational pressures on these sites. As such, in combination with other projects or plans there would be a likely significant effect on the European site. I note that the evidence shows that on 13th January 2026, the appellant made a payment to the Council under the Strategic Access Management and Monitoring Strategy (SAMMS) for a total of £1,012.47 (£337.49 per dwelling) to mitigate this likely significant effect. However, since I am dismissing the appeal for other reasons, I do not need to consider this matter further as it does not impact the outcome of the appeal.
13. The appeal site is situated within the broader settings of the Church of the Holy Trinity, a Grade II listed building and the Sittingbourne Conservation Area (CA). I have not been presented with any evidence by either party that the proposal would affect the setting and significance of these assets.
14. From the limited information before me, and based on my observations on site, the significance of the Church of the Holy Trinity lies in its individual architectural detailing and historical interests as a church serving the locality. In relation to the CA its interest lies in the architectural and historical linear High Street lined with a variety of finely detailed buildings.
15. Whilst I have found that the proposal would be out of keeping with the character and appearance of the area, given the distance of the appeal site from the assets and the intervening development, along with the overall localised scale of the proposal, I am satisfied that it would not adversely affect the surroundings in which these heritage assets are experienced. As such, the settings of the Church of the Holy Trinity and the CA would be preserved and cause no harm to the significance of these heritage assets.

Planning Balance

16. The proposed development is not in accordance with the aforementioned policies of the LP, by virtue of the character and appearance of the area which would be permanent and long lasting. However, the Council cannot demonstrate a five-year housing land supply. The evidence before me shows a supply of 3.97 years.
17. The provisions of paragraph 11d) of the National Planning Policy Framework (the Framework) are therefore engaged. Footnote 8 confirms in these circumstances, the policies which are most important for determining the application are deemed to be out-of-date. Paragraph 232 of the Framework confirms due weight should be given to policies, according to their consistency with the Framework.
18. The importance of achieving well-designed development is a key aspect of sustainable development, as set out in section 12 of the Framework, where it is clear at paragraph 139 that development which is not well designed should be refused, whilst paragraph 135b) sets out development should be visually attractive as a result of good architecture. In addition, whilst paragraph 124 of the Framework seeks to make effective use of land, this is to be achieved while also safeguarding and improving the environment. Paragraph 125e) sets out support for the use of airspace above existing premises for new homes, but only where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene and is well-designed.

19. Therefore, LP Policies CP 4, DM 14, and DM 16 are consistent with the Framework. Based on the harms identified, the conflict with these policies carries significant weight against the development.
20. Overall, the appeal proposal would conflict with the development plan as a whole and the above-mentioned paragraphs of the Framework.
21. The Government's objective is to significantly boost the supply of housing, including through small and medium schemes. The proposal would make use of brownfield land in a sustainable town centre location to provide three dwellings, contributing towards the Council's housing land supply. It would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. However, given the small scale of the development these matters at most attract limited weight in favour of the proposal.
22. As such, the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. The presumption in favour of sustainable development would not apply.

Conclusion

23. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR