

PLANNING APPLICATIONS FOR 1st DECEMBER 2004

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BACKGROUND PAPERS

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representations section with a report.

Any information referred to is available for inspection in the Planning Offices of the Council at the Compass Centre, Chatham Maritime, Chatham.

1 MC2003/2452

Date Received: 20th November 2003

Location: Century Buildings 22/26, Victoria Street, Rochester, Kent, ME1 1XH

Proposal: Part demolition of warehouse buildings; the conversion of "tower building" into one Class B1 office unit with 5 flats above; the conversion of one warehouse building into three 1-bedroomed mews cottages; the construction of 10 terraced houses; two blocks comprising 12 flats; one block comprising a Class B1 office unit at ground floor with 6 flats above; the formation of a new access via The Terrace and the provision of parking.

Applicant: Lakehurst Developments Limited Lakehurst House 94c High Street Tenterden Kent TN30 6JB

Agent:

Ward: Rochester West

Recommendation - Approval subject to

A) Conclusion of a Section 106 obligation to secure:

- i) an educational contribution of £93,400; and
- ii) the provision of the 5 flats within Block E as affordable housing, and

B) the following conditions

(as amended plans received on 18th March, 8th and 29th September and 27th October 2004)

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.
- 3 Prior to the commencement of the development hereby permitted, details and/or samples of the: external bricks; roof tiles and coverings; brickwork pointing, bonding and mortar mix; joinery for windows and external doors; weatherboarding; rainwater goods; balustrading and railings; any external soil and vent pipes; and any balanced flue outlets, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance

with the approved details. Any details that are to be submitted in a drawn form pursuant to the requirement of this condition shall be drawn at a scale of not less than 1:5.

- 4 Adequate underground ducts shall be installed by the developer before any part of any of the buildings herein approved are occupied to enable telephone, electricity and any other communal services to be connected without recourse to the erection of overhead distribution poles and overhead lines. Notwithstanding the provision of the Towns and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no distribution pole or overhead line shall be erected on the site except with the prior written approval of the Local Planning Authority.
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include existing and proposed ground levels, means of enclosure, hard surfacing materials and refuse or other storage units. Soft landscape works shall include planting plans, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and implementation programme.
- 6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 7 No development shall take place (except as may be agreed in writing by the Local Planning Authority) until the developer has secured the implementation of a programme of archaeological work in accordance with a written specification and time table which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved specification.
- 8 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Authority prior to first occupation of the development hereby permitted.
- 9 The area shown on the permitted drawings for vehicle parking/garaing shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

- 10 None of the houses or flats hereby permitted shall be occupied until the proposed access road off The Terrace has been constructed, surfaced and drained in accordance with details approved in writing by the Local Planning Authority and in accordance with the details shown on approved Drawings No. P0656/SK/1/8c, 9c and 10c.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1 Classes, A, B, C, D, E and H of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the flank walls of house type B without the prior written approval of the Local Planning Authority.

Site Description

This application relates to former brewery premises, which were originally constructed before 1866 and subsequently enlarged during the late 19th and early 20th centuries. The buildings on site range in height between 2 and four storeys. The premises were used most recently as a drinks retail cash and carry warehouse with ancillary office and storage accommodation, but are now vacant. The application site is bounded to the rear by houses in The Terrace, from which it is separated by a wall on the boundary, which ranges in height between approximately 2 and 4 metres, behind a row of buildings within the application site. The site stands opposite shop, office and residential premises in Victoria Street and East Row and the police station in Cazeneuve Street.

Proposal

The submitted application proposes the part demolition of buildings and the conversion of the retained buildings together with the construction of five new blocks to accommodate the provision of: 13 houses; 23 one and two bedroomed flats; two Class B1 office units; a new access road; and associated parking and amenity areas. The proposed development comprises the following elements.

Conversion of main frontage building at the Corner of Victoria Street and East Row

The proposals for this part two, three and four storey building, which extends around the corner in Victoria Street and East Row, involve its refurbishment and the conversion into:

- a) A terrace of three 1-bedroomed mews cottages on part of the ground and first floors, within the western half of this building.
- b) In the eastern half of the building: a Class B1 office unit of 180m² on the ground floor; one studio flat and one 2-bedroomed flat at first floor level; a two bedroom flat at second floor level; a 2 bedroomed maisonette at second and third floor levels; and a 2-bedroomed maisonette at third and fourth floor levels.

The proposed refurbishment works for this building would include: the removal of a relatively modern loading bay accessed via Victoria Street; the overhaul or replacement of slate and clay tile covered roofs with roof coverings of the same type as currently exist in the affected parts of the building; the renewal of existing or the introduction of new weatherboarding; the conversion of the existing vehicular access onto East Row into a pedestrian access with the partial infilling of the existing opening to form 2 archways; works to the upper level and roof of the “corner tower” to form new windows and a dormer window; and alterations to doors and windows either to create or close openings.

Block E - fronting Victoria Street at the junction with The Terrace

The demolition of a single storey, pitched roof, vacant sales/office building and the construction of a detached 3-storey building fronting Victoria Street on the site of the building to be demolished together with an adjacent yard area to the side. The proposed building would comprise a Class B1 office unit of 112m² on the ground floor and four 2-bedroomed and two 1-bedroomed flats on the upper floors, with four under-croft parking spaces that would be accessed from the rear of the proposed building. It is proposed that this building will be clad in stock brickwork, to match the yellow stock bricks found on the existing main building on the site, and natural slates on the roof. The doors and windows will have timber detailing to reflect the character of existing fenestration within Victoria Street.

Block C - adjoining East Row and to the west of the building to be converted

The proposals on this part of the site would involve the demolition/removal of single storey storage structures and the construction of a detached 4-storey building backing onto East Row [from where it would be viewed as a 2½ storey element because of the difference in ground levels and the presence of the brick boundary wall]. This block would comprise six parking spaces and a residents’ gymnasium on the ground floor with six 2-bedroomed flats above, 2 each on the upper ground, first and second floor levels. It is proposed that this building will be clad in brickwork at the lower ground floor level and painted timber weatherboarding on the upper storeys. The roof will have a hipped roof form, with a covering of natural slates.

Block A - mid site running parallel to both East Row and The Terrace

On this part of the site it is proposed to construct a terrace of six, split level part 3 and part 4 storey, 4-bedroomed town houses backing onto East Row [from where this terrace would be viewed as a 2½ storey element because of the difference in ground levels and the presence of the brick boundary wall along the East Row frontage] with integral garage parking on the lower ground floor and 1 bedroom within the roof space. The proposed houses would in part have a mansard roof form in the elevation facing towards East Row and a dormer window, with a curved roof form, would be inserted in this roof plane. The proposed houses would be clad in yellow stock bricks and their roofs would be covered in natural slates.

Block D - to the east of 3 Pretty Seat Mews

The proposals for this part of the site involve the construction of a 4-storey building, lying to the east of 3 Pretty Seat Mews and backing onto East Row [from where it would be viewed as a 3 storey building because of the difference in ground levels and the presence of the boundary wall along the site’s East Row frontage]. The proposed block would comprise six parking spaces and 6 cycle stores on the lower ground floor with six 2-bedroomed flats on the floors above. It is proposed that this building will be clad in brickwork at the lower level

ground floor level, with painted timber weatherboarding on the upper storeys. The roof will have a hipped roof form, with a covering of natural slates.

Block B – to the rear (north) of 1 and 3 Pretty Seat Mews

On this part of the site it is proposed to construct a terrace of four, part 2 and part 3 storey, 3 bedroomed town houses flanking onto the rear of the houses at Pretty Seat Mews in East Row with integral garage parking on the ground floor. The proposed houses would be clad in yellow stock bricks and their roofs would be covered in natural slates.

Access and Parking

It is proposed that the vehicular access to this development will be derived via a new 4.8 metre wide, no through road, leading from The Terrace. The proposed road would pass between the rear of Block E and the side of 1 The Terrace and would then run parallel to the application site's north eastern boundary where it bounds the rear gardens to 1 to 16 The Terrace. To facilitate the formation of this road it proposed that a range of single storey and two storey buildings will be demolished.

The proposed works also include a widening of The Terrace along the application site's boundary to that road with the result that the carriageway width will be increased from 4.5 metres to 5.5 metres. In addition the kerb radius on the southern side of the junction between Victoria Street and The Terrace will also be eased to enable vehicles entering The Terrace less obliquely.

On site parking provision will comprise 26 parking spaces, some of which will be in the form of undercroft parking, and ten garages.

The application has been the subject of an amendment since its original submission to provide for two B1 office units in substitution for two A1 shop units fronting Victoria Terrace.

[A related application (MC2003/2453) for Conservation Area consent for the demolition works associated with the above-mentioned proposals, appears as the following item on this Agenda.]

Site Area/Density

Site area: 0.47 hectare (1.15 acres)

Site density: 70 d.p.h. (28.7 d.p.a.)

Relevant Planning History

MC2003/2453 Conservation Area Consent for part demolition of warehouse buildings to facilitate the conversion of "tower building" into one Class B1 office unit with 6 flats above; the conversion of one warehouse building into three 1-bedroomed mews cottages; the construction of 10 terraced houses; two blocks comprising 12 flats; one block comprising a Class B1 office at ground floor with 6 flats above; the formation of a new access via The Terrace and the provision of parking
For consideration as the following item on this Agenda

Representations

The application has been advertised on site and in the local press as a major development affecting the setting of Listed Buildings and a Conservation Area. Neighbour notification letters have been sent to the owners and occupiers of: 1 to 16 (consecutive) The Terrace; 11 to 15, 17, 19, 20, 21, 23, 23a, 23b, 25, 25a, 25b and 35 Victoria Street; 2 to 12 (consec) Gravel Walk; 2, 4 and 6 Union Street; 2, 4 (Jacaranda House), 8, 10 (Troy House) East Row; Ivy House in Pleasant Row; 35 Maidstone Road; and The Police Station in Cazeneuve Street.

Seventeen letters have been received in response to the originally submitted proposals, objecting to the application for the following reasons:

- inadequate access from The Terrace;
- exacerbation of parking problems;
- overdevelopment and a design that is out of character with the area, resulting in a scheme that will cause overlooking of neighbouring gardens with loss of privacy and outlook;
- prejudice to security of the neighbouring residential property;
- potential damage to the back boundary wall;
- prejudice to present retail businesses in the locality;
- the design is not in keeping with the area; and
- loss of light for neighbouring property.

Following the receipt of amended plans re-consultations have been undertaken and six letters have each been received in respect of both the first and second set of amendments. These further representations reiterate concerns relating to parking, access, neighbours' security, overlooking, loss of natural light and outlook, design, boundary wall maintenance.

The scheme has been the subject to further amendment and notification in regard to elevational design changes to one of the buildings; and 3 letters of representations have been received further to this second re-consultation exercise reiterating concerns relating to privacy, parking security and overdevelopment, with an additional concern about disruption from building works.

Kent Police has written to advise that in essence the development appears satisfactory although attention to certain details of construction will assist in designing out crime; [these have been drawn to the applicants' attention].

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy ENV17	(Development Affecting Conservation Areas)

Policy ENV19	(Buildings of Architectural or Historic Significance – Listed Buildings)
Policy T17	(Parking)
Policy T18	(Highway Impact of New Development)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE12	(Conservation Areas)
Policy BNE13	(Demolition in Conservation Areas)
Policy BNE14	(Development in Conservation Areas)
Policy BNE18	(Development Affecting the Setting of Listed Buildings)
Policy BNE21	(Archaeological Sites)
Policy BNE23	(Contaminated Land)
Policy H4	(Housing in Urban Areas)
Policy H5	(High Density Housing)
Policy H10	(Housing Mix)
Policy S6	(Planning Obligations)
Policy T1	(Highway Impact of New Development)
Policy T13	(Vehicle Parking Standards)
Policy T15	(Parking Strategy)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy SP1	(Sustainable Development)
Policy SS4	(Mixed Uses in Town Centres)
Policy QL1	(Quality of Development and Design)
Policy QL5	(Quality and the Density of Development)
Policy QL7	(Conservation Areas)
Policy QL8	(Archaeological Sites)
Policy QL9	(Buildings of Architectural or Historic Significance – Listed Buildings)
Policy HP8	(Affordable Housing Provision)
Policy TP2	(Transport and the Location of Development)
Policy TP19	(Vehicle Parking Standards)

Planning Appraisal

Principle of the development

The application site lies within a mixed use area, in which housing is the main component, and is within the central urban area of Rochester. As such the application site is subject to Policy H4 of the adopted Local Plan, which contains a presumption in favour of residential development by the change of use or redevelopment of existing buildings that are no longer required for non-residential usage. The general principle for the redevelopment of this site is therefore viewed as being acceptable.

The main issues for consideration arising from this proposal are: design and appearance, including any implications for the Conservation Area within which the site is situated and the setting of the adjoining Listed Buildings; amenity considerations for the occupiers of adjoining properties; and parking.

Design, appearance and impact on the character of the area

With respect to the consideration of the design and appearance of the proposed development; the inclusion of the site within a Conservation Area and the proximity to the nearby Listed Buildings, most pertinently Restoration House (a Grade 1 property) and the Grade 2 listed terrace of houses at 1 to 16 The Terrace, are very material to this assessment.

The main building to be demolished is a long warehouse dating from 1891 and the western part of this building has been extended and the resultant flat roofed structure has little merit. The eastern part end of this warehouse has a clay tiled pitched roof and yellow brick walls with red brick surrounds in the same manner as the other brewery buildings. While this eastern part of the building is of some architectural merit it is of little historic significance, being of a relatively late date with all of its internal fittings have been removed and its location at the rear of the site means that it does not make a significant contribution to the character of the Conservation Area. Given these factors it is considered that this warehouse building is not of sufficient interest to warrant its retention. There are therefore no objections to the demolition of these buildings and the container units on the south side of the site and the single storey building fronting on to Victoria Street.

No objection is therefore raised to the demolition works arising from this proposal under the provisions of Policy ENV17 of the Structure Plan, Policy BNE13 of the adopted Local Plan and Policy QL7 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

The scheme has been the subject of considerable and extended discussion between the applicant and officers, resulting in extensive design amendments and it is considered that this application is now in a form that is acceptable in these respects, subject to the conditioned future submission of details. The new office and residential block in Victoria Street incorporates a façade modelled on an example in Soho Square dating from c.1820 featuring doric detailing and is considered to secure a satisfactory townscape relationship with the Georgian structures on the odd numbered side of Victoria Street. The retention of the corner building is considered desirable in retaining a distinctive long-standing and valuable feature within the Conservation Area and its refurbishment in the manner proposed is sympathetic to the character of the designated area. Additionally the new build elements of the development fronting East Row are also considered to be acceptable and in keeping with the character of the Conservation Area. The scale of these buildings is roughly on a par with the 18th century buildings on the opposite side of East Row and in Union Street and the use of weatherboarding softens the impact of the structures and utilises a feature found elsewhere within the Conservation Areas within central Rochester.

It is considered that the proposed development in its amended form will respect the character of the Conservation and the setting of the adjacent Listed Buildings and accordingly no objection is raised to the design or appearance of the scheme under the provisions of Policies ENV15, ENV17 and ENV19 of the Structure Plan, Policies BNE1, BNE14 and BNE18 of the adopted Local Plan and Policies QL1, QL7 and QL9 of the emerging Structure Plan.

The scheme represents a density of development that is slightly above the minimum expectation range in central government advice and thus the average urban housing densities identified under Policy QL5 of the emerging Structure Plan. However Policy H5 of the adopted Local Plan promotes higher density residential development in central urban

locations, particularly where they are well served by public transport facilities. The proposed density of the development is consistent with the aspirations of Policy H5 and the proposed density reflects that for other residential accommodation within the locality, and is significantly less than that prevailing for the immediately adjoining housing in The Terrace [which has an average density in excess of 100 d.p.h.]. Accordingly no objection is raised to the proposed density for the development.

The proposed dwelling and office uses reflect the mainly residential character of the surrounding area, while acknowledging the office and other non-residential uses present within Victoria Street and this aspect of the scheme would have no adverse impacts on the character of the area.

Amenity considerations

The proposed new build elements of the scheme would affect the prevailing outlook from the neighbouring houses in The Terrace over the outbuildings on the party boundary, and at the nearest point [that in the case of Block C] the minimum distance between the main parts of the buildings would be approximately 15.4 metres. This siting relationship would result in the potential for some sunlight infringement to the backs of the neighbouring houses in The Terrace, but only for a limited period around midday and other than at that time the proposed development will not affect the receipt of light to these neighbouring properties. At the nearest ground floor window face of the neighbouring houses, the highest point of the development would create an angle of some 27° to the horizontal at the window centre and in other cases no such relationship would either arise or would be reduced to an angle as low as 20° [in the case of the terrace of houses that comprise Block A]. Given these relationships it is considered that the proposed development would not have any unacceptable impact on the prevailing amenities of neighbouring properties in terms of implications for the receipt of natural light or outlook.

In the case of the terrace of houses that comprise Block B, the flank of this terrace would be close to the rear of 3 Pretty Seat Mews at some 10 metres, however the new development would be set 4 metres below the garden of that property and the net height of 2 to 2.5 metres that would be visible over the garden fence would not create any unacceptable impact on the light or outlook for the occupiers of 3 Pretty Seat Mews, while no flank windows are proposed that might with the result that there will be no potential for direct overlooking from the new properties to Pretty Seat Mews.

The rear gardens to properties in The Terrace would be overlooked to degree by the development, however the prevailing situation already allows for this to a more immediate degree with mutual overlooking and the situation is not untypical of inner urban housing. The scheme retains the present high boundary wall at the back of these gardens, which varies in height above the development site, but is mainly about 4 metres in height, and the security of neighbouring residents would therefore be maintained.

The new houses would be provided with adequate private garden areas, and the setting of the development would be landscaped and no concerns are considered to arise in regard to the amenities of prospective occupants of the new dwellings.

In amenity terms the proposed development is considered to be acceptable and thus in accordance with the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Parking and highway considerations

With respect to highway considerations, it is considered that the proposed access arrangements are acceptable. In particular it is considered that the local highway network will have sufficient capacity to accommodate the volume of traffic that will be generated by the development. It is further considered that the widening of The Terrace within the vicinity of its junction with Victoria Street will considerably assist vehicle manoeuvring within the vicinity of this junction to the benefit of both existing and prospective users of The Terrace.

The layout provides for car parking at a ratio of 1 space per dwelling with additional casual visitor parking available on the garage drives, and 6 cycle stores. This level of parking provision is considered to be acceptable having regard to: the provisions of the adopted vehicle parking standards, which identify a range of up to 1.5 spaces per dwelling on average within urban areas, the application site's City centre location; and the proximity of public transport facilities.

In highway terms the submitted application is viewed as being acceptable and in accordance with the provisions of Policies T17 and T18 of the Structure Plan, Policies T1 and T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Educational and Affordable Housing contributions

The scheme is expected to generate a need for 11 primary school places and 4 secondary school places and the applicant has confirmed its agreement to making an educational facilities contribution of £93,400, which shall become payable on or before occupation of the 10th dwelling.

The scheme also makes the commitment that the 5 flats will be made available as affordable housing units. Although this is less than the Council's normal 25% expectation it is submitted that the costs for this development will be unusually high, as a result of the extensive clearance and high construction costs following the design amendments, and account should be taken of the educational facilities contribution and the improvements to the townscape and the amenities of neighbouring residents by the elimination of the present commercial development that will arise from the proposed redevelopment of the site. Given this and the character of the locality it is considered that this level of affordable housing provision will be acceptable in this case.

It is recommended that the educational facilities contribution and affordable housing provision should be secured via a Section 106 agreement.

Conclusion

The proposed development is considered to be acceptable in all regards and the application is therefore recommended for approval, subject to the applicant entering into the identified Section 106 agreement.

[This application would normally fall to be considered under the officer's delegated powers but is being reported for Members' consideration because of the number of representations that have been received which are contrary to the officer recommendation.]

2 MC2003/2453

Date Received: 20th November 2003

Location: Century Buildings 22/26, Victoria Street, Rochester, Kent, ME1 1XL

Proposal: Conservation Area Consent for part demolition of warehouse buildings to facilitate the conversion of "tower building" into one Class B1 office unit with 5 flats above; the conversion of one warehouse building into three 1-bedroomed mews cottages; the construction of 10 terraced houses; two blocks comprising 12 flats; one block comprising a Class B1 office unit at ground floor with 6 flats above; the formation of a new access via The Terrace and the provision of parking.

Applicant: Lakehurst Developments Limited Lakehurst House 94c High Street Tenterden Kent TN30 6JB

Agent:

Ward: Rochester West

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The works of demolition herein approved shall not take place before a contract for the carrying out of works for the redevelopment of the site has been made and entered into and planning permission has been granted for such works covering the whole site and such a contract is capable of being implemented.

Site Description

This application seeks Conservation Area consent for the works of demolition in association with the development reported in the preceding item on this agenda under planning application reference MC2003/2452. The Site Description, Proposal, Representations, Development Plan Policies and Appraisal are the same as given in the report for application MC2003/2452.

This application for Conservation Area consent is therefore recommended for approval.

[This application would normally fall to be determined under Officers' delegated powers but is being referred to Committee for Members' determination because of the number of representations that have been received that are contrary to the officer recommendation.]

3 MC2004/1540

Date Received: 9th July 2004

Location: 20 The Ridgeway, Chatham, Kent, ME4 6PD

Proposal: Demolition of existing building and construction of a detached two storey building to be occupied as a residential care home (Class C2), with a detached double garage and four parking spaces

Applicant: West Kent Shared Service Agency 35 Kings Hill Avenue West Malling Kent ME19 4AX

Agent: Mr S Bird MHSB Associates Limited The Granary Warmlake Business Estate Maidstone Kent ME17 3LR

Ward: Rochester South & Horsted

Recommendation - Approval with Conditions

(as amended by letters dated 16th September, 4th October and 9th November 2004)

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.
- 3 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include hard surfacing materials. Soft landscape works shall include:- planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
- 5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a

minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

- 6 The premises shall be used for the purpose of residential care home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Towns and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 7 The number of people resident at the property at any one time shall not exceed eight.
- 8 Prior to the first occupation of the building hereby permitted, vision splays of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6 metres above carriageway level shall thereafter be permitted within the splays for the duration of the development.
- 9 The area shown on the permitted drawings for vehicle parking and garaging shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Site Description

20 The Ridgeway is a detached property set within 0.16 hectares of ground, the plot having a frontage of 27 metres and a depth of 60 metres. The building was erected in the 1950's and was originally used as a police house, but in 1986 it was extended and has subsequently been used as a home for 8 children with learning difficulties in accordance with consent granted under Circular 18/84 in 1987.

The existing building is set back approximately 10 metres from the back edge of the highway, in line with other buildings in this part of the Ridgeway and as extended projects back a maximum of 13 metres. There is a gap of 5 metres between the flank walls of the application property and each of its side boundaries.

This section of The Ridgeway comprises a mixture of detached and semi-detached properties set within large gardens, the application property occupying one of the largest plots. Immediately adjoining the application property to the north-east is a detached bungalow (number 18), whilst to the south-west it is adjoined by a pair of semi-detached houses (numbers 22 and 24).

Proposal

The submitted application proposes the demolition of the existing building and the construction of a new two storey detached building with a detached double garage in the front garden and four parking spaces. It is submitted that the proposed building will be occupied as a residential care home for people who require support to recover from mental

illness, a use falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987, the same category of use as the existing use of the property.

The proposed building would have the same front and rear building lines as the existing building and would have a frontage of 23 metres, leaving a gap of 1.5 metres to the northern boundary and 2.5 metres to the southern boundary at the front. To the rear the gaps would be 3 metres and 4 metres respectively. The main building would be 11.5 metres deep, although a conservatory would be attached to the rear; this conservatory would measure 4.1 metres deep by 3.9 metres wide and would be 4.5 metres from the southern boundary.

The proposed accommodation would comprise an entrance hall, lounge, dining/activity room, kitchen, meeting room, interview room, clinical room, office, smoking room and the conservatory on the ground floor. The first floor would comprise 8 bedrooms, each with a wc, and a bathroom.

The proposed double garage would be sited in the front garden and would measure 5.5 metres square. It would be set back 3.75 metres from the property's front boundary, 1.2 metres from the front of the new building and would be 1.5 metres from the northern boundary.

It is submitted that the existing residential care home is old and does not meet modern standards, such as the current Building Regulations and the Disability Discrimination Act 2004. It is proposed to demolish and re-build to a higher standard.

It is also submitted that the care home will be staffed with a shift pattern with four staff in the morning, reducing to three, then two overnight. In addition, the following will also visit the premises: a domestic for four hours on daily basis; an occupational therapist daily from 9.00 to 5.00, possibly with a student; a doctor once a week, if needed; a consultant and a psychologist, each one day a week; and a social worker once a week if required. Other visitors will include postal deliveries (daily), household waste collection (weekly), clinical waste collection (monthly) and clients' visitors, which would be spread across the day and depending on who the clients are and where their families live. If their families are very local they may walk to the home.

Relevant Planning History

NK1/51/148	Proposed erection of a police house. Approved 28 th February 1952
ME/86/188	Circular 18/84: Change of use to a long-term home for eight mentally handicapped children. Local Authority objection 28 th April 1986 Appeal allowed 30 th October 1987
ME/86/188A	Circular 18/84: Proposed extension and conversion to form a home for eight mentally handicapped children. Local Authority objection 28 th April 1986 Appeal allowed 30 th October 1987
ME/86/188B	Circular 18/84: Proposed extension and conversion to form a home for eight mentally handicapped children. Local Authority objection 7 th January 1987

MC2004/0462 Construction of two storey extensions to sides and rear, porch to front and detached double garage to front.
Withdrawn

Representations

The application has been advertised on site. Neighbour notification letters have been sent to the owners/occupiers of 3 to 15, 21, 23, 31, 37, 39, 39a, 41, 55, 63 and 65 (odd), 10 to 18, 22 to 34, 42 to 52 and 56b (even) The Ridgeway; 10 Walderslade Road; and 151 Maidstone Road.

25 letters have been received objecting on the following grounds:

- the proposed building would be twice the size of the existing building and would amount to over-development of the site and would be out of character with the surrounding area;
- the garage would be constructed in front of the building line and would be out of character;
- the garage should only be used as a garage and not for any other purposes;
- the development will result in overshadowing/loss of sunlight;
- loss of privacy;
- loss of outlook;
- the property could be used to provide daily healthcare services and business needs;
- the use as a care home is not in accordance with the Local Plan;
- proposal would be out of character in an exclusive residential area;
- loss of trees;
- increase in traffic at the site and on-street parking would result in a road safety hazard;
- inadequate on site parking;
- increase in noise and disturbance;
- there are no community facilities for the occupiers of the proposed care home whom who would be isolated; and
- concern has been expressed about the proposed use of the premises.

All consultees and objectors have been notified of the receipt of additional information.

Ten further letters have been received objecting to the application on the following grounds:

- the lack of information concerning the client group that will be occupying the proposed care home, it is unclear as to whether the proposed home will be occupied by children or other client groups;
- the replacement home will be too large and will be closer to the road than the existing property on this site and will be out of keeping with other properties in this street and will no longer appear as a residential property;
- the proposed garage will be unduly prominent given its position in front of the proposed home;
- the proposed building will result in loss of light to the neighbouring properties; and
- there will be inadequate parking facilities to serve the proposed home with the result that increased on-street parking will occur to the detriment of residents.

The following additional comments have been made:

- conditions imposed upon any forthcoming planning permission may mean nothing in 10 to 15 years time;
- while the application site comprises one of the largest plots in the street, it is bounded by some of the smallest properties in the road with the result that the existing property gives rise to the highest density of on-street parking on The Ridgeway;
- the requirements of the Disability Discrimination Act 2004 do not require the demolition of existing premises and their replacement with new buildings;
- if the home is to be occupied by adults then it is likely that there will be more staff and visitors when compared with the level of activity generated by the existing home;
- the site is poorly served by public transport; and
- the proposed building by reason of its scale will detract from the outlook from neighbouring properties.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy T17	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE7	(Access for All)
Policy H8	(Residential Institutions)
Policy T1	(Highway Impact of Development)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1	(Quality of Living and Design)
Policy TP19	(Vehicle Parking Standards)

Planning Appraisal

The issues for consideration in determine this application are: the principle of the proposed development; design and the effect on the character and appearance of the locality; amenity considerations; the level of activity and its impact in terms of amenity and traffic generation; and parking.

The principle of the proposed development

The principle of the proposal falls to be assessed under Policy H8 of the adopted Local Plan, which identifies criteria for assessing proposals for residential institutions. Regard should also be paid to current Government Advice and to the existing authorised use of the premises as a care home.

At the time of the consideration of the previous application under Circular 18/84 the appeal Inspector, in his report to the Secretary of State for the Environment, concluded that the

proposal was in accordance with the government's 'Care in the Community' policy which stated that accommodation for people with learning difficulties should be in the centre of the community. He considered that the site was suitable on account of it being in a residential area; within 100 metres of a bus stop; and close to open space, a church, a small group of shops and a children's play area. The Inspector did, however, conclude that its future use should be controlled by a condition. In his decision letter he attached the following condition to the consent:

'An agreement be made between the health authority and the local planning authority under Section 5 of the Town and Country Planning Act 1984 to the effect that if at any time the property ceases to be used by the health authority for the purposes of Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, planning permission would be required for any private continuation of that use'

The proposed use of the new building would still fall within Class C2 and in this respect the proposal therefore accord with the permitted use of the existing building.

Policy H8 of the local Plan identifies the following criteria for assessing proposals for residential institutions:

- (i) the proposal would not adversely affect nearby residential amenity;
- (ii) in appropriate cases, where occupants have a degree of mobility and independence, the property is within reasonable walking distance of shops, public transport and other facilities;
- (iii) adequate space is provided for residents;
- (iv) parking is available for staff, visitors and service vehicles, taking into account the accessibility of public transport.

The adequacy of the site in terms of accessibility to local facilities has been demonstrated in the previous appeal decision. The site has a large garden and even with a larger building than at present, there would still be a large area of amenity space available for use by residents of the home. The proposal is also considered satisfactory in terms of amenity and parking, as is demonstrated below. Accordingly, no objection is raised under Policy H8 of the Local Plan to the principle of the proposed development.

Design and appearance

The Ridgeway is a road with a variety of designs and dwelling types with detached and semi-detached houses and detached bungalows. The existing property, constructed for the police authority in the 1950's has little design merit and, although unobtrusive, makes little contribution to the street scene.

The proposed building would be set back on the same building line as the existing property, but in street scene terms would be wider. However, this site has a wide frontage and can accommodate a larger building. The proposed building makes a positive design statement and in this regard would enhance the appearance of the street scene and add to its variety and character. No objection is, therefore raised to the design or appearance of the proposed building under the provisions of Policy ENV15 of the Structure Plan 1996, Policy BNE1 of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Amenity considerations

The effect on the amenity of the occupiers of nearby and adjacent properties falls to be assessed under the terms of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan. These policies address issues of privacy, daylight and sunlight; and the level of activity and traffic generation.

Due to the size of the plot, the site can accommodate a larger building without having any additional significant impact upon the amenities of the occupiers of neighbouring properties in terms of light, outlook or privacy. The proposed building would project no further to the rear than the rear of number 18 and approximately 1.5 metres further back than the rearmost point of number 22. However, at the rear the proposed building would be 3 metres from the boundary to number 18 and 4 metres from the boundary to number 20. Having regard to the relative siting of the new building to the immediately neighbouring properties it is considered that the proposal will not have an adverse impact on the amenities of the occupiers of those properties in terms of light, outlook or privacy.

So far as the properties opposite the application site are concerned, there is approximately 30 metres from the front of the proposed building to those properties. This is approximately the same separation distance as for the existing building and other buildings in this part of The Ridgeway and is well in excess of the 21 metres minimum privacy distance specified in Kent Design. There will not, therefore, be an unacceptable degree of overlooking from the proposed building into these properties.

With regard to the level of activity traffic generation, it is submitted that this is unlikely to increase. The applicants have submitted a breakdown of visitors to the premises and having regard to the level of activity associated with the existing use of the premises, it is considered that the proposal will not generate any material increase in the activity at the premises and that the new development will not therefore detract from the amenities of the occupiers of nearby and adjacent properties.

In amenity terms no objection is raised in amenity terms to the proposed development.

Highways/parking

The existing building has an in and out drive and a parking area, capable of accommodating 6 vehicles, although it does not appear these spaces are all occupied. In addition, there appears to be plenty of space for on street parking. The current proposal shows a single entrance and six spaces in the front garden, including two spaces in the proposed garage. This level of parking is considered to be acceptable and no objection is raised to the proposed development under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

In view of the anticipated level of activity and traffic generation, it is considered that the proposal would not add to the risk of road traffic accidents or congestion and no objection is raised under Policy T1 of the adopted Local Plan.

Conclusion

The application is considered to be acceptable in all regards for the reasons set out above and is accordingly recommended for approval.

[This application would normally fall to be determined under Officers' delegated powers but is being referred to Committee for Members' determination because of the number of representations that have been received that are contrary to the officer recommendation.]

[This application was considered by Members at the Development Control Committee on the 10th November 2004 when it was determined to defer a decision to enable a Members' site visit to be held.]

4 MC2004/1724

Date Received: 28th July 2004

Location: Eat An Egg Farm, Hempstead Road, Hempstead, Gillingham, Kent

Proposal: Outline application for demolition of barns and outbuildings and construction of 4 dwellings and garages

Applicant: Mr L Harding Eat An Egg Farm Hempstead Road Hempstead Gillingham Kent ME7 3NT

Agent: Ms R Lloyd Lloyd Hunt Associates Camelot Pescot Avenue Longfield Kent DA3 7NA

Ward: Hempstead & Wigmore

Recommendation – Approval subject to:

A) Referral to First Secretary of State as a departure from the Development Plan; and

B) the imposition of the following conditions:

(as amended by revised drawings submitted on 9th November 2004)

- 1 Approval of the details of design, external appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.
- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1 and 2 of the

Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.

- 6 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.
- 7 The plans and particulars submitted in accordance with Condition 1 above shall include:
- a) A plan showing the location of and allocating a reference number to each existing tree on site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) details of the species, diameter (measured in accordance with paragraph a) above, and the approximate height and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs c) and d) below apply;
 - c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance of 6 metres from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;
 - e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above.

- 8 The plans and particulars submitted in accordance with Condition 1 above shall include details of the size, species and positions or density of all trees to be planted and the proposed time of planting.
- 9 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Any trees or

plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species until such time as the trees or plants establish.

- 10 No development shall take place until details of earthworks and ground lowering excavation works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
- 11 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Authority prior to first occupation of the development hereby permitted.
- 12 Means of vehicular access to the development hereby permitted shall only be from Cobblestones and the existing access onto Capstone Road shall be permanently closed off upon occupation of the first dwelling hereby approved.
- 13 No dwelling shall be occupied until the area shown on any plan approved pursuant to condition 1 for parking and access purposes has been surfaced in accordance with details to be submitted to and approved in writing by the LPA.

Site Description

This application relates to a remnant farm holding (Eat an Egg Farm). The farm is primarily accessed via a driveway from Cobblestones. There is a second means of access from capstone road, although it does not form part of this application site. To the east are detached residential properties fronting Cobblestones. These properties are set at a much higher ground level than the application site (approximately 10 metres difference). The boundary with these properties consists of a steep bank above which there is a poor quality hedgerow, then 1.8 metre high fences to the rear gardens of properties in Cobblestones. These rear gardens average in length from 12 to 16 metres.

To the west of the farm buildings is an unmade track way serving 2 large residential dwellings (a bungalow and a chalet bungalow) and a number of outbuildings. This track way then joins the existing access to the farmstead just before the exit onto Cobblestones. These are screened in the main from the application site by a poor quality hedgerow and trees on the boundary.

Further to the west (and at a much lower ground level) is Capstone Road, a rural lane. North of the site's northern most boundary is another large detached dwelling, approx 10 metres away.

The farmer's chicken business finished approx 10 years ago and since then the use of the farm holding has dwindled in intensity. When the farm was in maximum operation, approx four 30-tonne lorries used to arrive with bulk feeds every week.

The farm holding consists of the farmers dwelling to the south of the site and to the north a workshop/farm shop, then 5 vacant tall agricultural buildings which were originally used as poultry houses. These are functional buildings with no architectural merit to them. Apart from some storage of hay and straw in the furthest most unit, the others are currently not used.

The farmer undertakes small-scale packing of poultry eggs that his son brings in from his farm (which is outside the borough at Iwade). These are then sold in the farm shop, which is small in size and scope. The concrete access road in parts is in a poor state. Substantial areas of hard concrete exist for the potential parking of lorries and cars.

The site is situated outside the urban area boundary and within the countryside and the Capstone Area of Local Landscape Importance.

Proposal

The application has been submitted in outline form and proposes the demolition of the existing barns and outbuildings on the site and the construction of four detached dwellings with garages. With the exception of siting and means of access all other matters (design, external appearance, and landscaping) have been reserved for future consideration.

The submitted illustrative plans indicate 4 large detached split level dwellings generally 1 and 1/2 storeys high with the first floor rooms mainly within the roof space, with 4 to 5 bedrooms. These will be accessed via a turning head from the existing access road, which then feeds into a second separate driveway road adjacent to the site's eastern boundary. The garages of the proposed houses are accessed only from this private driveway. Each dwelling will have a rear garden facing west of approximately 10 metres long by 20 metres wide. The dwellings would be sited approximately 5 to 7 metres away from the boundary with the Cobblestone properties and approximately 15 metres from the western boundary.

Although the existing access, which enables vehicles to drive along to the adjacent property at Westbank, will be removed, a pedestrian footpath would be retained.

The illustrative plans also show the relationship of each proposed dwelling with the existing properties in Cobblestones, including indicative sightlines from people standing on their patios in Cobblestones and overlooking the existing rear fences onto the application site. The site plan as existing indicates the height of the existing sheds on the site, which range from 5.51 metres up to 7.91 metres. The heights of the proposed houses range from 7 metres to 7.4 metres above finished ground level. However the agent's letter of 8th November advises that although the dwellings have actual heights higher than the existing barns, as the ground levels around the houses are to be reduced, the ridge heights of the proposed dwellings will be lower than the existing barn ridges when viewed from established properties in Cobblestones and those dwellings to the West.

Site Area/Density

Site Area: 0.48 hectares (1.18acres)

Site Density: 8 d.p.h (3.4 d.p.a)

Relevant Planning History

GL65/99G	Outline for the erection of 8 houses with garages. Refused 24 April 1987.
GL65/99/90/0284	Erection of 7 detached houses with garages. Refused 18 May 1990. Appeal Dismissed 15 March 1991
MC2003/1984	Retrospective application for part change of use from poultry house to preparation and sale of fish bait. Withdrawn 6 November 2003.
MC2004/2024	Eat an Egg Farmhouse. Alterations to include removal of swimming pool and conversion to sun room; alterations to garage including new canopy and veranda; conversion of store to studio. Approved 20 October 2004.

Representations

The application has been advertised on site. The Hempstead Valley Residents Association have been consulted and neighbour notification letters have been sent to the owners and occupiers of the following properties: Wyrintore, Capstone Road; Westbank. Oak Lodge, Beechcroft, the Eat an Egg Farmhouse; 10 to 34 Cobblestones (evens).

In response to the application as originally submitted, 7 letters were received objecting to the development on the grounds of:

- query over accuracy of the site's boundaries;
- query over rights of access and ownership to the part of the vehicular access onto Cobblestones
- a neighbours previous dwelling rebuild was restricted to a single storey height in order to preserve the character and appearance of Capstone Valley and the number of bedrooms was restricted to only 3 as the access at the junction with Cobblestones was considered unsuitable for any more bedrooms;
- the proposed two storey dwellings would be out of character with nearby adjacent rural dwellings, all of which are single storey;
- the proposal will result in the loss of light, privacy, views and outlook;
- conditions requested to ensure adequate protection of existing screen planting and requests additional screen planting;
- the access road is not suitable for the resultant increased traffic;
- concern that drainage would be inadequate to serve the development as well as existing adjacent properties;
- site is outside the urban boundary and within the countryside and therefore should not be developed for housing;
- concern that the height of the houses should not be intrusive and that they are no higher than the existing agricultural sheds;
- the siting of the proposed driveway and garages would lead to a detrimental increase in noise;

- there should be no velux windows within the eastern elevation; and
- Cobblestones Road cannot accommodate the additional traffic and wear and tear generated;

One letter from an adjacent property has been received stating in principle in favour of housing redevelopment on the site but subject to continued rights of access over the part of the driveway linking eat an egg farm onto Cobblestones and requesting that this part of the highway is upgraded. Indicates concern regarding overlooking and requests that the new houses be single storey and that all existing trees and screen planting should be preserved.

Another letter states no objections in principle to housing redevelopment but advises that the question of access is contentious and requests no construction vehicles to use it at weekends or outside the hours of 8:00 to 17:30.

Following the submission of revised drawings for the scheme, re-consultations have been undertaken and 3 letters have been received reiterating the above objections and adding the following additional objections:

- the proposed access route would give rise to a considerable increase in traffic and noise
- due to the height difference this route would overlook the adjacent dwelling and suitable screening is requested
- the proposed properties would directly overlook the adjacent property and suitable screening is requested
- concern that during demolition works asbestos would be disturbed

Development Plan Policies

Kent Structure Plan 1996

Policy S1	(Sustainable development)
Policy S2	(Environment)
Policy S6	(Housing strategy)
Policy ENV1	(Protection of Countryside)
Policy ENV2	(Landscape)
Policy RS1	(Development in the Rural Area)
Policy RS5	(Development in the Countryside)
Policy T17	(Parking Standards)
Policy T18	(Development & Traffic)
Policy T19	(Development, Highway Safety and Delays)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S2	(Strategic Principles)
Policy BNE1	(General Principals for Built Development)
Policy BNE2	(Amenity Provision)
Policy BNE23	(Contaminated Land)
Policy BNE25	(Development in the Countryside)
Policy BNE34	(Capstone Area of Local Landscape Importance)
Policy BNE43	(Trees on Development Sites)

Policy T1	(Impact of New development on the Highway Network)
Policy T2	(Access to the Highway Network)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan (Deposit Plan) 2003

Policy SP1	(Environment quality and Sustainability)
Policy SS7	(Development in the Countryside)
Policy E1	(Protection of the Countryside)
Policy E3	(Landscape)
Policy QL1	(Quality of Development and Design)
Policy HP6	(Housing Development in the Countryside)
Policy TP19	(Vehicle Parking Standards)

Government Advice

PPG1: General Policies and Principles

PPG3: Housing

Planning Appraisal

This application raises the following issues for consideration:

- matters of planning policy and principle;
- design and impact upon the street scene and the countryside;
- impact upon residential amenity; and
- car parking and highway implications.

Matters of Principle and Impact on the Countryside

The application site lies outside the boundary to the urban area and therefore in Development Plan terms constitutes development within the countryside. Under the provisions of Policies RS1 and RS5 of the Structure Plan, Policy BNE25 of the adopted Local Plan and Policies SS7 and E1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan) there is a presumption against permitting new development within the countryside unless the proposal satisfies one or more of the exception categories set out in these policies.

These policies contain a presumption against development in the countryside unless, they are well designed; appropriate in location, scale, density and appearance to their surroundings; are acceptable in highway grounds; accord with countryside protection policies; and preserve the countryside. Any permitted development should be sited, designed and landscaped to minimise harm to the area's landscape character and function.

The application site is immediately adjacent to the urban boundary and is surrounded by dwellings to the north, west and east. The farm could be reinstated at any time as an active farm with a consequent increase in traffic movements, noise and disturbance to the occupiers of nearby dwellings. When the farm was in maximum operation, approx four per week 30-tonne lorries used to arrive with bulk feeds and there was the added attraction of vehicles to the farm shop.

The majority of the existing structures (proposed to be removed) comprise of large concrete breezeblocks to the base with wooden slats above and a pitched roof. They do not possess any historic or architectural interest and are shabby in appearance. Their appearance makes no positive contribution to the appearance of the countryside. In addition it is noted that a number of the existing hedgerow and trees are of a poor quality and short life expectancy and it is considered that the scheme is an opportunity to ensure improvement through replacement and additional trees and hedgerow.

Having regard to the existing developed nature of this site and the small scale of the proposed development, it is considered that this proposal will be an enhancement to the character of the Area of Local Landscape Importance and the countryside generally and accordingly no objection is raised to the application in this respect.

Design Considerations

Although the application is in outline, the applicant has specified a number of units and submitted illustrative plans in an attempt to demonstrate how the site can be developed to accommodate the development proposed.

The dwellings to the east of the application site comprise a mixture of types and styles of relatively large 2-storey detached dwellings. The proposed 4 dwellings are also detached large 1 and 1/2-storey properties of a similar low density, set well within their own plots. The siting is such that all existing boundary trees and hedgerows have been retained and poor specimens can be readily replaced as the applicant proposes additional planting to bolster these boundaries, which will assist in screening the proposed development from existing houses to the west and east. Additional tree planting is also proposed either side of the internal access road.

The development has also been designed in order to make use of existing areas of hard standing and vehicular roads within the site and substantial rear private gardens are provided for as well as car parking and garaging. The indicated external palette of materials gives a sense of cohesiveness to the development. The proposed dwellings have also been sited on a similar central line as the existing farmhouse bungalow, which is to remain to the south of the site.

Although the adjacent existing dwellings to the north, west and south are bungalows and chalet bungalows and the proposed dwellings are 1 1/2-storeys, it should be noted that the existing farm buildings on the site are of a substantial height and bulk and the height of the proposed dwellings, although at 7.4 metres to ridge level, will be lower due to the proposal to lower the ground levels around the houses. This will result in a built development not very different from the sheds in terms of height, although the bulk of the houses would be less and have less of an impact than the existing sheds. It is also noted that these existing farm buildings could not be readily seen from a long distance view from Capstone Road to the west and therefore it is considered that the proposed dwellings would also be screened to a certain extent by the existing boundary and additional and replacement planting.

Generally the illustrative design and landscaping of the proposed development is considered acceptable, providing a redevelopment scheme that will contribute positively to the character of the street scene and the countryside. Sufficient areas of soft landscaping have been provided to help soften up the mass of the buildings. It is considered that the construction of 4 houses on this site will be acceptable in general terms and will not have an adverse affect

on the rural setting.

Member's attention must be drawn to the Inspectors appeal decision in March 1991. The Inspector made reference to the fact that there was no conclusive evidence at that time that the agricultural complex was redundant; he was concerned about the unnecessary loss of trees on the site and that the proposed 7 dwellings, resulting in a greater number of buildings on the site, some in more exposed positions than the existing sheds would result in detrimental dominant features within the landscape. The current application is significantly different, being only 4 dwellings and the retention of all trees on site and being one and a half storeys high, the applicant has attempted to keep the heights of the dwelling no higher than the existing sheds.

In terms of appearance within the street scene and impact upon the countryside, the proposal is considered to comply with Policies ENV1, RS1 and RS5 of the Structure Plan, Policies BNE1, BNE25, BNE34 and BNE44 of the adopted Local Plan and QL1 of the emerging Structure Plan.

Impact on Amenities

Consideration must be given to the proposed development's implications upon the amenities of the occupiers of adjoining properties.

It is to be noted that the properties in Cobblestones to the east are situated approximately 15 metres away from the sites boundary and at a higher ground level than the site (approximately 10 metres difference). The applicant has submitted an illustrative drawing to show this difference in site levels. As the distance between the garages of the proposed 4 dwellings and the rear of the properties in Cobblestones range from 13 metres up to 25 metres, and with the setting of the proposed garages in front of the proposed dwellings, it is considered that there would be minimal overlooking from the properties in Cobblestones onto the new dwellings. The existing and proposed boundary tree and hedgerow planting would also provide effective screening. Likewise due to the difference in ground levels and the distance in-between the existing and proposed dwellings and the fact that the eaves of the proposed dwellings are below the ground level of the Cobblestone properties, it is considered that there would be minimal, if no overlooking from the first floor windows of the new dwellings onto the rear garden and rear of the Cobblestones properties.

The adjacent dwellings to the west are set at a lower ground level than the site and approx. 15 metres away from the site boundary. With the existing boundary planting to be supplemented, a distance of approximately 36 metres in-between plot 1 and "Beechcroft" to the west and that the sightline (due to the change in ground levels) results in overlooking from the first floor windows of plot 1 above the roof of "Beechcroft" it is considered that there would be no harm to the residential amenities of the occupiers of this dwelling.

The second adjacent dwelling to the west known as "Oak Lodge" is sited directly adjacent to the existing farmhouse bungalow and approximately 30 metres at an angle away from plot 4. Again due to this distance and the change in ground levels, as well as the existing boundary planting, it is considered that there would be no harm to the residential amenities of the occupiers of this dwelling.

An additional dwelling "Westbank" is situated approximately 40 metres away from the site's northern boundary and therefore it is considered that there would be no harm to the residential amenities of the occupiers of this dwelling. As the proposed existing vehicular

access from the site, past “Westbank” is to be closed off and changed to a pedestrian footpath, there would be an improvement for the occupiers of Westbank compared to the existing situation when lorries and cars can drive past their property.

Finally, the proposed dwelling on plot 4 would be sited approximately 10 metres away from the side elevation of the existing farmhouse bungalow to the east and it is considered that there would be no harm to the residential amenities of the occupiers of this dwelling, subject to the positioning of side elevation windows within plot 4 and which can be dealt with at the reserved matters stage.

It is considered that as the access route to the proposed dwellings is already in existence and when in use as a working farm was heavily used and had more vehicular movements than those likely to be generated by the proposed houses, it is considered that the continued use of this access route is acceptable.

The layout of the proposed houses would provide adequate living accommodation and amenities for the prospective occupiers. On balance it is considered that the proposed development has been sensitively designed to minimise any impact on existing properties.

With regard to the previous uses on the site it is considered appropriate to impose a condition to deal with site contamination.

In amenity terms the proposal is therefore viewed as being acceptable and in accordance with Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Highways Impact, Traffic and Car Parking

With regard to vehicle parking, the adopted vehicle parking standards (as maxima) for rural dwellings allow the provision of up to three spaces for dwellings of 4 or more bedrooms. The submitted plans show the provision of a double garage with 2 additional spaces in front for each dwelling, therefore the development would exceed the maximum standards. However, considering that the site is away from public transport corridors and amenities, it is considered that 4 spaces per unit are acceptable and no objection is therefore raised to the application in this respect under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Representations have been made relating to rights of access to the application site. This is a civil matter and as such does not fall to be considered in the determination of this application.

The likely traffic movements and vehicular trips generated by the proposed housing on the site are likely to be significantly lower compared with the previous use as a working farm with up to four per week 30-tonne lorries and numerous cars visiting the site daily, and therefore in this regard the proposed housing development is considered acceptable.

The access is close to a bend in the road, however, the exit from the site provides sufficient visibility splays in both directions to allow vehicles to safely join the highway. There are no recorded accidents at this location and therefore there are no highway objections to the proposal.

Some residents have made reference to the fact that they are concerned about the increase in rat running from Cobblestones through the access road that runs past Oak Lodge and

Beechcroft down to Capstone Road. However as this route appears to be privately owned and outside the applicants control it is not considered that the proposed 4 houses would have an impact in this regard.

Recommendation

It is considered that the illustrative details that have been submitted demonstrate that the site is capable of accommodating the number of houses being sought in a manner that meets the design criteria set out in PPG's1 and 3 and the cited development Plan policies.

On balance, it is considered that the proposal will remove a derelict site, will assist the Council in meeting its housing land supply requirement and will provide for an improvement to the character of the area. The submitted proposal is considered to be acceptable in all respects having regard to the provisions of the Development Plan, most particularly the rural restraint policies that apply, and the application is accordingly recommended for approval subject to conditions:

[This application would normally fall to be considered under officers' delegated powers but has been reported for Members' consideration due the amount of letters of representation received contrary to the recommendation.]

5 MC2004/1812

Date Received: 6th August 2004

Location: 48 King George Road, Chatham, Kent, ME5 0TX

Proposal: Raising of roof to form first floor level (from bungalow to house) incorporating two storey side extension (demolition of single storey utility room)

Applicant: Mr A Hussain 48 King George Road Walderslade Chatham Kent ME5

Agent: Mr E Loveridge Holly Hill Architectural Services 2 Holly Hill Cottages Harvel Meopham Gravesend Kent DA13 OUB

Ward: Walderslade

Recommendation - Approval with Conditions

(as amended by drawings received on 22nd September 2004)

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Materials used on the construction of external surfaces of the development herein approved shall match those used on the existing dwelling.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows other than those on the approved plan shall be installed in the flank wall(s) of the extension herein approved without the prior written approval of the Local Planning Authority.
- 4 The roof of the single storey rear extension shall not be used as a balcony at any time and there shall be no alterations undertaken to the property to facilitate such a use (whether permitted by the Town and County General Permitted Development Order or not) without the prior consent of the Local Planning Authority.

Site Description

The area in which the application site is located is mixed there are bungalows set amongst houses and semi-detached dwellings set next to detached properties.

The application site comprises a detached bungalow set approx. 30m from the road. To the front of the site is a large garden area laid to lawn. The boundary to the south is formed from a low brick wall with conifers to approx. 6m in height. The boundary to the west is formed from a hedge to approx. 2.5m in height and a close boarded fence approx. 2m high. To the east are conifers to approx. 4m in height and a close boarded fence approx. 2m high. While to the north the boundary is formed by a thick conifer hedge to approx. 4m high that appears

to be in the ownership of No. 48a. There is an area of hard standing to the front and a long gravel drive leading to a garage and carport. In total there is parking for approx. 6 cars.

The neighbour to the west at number 50 is a two storey semi-detached dwelling. To the rear is a single storey flat roof extension with a door (that leads to a hall way) in the flank wall facing the application site. Also within the same flank wall but within the original property is a window at first floor relating to a landing (obscure glazed) and at ground floor a study window and WC window (both obscure glazed). To the rear of the property is a well used raised patio area (approx. 1m above ground level).

The neighbour to the north at number 48a is a detached bungalow set approx. 30m behind the rear building line of the existing single storey rear extension on the application property. There is a large extension to the front of No. 48a set approx. 1.5m from the common boundary with 48 that is used as an indoor swimming pool. To the front of that property there are bedroom windows and a window and French doors into a living room. The front garden of the property is laid to lawn with a long drive to one side. The neighbour has confirmed through a telephone call that the front garden is used 50% of the time especially when the weather is nice and they are using the swimming pool. To the east of No. 48a are other two storey properties set approx. 12m from the flank wall of that property. There is a thick conifer hedge to the east of No. 48a that screens the houses in Meadow Close from the site and therefore prevents any loss of privacy (the hedge appears to be in the land owned by No. 48a).

The neighbour to the east is bungalow set in front of the front building line of the application property by approx. 15m.

Proposal

The submitted application seeks to demolish the single storey utility room and to construct a two-storey side extension and to raise the roof of the bungalow to form a first floor level, thereby converting the three-bedroom bungalow into a five-bedroom two-storey house. The increase in height of the roof will raise the ridge height from approx. 6.9m to approx. 8.6m.

Representations

Neighbour notification letters were sent to the owners and occupiers of 35, 46, 48a, and 50 King George Road.

One letter of representation was received on the original plans raising the following concerns:

- Loss of light and sunlight to rear garden
- Current view from rear garden is sky, but extension would mean they will be faced with brick walls
- Land ownership and boundary issues – *civil matter*
- Trees will need to be removed to build extension, states on application form no trees to be removed
- Will not give permission for building works to occur on their land – *civil issue*
- Loss of privacy to garden
- Loss of privacy to living room

Four letters of representation have been received after re-consultation on the revised plans (two from same neighbour) re-iterating the above concerns and raising the following additional concerns:

- Loss of light to study, downstairs cloakroom, side hallway and stairs/landing
- Measurements on plans are incorrect
- Security of neighbours property will be compromised
- Concern about the environmental impact of building proposals on the local area – the elderly and young will be unable to find small properties at reasonable prices should this situation be allowed to continue

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

Policy BNE1 (Built Environment)
Policy BNE2 (Amenity Protection)
Policy T1 (Impact of Development)
Policy T13 (Vehicle Parking Standards)

Kent & Medway Structure Plan (Deposit Plan) 2003

Policy QL1 (Quality of Development and Design)

Planning Appraisal

The main issues for consideration arising from this application are:

- its impact on the street scene and design;
- the proposal's impact upon the amenities of the occupiers of neighbouring properties, and
- parking and highway matters.

Street scene and design

The proposal to raise the roof to form accommodation at first floor, incorporating a two-storey side extension will change the character and design of the original bungalow. However, due to the mixed street scene within which the bungalow is set with two storey dwellings set to the west and bungalows to the east and the fact that the property is set 30m back from King George Road behind a dense conifer screen in a large plot of land, it is considered that the proposal is satisfactory in terms of size and design.

Accordingly no objection is raised to the application under the provisions of Policy BNE1 of the Medway Local Plan 2003.

Amenity considerations

There will be an additional loss of sunlight to the neighbour at number 50 in the morning between approx. 10am – 12noon. This additional sunlight is not considered to be significant to refuse the application due to the short timescale involved.

There will be some impact with regard to outlook and daylight from the neighbours flank wall windows at number 50 however the affected windows are obscure glazed and with the exception of the study window all relate to non-habitable rooms and therefore the loss is not considered significant.

The proposed ground floor windows for the flank wall of the extension are not considered to cause any new issue with regard to loss of privacy to number 50 due to the difference in land level and the existing boundary treatment. It is recommended that a condition is added to any approval to restrict further windows being inserted into the flank walls of the dwelling to prevent any new issue with regard to loss of privacy to the neighbours at numbers 46 and 50.

The proposed development will introduce an element of perceived overlooking into the garden area of the neighbour at number 50. However due to the fact there is an existing issue with regard to overlooking from the property at number 50a due to the nature of the dwelling as a two-storey semi detached house there will be no new issues of overlooking raised as a result of this proposal.

The proposed development will introduce an element of perceived overlooking into the garden area of the neighbour at number 48a. However, due to the setting of the proposed first floor rear windows 30m+ from the habitable room windows of the neighbour in addition to the existing dense screen of conifer trees 5m+ high on the boundary between 48 and 48a and the siting of other two storey dwellings to the east of Number 48a in Meadow Close it is considered there will be no additional loss of privacy from the proposed development. Clearly Members will be aware of the new High Hedges legislation, which if implemented here may result in the height of the hedge being removed. However it does appear that the retention of the hedge in its present form is in everyone's interest and nevertheless the distances involved are sufficient to protect any unacceptable impact on privacy.

Accordingly no objection is raised to the application under the provisions of Policy BNE2 of the Medway Local Plan 2003.

Highways

The site contains parking for 5+ cars on hard standing and gravel to the front and side of the property. Therefore it is considered there would be no detrimental impact on highways in terms of increased parking problems.

Accordingly no objection is raised to the application under the provisions of Policy T1, T13 of the Medway Local Plan 2003.

Conclusion

The application is considered to be acceptable and is accordingly recommended for approval subject to conditions.

[This application would normally fall to be determined under Officers' delegated powers but is being reported for Members' consideration because there are more than three letters of objection to the scheme.]

[This application was considered by Members at the Development Control Committee on the 10th November 2004 when it was determined to defer a decision to enable a Members' site visit to be held.]

6 MC2004/1936

Date Received: 25th August 2004

Location: 31 Letchworth Avenue, Chatham, Kent, ME4 6NP

Proposal: Construction of part two storey part single storey rear extension

Applicant: Mr & Mrs Ellis 31 Letchworth Avenue Chatham Kent ME1 2RA

Agent: Mr G R Westrup Architectural Plans (Medway) Ltd. 13 Walderslade Road Chatham Kent ME4 6PA

Ward: Chatham Central

Recommendation - Approval with Conditions

(as amended by drawing received on 25th October 2004)

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Materials used on the construction of external surfaces of the extensions herein approved shall match those used on the existing dwelling.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the flank wall(s) of the extension herein approved without the prior written approval of the Local Planning Authority.

Site Description

31 Letchworth Avenue is a two-storey semi-detached property in a largely residential area comprising mixed character properties. The application property has an attached garage to the side, with a further single-storey extension behind this, and driveway parking for two cars within the front garden. The rear garden is mainly laid to lawn with a patio area adjacent the house (set approx. 500mm lower than the internal floor level of the house). The land slopes down to rear. There is fencing to approx. 1.8m to both side boundaries, with a hedge rising to 2.5m adjacent no. 29.

The adjoining property to the east at no. 33 has a raised patio area to the rear and has patio doors serving a lounge at ground floor and a window serving a bedroom at first floor, both of which are in relatively close proximity to the boundary. The adjacent property to the west at no. 29 has flank wall windows at first floor (high level window) and ground floor, which are secondary windows serving a bedroom and kitchen respectively. The neighbours to the North are approx. 90m away.

Proposal

The application is for a part two-storey part single-storey rear extension of hipped and shallow sloping roof design to comprise enlargement of bedrooms and provision of habitable rooms.

The first floor element is proposed to project 3.0m approx. although a small section adjacent no. 33 is proposed to be inset off the party boundary by 0.8m approx. and project only 1.5 metres (an amendment from the original scheme which showed a 3m projection at first floor for the full width of the extension). The main roof of the extension is proposed to be hipped, with an overhang over the inset section. The single storey element is proposed to project 3.5 metres adjacent to no.33 and have a mono-pitched roof, with the element closes to the boundary with 29 behind the garage extending to 6.5 metres with a shallow sloping roof above. The element to the rear of the garage will include a bedroom for a relative. No windows are proposed in any of the flank walls.

The original scheme also showed a raised area of decking to the rear of the extension, but the applicant has agreed to reduce this in height to 200mm from ground level and amended plans show this to be constructed at ground level with steps leading down to reflect this. This aspect is now deemed not to be development requiring planning permission.

Relevant Planning History

ME87/1332	Proposed single storey side extension incorporating garage and utility room Approved 8 th March 1988
MC2002/2227	Construction of a first floor side extension Refused 7 th January 2003, dismissed on appeal 11 th July 2003

Representations

Neighbour notification letters have been sent to the owners and occupiers of 29 and 33 Letchworth Avenue and 56 and 58 Bournville Avenue.

Three letters have been received (one from initially the prospective purchaser and now the owner of no 33) raising objection on the following grounds:-

- loss of sunlight/daylight
- proposal will set a precedent
- proposal will dominate and enclose no. 29
- possible covenant against extending to boundary (this is a civil matter)

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

Policy BNE1 (General Principles for Built Development)

Policy BNE2 (Amenity Provision)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1 (Quality of Development and Design)

Planning Appraisal

The application falls to be assessed against the above mentioned policies with consideration given to the impact on the street scene and neighbours amenity.

Street Scene and Design

The proposal is for extensions to the rear of the property and will therefore have no significant impact on the street scene. In design terms the extensions have been generally designed to reflect the character and appearance of the existing property, although the arrangement of the inset area at first floor is a little awkward and the roof design to the projected element to the rear of the garage is not ideal. However, it is not considered that these issues are significant enough to merit a refusal.

Neighbour Amenities

There will be some additional overshadowing of both adjacent gardens as a result of the proposed extension; no. 29 for a period during the morning and no. 33 for a period during the afternoon. However, compared to the situation as existing, including the height of boundary treatment and impact from existing dwellings, it is not considered that this loss of sunlight is of a significant level.

There will be some loss of outlook and daylight to windows on the flank wall of no. 29, but as these are both secondary windows it is not considered that this is significant. The rear elevation kitchen window currently has its outlook restricted by a high boundary hedge, and as the proposed extension is single storey at this point it is not considered that any additional loss of outlook to this window will be of a significant level, or that there will be any detrimental loss of daylight.

However, the extension is proposed be two-storey adjacent no. 33 and will therefore have a greater impact on windows in this property in terms of both outlook and daylight. At ground floor, given the existing boundary treatment and the width of the patio doors, it is not considered that any additional loss of outlook will be significant. The inset area now shown at first floor has been introduced to negate the loss of outlook to the bedroom window, and although there will still be some impact it is considered that it has now been reduced to an acceptable level. The roof is proposed to overhang this area to the same degree and there will still be loss of daylight to the patio doors at ground floor. However, as the properties are north-facing there is limited daylight as existing and it is considered that the introduction of the inset area reduces the presence and dominance of the proposed extension enough to compensate for any additional loss of daylight. No flank wall windows are proposed and the proposed rear elevation windows raise no new privacy issues when compared with existing windows.

The properties to the rear in Bournville Avenue are at sufficient distance to be unaffected by the proposed extension in terms of loss of outlook, sunlight, daylight or privacy.

Highways

Although the proposed extension would provide additional bedroom accommodation in the form of enlargements to existing bedrooms rooms and the provision of a bedroom for a relative, no additional highways issues are raised.

Taking the above matters into consideration, the application is recommended for approval.

[Members are advised that this application would normally fall for determination under delegated powers but is being reported for Members' determination because of the extent of representations received contrary to the Officer recommendation.]

7 MC2004/2009

Date Received: 31st August 2004

Location: Borstal Reservoir, Maidstone Road, Rochester

Proposal: Installation of 3 new antennae onto a new ring frame at 16.5 metres, relocation of 9 existing antennae and 600mm dish onto the new ring frame.

Applicant: Orange PCS Ltd Black Arrow House 2-3rd Floor 2 Chandos Road London NW10 6NF

Agent: Ms H Barclay GVA Grimley 10 Stratton Street London W1J 8JR

Ward: Rochester West

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Site Description

The application site is located midway along the southern boundary to Borstal Reservoir, which lies to the west of Maidstone Road, Rochester. The site lies to the rear of residential properties at 2 and 4 Horwood Close and 288 and 290 Maidstone Road. To the west of the reservoir there are residential properties in Sir Evelyn Road beyond which lies the prison complex. There is currently a 20 metre high telecommunications mast on the site with associated equipment cabins in a compound sited within the area forming part of the covered reservoir.

The existing mast currently supports telecommunications antennae and dishes installed by Vodafone, "O2" and Orange respectively at heights of 12.6 metres, 15.3 (plus one dish at 17.0 metres) and 19 metres.

Proposal

The submitted application proposes:

- 1) the installation of a new ring frame support at a height of 16.5 metres above the base of the existing mast;
- 2) the installation of three new O2 third generation (3G) antennae on the new ring frame;
- 3) the relocation of three O2 second generation (2G) antennae, currently installed at a height of 15.3 metres, onto the new ring frame; and
- 4) the relocation of six 2G Vodafone antennae and one 600mm dish, currently installed respectively at heights of 12.6 and 17.0 metres onto the proposed new ring frame.

The submitted proposals will therefore result in 12 antennae and one dish being located on the proposed ring frame. It is to be noted that the existing Orange equipment installed at 19 metres on this mast is unaffected by the proposals contained within this application.

There are existing equipment cabins within the existing mast compound. O2 already have 2G equipment installed at the site and it is proposed to house the 3G cabinets within an existing cabin. This element of O2 proposals in itself does not therefore require planning permission.

As the site is located within the existing reservoir compound and as the existing tower is to be utilised no additional landscaping is proposed. The application is accompanied by a declaration of conformity with the ICNIRP public exposure guidelines.

Relevant History

MC2000/0210	Erection of 5 metre extension to existing mast to facilitate mast sharing Approved 29 th March 2000
MC2000/0212	Erection of 5 metre extension to existing mast to facilitate mast sharing Approved 29 th March 2000
MC2001/357	Replacement of existing 15 metre mast with 25 metre mast to facilitate site sharing Refused 2 nd May 2001
MC2003/0454	Application for Prior Approval under Part 24 of the Town and Country (General Permitted Development) Order 2001 to extend existing compound by 7.0 x 4.44 metres to house a Vodaphone mini cabin (3.71m x 2.51m x 2.8m) Prior Approval required and refused 2 April 2003.

Representations

The application has been advertised in the press and on site. Neighbour notification letters have been sent to the owners and occupiers of: 264 to 274 (evens) and 288 to 294 (evens) Maidstone Road; 1 to 6 (consec) Horwood Close; 63 to 83 (odds) Trevale Road; and 51 to 61 (consec), 63 to 81 (odd) and 82 Sir Evelyn Road.

Fourteen letters (including one signed by the occupiers of 5 properties in Horwood Close) have been received objecting to the application for the following reasons:

- The outlook of many homes in the vicinity will be affected by the development.
- The existing mast is an eyesore and the new antennae will cause further intrusion.
- Health concerns, not proven that the equipment is not a danger to health.
- A loss of privacy will occur when the installation and relocation works are undertaken.
- The existing compound is a source of noise disturbance as a consequence of the operation of cooling fans.
- The proposed development will potentially affect reception for the users of other mobile phone networks.

Development Plan Policies

Kent Structure Plan 1996

Policy T21	(Telecommunications)
Policy ENV15	(Built Environment)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy CF14	(Telecommunications)

Kent and Medway Structure Plan (Deposit Plan) 2003

Policy QL1	(Quality of Development and Design)
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Planning Appraisal

General Considerations

The installation of additional antennae on existing masts can normally be carried out as 'permitted development' without the need to seek either planning permission or Prior Approval from the relevant Local Planning Authority. However in this case conditions were attached to the previously granted planning permissions (MC2000/0210 and MC2000/0212) to extend the height of this mast to 20 metres, withdrawing the automatic right to install additional equipment on the extended mast. Accordingly the installation of additional antennae on this mast requires express planning permission to be granted by the Council prior to any such installation proceeding.

Appearance and siting

The applicants consider the relocation of 9 antennae and the installation of 3 additional antennae on a new ring frame at 16.5 metres will reduce "visual clutter" on this mast, because as a consequence of the proposed works antennae and dishes will be attached to the mast at two main heights, 16.5 and 19 metres, rather at four heights as is the case currently. It is further submitted that as the mast is not being raised in height that the proposed development will not detract from the visual amenities of the surrounding area. It is also submitted that past concerns with respect to noise emanating from plant on this site have been addressed with the installation of acoustic fencing around the plant compound in substitution for the originally installed metal palisade fencing.

In relation to the assessment of alternative sites, the applicants have stated that no alternative sites have been considered because the application site is viewed as being the most appropriate option in terms of siting, appearance and technical requirements, given that the site already supports an O2 installation and the proposal in effect represents a site sharing arrangement.

In assessing this application regard must be paid to both central Government guidance and Development Plan policies. Government guidance is set out in Planning Policy Guidance Note 8 "Telecommunications" (2001) (PPG8) and generally promotes the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum.

In order to limit visual intrusion, the government attaches considerable importance to keeping the numbers of radio and telecommunication masts to a minimum, consistent with the efficient operation of networks. The sharing of masts and sites is therefore strongly encouraged where that represents the optimum environmental solution in a particular case, although the cumulative impact upon the environment of additional antennae sharing on a mast still needs to be considered. Similarly Policy CF14 of the adopted Local Plan seeks to avoid the proliferation of telecommunication installations and therefore encourages sharing at existing masts and base stations and/or the attachment of antennae on existing structures, for instance pylons or tall buildings.

The proposed mast share in this instance is considered to accord with both Government guidance and Development Plan policy. In terms of the proposal's visual impact and cumulative impact upon the environment, it is considered that the location of the existing and new antennae around two head frames will result in this mast appearing less cluttered. In visual amenity terms the proposal is therefore considered to be acceptable and the proposal is considered to comply with Policies ENV15 and T21 of the Structure Plan and Policies BNE1 and CF14 of the adopted Local Plan and the advice contained within PPG8.

Health considerations

Representations have been raised in respect of the potential adverse health affects arising from this proposal. PPG8 states that *"...it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and any concerns about them..."*.

The proposal will comply with the ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines for public exposure, therefore objections to the siting of the equipment on health grounds cannot be substantiated as a planning reason for objecting to the proposed development.

In this respect it is to be noted that in a case for the installation of telecommunications equipment at the junction of Maidstone Road and Fairview Avenue in Wigmore (subject to application MC2002/1809) one of the reasons for refusal was that:

"The proposed development is for the expansion of the service offered by the applicant, namely the provision of enhanced in-building signal reception and will therefore result in the generation of additional electromagnetic emissions within the reception of the application site.....[the development] is perceived by the community as having an unacceptable health risk which outweighs the fact that the equipment is in compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines referred to in 'PPG 8 – Telecommunications (2001)'. Its installation will therefore be harmful to the amenity of those who live and play in the area."

The applicant appealed against this decision and this appeal was allowed. The Inspector in determining the appeal considered the concerns regarding health matters and determined that because the proposal was ICNIRP compliant and no compelling evidence of the risks to

health had been presented by the objectors, that this concern was not of sufficient strength to outweigh the findings of the Stewart Report and Government Guidance set out in PPG8.

Noise

A concern has been raised about noise from existing cooling fans that serve the existing equipment cabins on the site. This application does not involve the installation of further cooling fans. However the earlier permissions that allowed extensions to the mast both imposed conditions requiring details of a soundproofing scheme for the cooling fans for the existing and proposed equipment cabins to be submitted to and approved in writing by the Local Planning Authority. These details were subsequently submitted and involved the installation of a 2.5 metre high acoustic barrier around the perimeter of the compound. These details were approved in June 2000 and the acoustic fencing has subsequently been installed and it is considered that this issue has been addressed.

Conclusion

The proposed development is considered to be acceptable in all regards and the application is accordingly recommended for approval.

[This application would normally fall to be considered under the officer's delegated powers but is being reported for Members' consideration because of the number of representations that have been received which are contrary to the officer recommendation.]

8 MC2004/2153

Date Received: 17th September 2004

Location: Land adjacent to Whitehouse Farm, Chapel Road, Isle of Grain

Proposal: Outline application for the construction of two residential dwellings with garages

Applicant: Mr G Murison Dormer Lodge Sharnal Street St Marys Hoo Rochester Kent

Agent: Mr J Liddiard 14 Wentworth Drive Cliffe Woods Rochester Kent ME3 8UL

Ward: Peninsula

Recommendation - Refusal

- 1 The proposed two storey dwellings, by reason of their siting and size, would represent a cramped form of development that would be out of character with and would detract from the visual amenities of the area, which lie at the transition between the defined built up area for the village of Grain and open countryside and would adversely affect the setting of the adjacent Whitehouse Farm, a Grade II Listed Building. The proposal is therefore contrary to the provisions of Policies ENV15, ENV19 and RS1 of the Kent Structure Plan 1996, Policies BNE1 and BNE18 of the Medway Local Plan 2003 and Policies QL1 and QL9 of the Kent and Medway Structure Plan (Deposit Version) 2003.

Site Description

The application site lies at the extremity of Chapel Road at the southern part of the village of Grain. The site is currently occupied by a pond that is within the north western corner of an agricultural field. The site is bounded to north, north east and west by residential properties, including the very recently constructed development to the west known as Rivendale Close. It is to be noted that Whitehouse Farm House, which lies immediately to the west of the site is a Grade 2 Listed Building. The land to the east and south of the site is open farmland.

Proposal

The application has been submitted in outline and seeks consent to construct two detached houses. Details relating to siting and means of access have been submitted consideration at this time, while details relating to design, external appearance and landscaping have been reserved for future consideration.

The block plan submitted with the application shows the proposed pair of houses centrally located within the site and having "L" shaped floor plans, with the vehicular and pedestrian access to the site being derived from the track between it and Whitehouse Farm House to the

west. The proposed houses would be orientated so that their front elevations would run parallel to the adjoining track and face towards the rear elevation of Whitehouse Farm house. When viewed from the north (the southern extremity of Chapel Road), the proposed houses would appear as one house behind the other, with a gap of 2 metres between their immediately adjoining side boundaries. At a minimum in places the front and rear elevations would respectively be no more than one metre from their front and rear boundaries.

The indicative floors plan submitted with the application suggest that the northern house would be a three bedroomed unit with a detached double garage at the northern end of its plot, while the southern house would have four bedrooms with an integral single garage.

Site Area/Density

Site area 0.04 hectares (0.1 acres)
Site density 50 dph (20 dpa)

Relevant planning history

MC2001/2103	Outline application for the erection of a pair of semi detached houses Approved 5 th June 2002
MC2004/1501	Outline application for the erection of a pair of two detached houses and garages Withdrawn 26 th August 2004

Representations

The application has been advertised by means site and press notices as it affects the setting of a Listed Building and a definitive footpath. Neighbour notification letters have been sent to the owners and occupiers of 1 to 6 Rivendell Close; Whitehouse Farm House, Whitehouse Lodge, Medway View and flats 1 and 2 Meadow View, Chapel Road; and 22 to 30 (evens) Seaview.

Grain Parish Council has written raising no objection to the application although it has commented that it is concerned that the applicants have not stated that there is a public right of way within the site.

One letter has been received objecting to the application on the grounds that the proposed development will:

- result in the loss of views across the site to the sea;
- harm the outlook and setting of the neighbouring Listed Building; and
- and change the character of the surrounding area.

The Royal Society for the Protection of Birds has written commenting that it does not consider that the proposal will have any material impact on the nature conservation interest of the site due to the small scale nature of the development.

The Kent Wildlife Trust has written raising no objection in principle to the proposal but has further commented that as the proposal appears to result in the loss of a pond a wildlife survey should be undertaken.

English Nature has written commenting that the proposal is unlikely to have an adverse effect on the nearby SSSI or RAMSAR site and that the application should be accompanied by an ecological assessment taking into account the pond on the site.

Environment Agency has written raising no objection in principle to the proposal and further advising that soil tests should be carried out to ascertain whether soakaways are an appropriate means of dealing with surface water disposal from the site.

Development Plan Policies

Kent Structure Plan 1996

Policy RS1	(Rural Settlements)
Policy RS2	(Development in Villages and Small Rural Towns)
Policy RS5	(Rural Development)
Policy ENV15	(Built Environment)
Policy ENV19	(Listed Buildings)
Policy T17	(Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE19	(Setting of Listed Buildings)
Policy BNE37	(Wildlife Habitats)
Policy BNE39	(Protected Species)
Policy H11	(Residential Development in Rural Settlements)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1	(Quality of Development and Design)
Policy QL9	(Listed Buildings)
Policy TP19	(Vehicle Parking Standards)

Planning Appraisal

The principle of the development

The application site lies within the village envelope for Grain defined on the Proposals Map that accompanies the adopted Local Plan and there is an extant outline planning permission (MC2001/2103) for the construction of a pair of semi-detached houses on this site. It is considered that there is no in principle objection to residential development on this site so long as it can be demonstrated that such development can be accommodated on the site without causing harm to the character of the area and in particular the setting of the neighbouring Listed Building.

The main issues for consideration in the determination of this application are therefore whether the proposal would have any adverse impact upon: visual and residential amenities; the setting of the adjoining Listed Building; highway safety; and wildlife.

Visual and residential amenity considerations

The plot is quite constrained being long and narrow and it is therefore considered that it has limited capacity to accommodate new development. The previously consented application for the construction of a pair of semi-detached houses is supported by an indicative block plan showing these houses sited approximately midway across the site so that their front and rear elevations would respectively face northward and southward. When the application for the previously proposed pair of semi-detached houses was determined it was considered that the ultimate built mass for that development would respect the character of this edge of village location.

However it is considered that the currently submitted proposal by increasing the footprint of the proposed houses and orientating them so that they will sit side by side, with their front elevations running parallel with the adjoining track, will extend the impression of built mass in this sensitive edge of village location. It is considered that the proposed development would appear as being unduly prominent within this context and would result in an unacceptable hardening of the streetscape to the detriment of the area, which would fail to respect its setting and would be more appropriate in a more heavily built up location.

The visual appearance of the proposed development would therefore be unacceptable and the application in this respect is viewed as being contrary to the provisions of Policies RS1 and ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Impact on the adjoining Listed Building

The proposed detached houses will have a materially greater impact on Whitehouse Farm house when compared to the previously approved scheme for a pair of semi-detached houses, by reason of the currently proposed development having a more elongated appearance that will have the affect of causing a greater obstruction of views of the farm house thus adversely affecting its setting. Given the close proximity of the proposed detached houses to the Listed Building it is considered that the proposed development would cause material harm to the setting of the Listed Building and would therefore be contrary to the provisions of Policy ENV19 of the Structure Plan, Policy BNE18 of the adopted Local Plan and Policy QL9 of the emerging Structure Plan.

Highway and parking considerations

It is proposed that the southernmost house would be accessed via a public footpath. It is considered that the level of traffic that would be generated by the proposed development would not have a material impact on the safety of pedestrians using this footpath and that this path has sufficient width to enable the proposed house to be accessed in an acceptable manner.

The proposed parking provision of two spaces per unit is satisfactory insofar as it complies with the requirements of the adopted parking standards. No objection is therefore raised to this aspect of the application under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Wildlife and habitat considerations

The concerns of the Kent Wildlife Trust and English Nature regarding the impact of the development on protected species and habitat loss can be addressed by condition and such a condition should be imposed on any forthcoming planning permission for this proposal.

Conclusion

For the reasons stated above the currently submitted application is considered to be unacceptable and is accordingly recommended for refusal.

[This application would normally fall to be determined under Officers' delegated powers but is reported for Members' consideration because of the receipt of the representations from the Parish Council that are contrary to the officer recommendation.]

[This application was deferred from Members' consideration at the request of Officers at the Development Control Committee on the 10th November 2004 to enable additional consultations to be undertaken with adjoining residents.]

9 MC2004/2158

Date Received: 21st September 2004

Location: 128 Hawthorne Avenue, Gillingham, Kent, ME8 6YE

Proposal: Change of main dwelling roof from hip to gable, dormer window and two storey extension to rear and construction of conservatory to rear (demolition of conservatory and single storey rear extension)

Applicant: Mr Waterman 128 Hawthorn Avenue Rainham Gillingham Kent

Agent: Mrs T J Brown 34 Fallowfield Chatham Kent ME5 0DX

Ward: Twydall

Recommendation - Approval with Conditions

(as amended by letter and plans received on 2nd November 2004)

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Materials used on the construction of external surfaces of the dormer extension and conservatory herein approved shall match those used on the existing dwellinghouse.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the flank wall(s) of the extension herein approved without the prior written approval of the Local Planning Authority.
- 4 The bathroom window(s) on the north side shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light.

Site Description

128 Hawthorne Avenue is a two-storey semi-detached property located in a residential area comprising properties of hipped roof design and some with gable roof features. To the rear of the garden is an alleyway providing vehicular access to the rear of properties in Hawthorne Avenue and Pump Lane. There are dormer windows visible to the rear of properties in the vicinity, and a variety of single-storey and two-storey rear extensions. No. 124 has a gable end roof, which was constructed under permitted development rights, otherwise all other properties in the vicinity of the site have hipped roofs.

The property has an existing single storey rear extension and conservatory. The rear garden is long and relatively narrow, with both side boundaries being formed of block walls with trellis

above to a total height of approx. 2m and substantial vegetation in the rear garden of this and neighbouring properties.

Proposal

The proposal is for roof alterations to change the existing hipped roof to a gable end; erection of hipped roof dormers to the rear; two-storey extension and conservatory to the rear. This would involve the demolition of the existing conservatory and rear extension.

The plans as originally submitted proposed a three storey rear extension but have been amended following negotiation.

The proposal would provide for a conservatory to the rear along the boundary with 126 with a 5.3m projection, a 2.5m two storey rear projection comprising kitchen (ground floor) and bathroom (first floor) to the north eastern side adjacent to 130 and a bedroom, en-suite and study within the roof space facilitated by the dormer windows. This would provide the property with three bedrooms in total.

Representations

Neighbour notification letters have been sent to the owners and occupiers of 126, 130, 149 and 151 Hawthorne Road and 107 and 109 Pump Lane.

Two letters have been received objecting to the plans as originally submitted on the following grounds

- the proposed extensions would dominate adjoining properties and are out of proportion with the existing property;
- loss of light and views
- proposed extensions are “ugly” and out of character with the area
- loss of fire access to rear of house
- loss of value to neighbouring house [this is not a planning issue]
- Disturbance from construction noise/dust and parking problems caused by worker’s vehicles [these are not planning issues]

Re-consultation has taken place with respect to the amended plans received. Two additional representations have been received commenting that while the amendments are an improvement they do not overcome the above objections.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 Built Environment

Medway Local Plan 2003

Policy BNE1 General Principles for Built Development
Policy BNE2 Amenity Provision

Planning Appraisal

The main issues for consideration relate to the visual impact of the proposals on the street scene and impact on the amenity of adjacent residents.

Street Scene and Design

The character of the area is of semi-detached two-storey properties with mainly hipped roofs altered with dormers at the rear in places. Although the proposed change from hip to gable would appear contrary to this character, it is not considered unacceptable in its own right as the uniformity of this design is not strong when seen from the road due to the close proximity of properties to each other. The gaps between the pairs of properties are fairly small, and the change in roof shape would not be highly prominent or detract from the character of the street scene. It is noted that no. 124 has constructed a gable roof under permitted development, which has already resulted in the loss of a hipped roof feature within the vicinity.

Many nearby properties have had loft conversions utilising dormer windows in the roof and the proposal reflects this established character. This and the two-storey rear addition respect this character and the appearance of the property when seen from surrounding gardens.

The conservatory has been reduced in terms of projection and it incorporates a hipped roof design. It is considered that the structure is acceptable in consideration of the mix of single storey designed structures to the rear of the housing within the vicinity.

The proposal therefore is considered to accord with the objectives of policy BNE1.

Neighbour Amenities

The adjacent property no. 130 to the northeast has a single storey rear extension, set approx 2m off the party boundary. There are two windows to the rear-the one nearest the application site serving a kitchen. The proposal due to siting and distance would not be considered dominant from this window. The proposal would result in limited sunlight loss in the afternoon but not of significance to justify a refusal in consideration of the siting and height of the structures and limited extent of two-storey projection.

The adjoining property no. 126 has a single storey rear extension, used as a sun lounge, and a dormer window in the rear roof slope. In consideration of the height of the existing boundary treatment, and reduced extent of projection, siting, height and distance from the boundary together with consideration of the extent of projection of this neighbour's rear extension, no objection is raised in terms of loss of outlook. Due to orientation the proposal would have limited impact in the morning period but overall no objection is raised on this ground, as the overall impact would not be considered detrimental to this neighbour. Some daylight would be lost but again this would be insignificant in terms of the impact from existing boundary treatment and the use of materials. Loss of privacy can be controlled by condition to ensure that the first floor bathroom window is obscure glazed with top hung ventilation and that no other first floor windows are inserted at a later date in the side. Overlooking down the garden occurs at present and is common where two-storey

development predominates. The impact of windows proposed to the side at ground floor is mitigated by the height of existing boundary treatment and no objection is raised. The properties to the rear are at sufficient distance to be unaffected by the proposals in terms of loss of outlook, sunlight, daylight or privacy.

The proposal therefore is considered to comply with the objectives of policy BNE2

Highways

The proposal would result in additional bedroom accommodation but the property has off road parking for two cars within the front and a garage space at the rear and accordingly no highways objection is raised.

Conclusion

Taking the above matters into consideration, the application is recommended for approval.

[Members are advised that this application would normally fall for determination under Officers' delegated powers but is being reported for Members' determination at the request of Councillor Mrs Gilry in the light of the concerns of the neighbours regarding the scheme as originally submitted.

10 MC2004/2161

Date Received: 21st September 2004

Location: Ivy Cottage, Main Road, Chattenden, Rochester, Kent, ME3 8PP

Proposal: Retention of conservatory to the rear and construction of detached garage to the front

Applicant: Mr W H Martin Ivy Cottage Main Road Chattenden Hoo St Werburgh Rochester, Kent ME3 8PP

Agent: Mr J Liddiard 14 Wentworth Drive Cliffe Woods Rochester Kent ME3 8UL

Ward: Strood Rural

Recommendation - Approval with Conditions

(as amended by plan received on 11th October 2004)

- 1 Construction works on the garage hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Materials used on the construction of external surfaces of the garage herein approved shall match those used on the existing dwelling.
- 3 The garage hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse and no trade or business shall be carried on therefrom.

Site Description

The application property is a bungalow within an area that comprises a mixture of detached houses and bungalows. The application property is set back approximately 8 metres from the property's boundary with Main Road and its frontage slopes downward from the public highway. There is a metre high brick wall along the front boundary of the property. The frontage of the property has been hard surfaced providing space for up to five vehicles to park.

To the rear there is a level lawn area. To the rear of the property there is open farmland, part of which forms the site of the A228 improvement scheme currently under consideration. Within the rear garden there is a detached single garage located adjacent to the party boundary with the neighbouring house at Wheat Croft. The bungalow has been extended to the rear with the addition of a conservatory.

The application property benefits from planning permission for the use of its integral garage as a vehicle repair workshop.

Proposal

The submitted application seeks consent for the retention of the conservatory to the rear of the property and the construction of a detached garage to the front of the property.

The conservatory that has been built is sited towards the eastern side of the property's rear elevation and has a width of 3.6 metres and a depth of 3.7 metres. The conservatory has been constructed with a shallow pitched hipped roof, rising to a height of 3.4 metres, and has clear glazing (above a dwarf wall) on all sides.

The proposed single garage would be sited on the eastern side of the property, hard up against the party with neighbouring property at Mill Avon. The proposed garage would be 6.1 metres long and 4 metres wide and would have a pitched roof with a ridge height of 3.6 metres. It is proposed that the garage would be constructed with facing bricks to match the bungalow and concrete roof tiles. It is proposed that the garage will be orientated so that its side elevations would run parallel to Main Road, with the garage door therefore being at right angles to the front elevation of the existing bungalow. The garage would be sited in front of the bungalow's front building line and at its closest point would be set back 3.6 metres from the property's front boundary.

It is submitted that the proposed garage will be used for residential purposes and will therefore not be used in connection with the vehicle repair business that operates from the property.

Relevant Planning History

ME/76/52	Erection of detached bungalow with double private, garage in replacement of existing dwelling to be demolished Approved 6 th May 1976
ME/76/190	Temporary siting of residential caravan while erection of bungalow is carried out Approved 6 th May 1976
ME/84/719	Proposed use of garage for car repairs for a, temporary period of three years Appeal Allowed 19 th September 1985
ME/84/719/A	Continued use of garage for car repairs Approved 9 th June 1987
ME/84/719/B	Renewal of temporary consent for continued use of garage for car repairs Refused 21 st November 1989
ME/84/0719/C	Renewal of temporary consent for use of garage for car repairs, Approved 26 th January 1990

Representations

Neighbour notification letters have been sent to the owners and occupiers of Mill Avon, Wheat Croft, Delcot, Ferncroft, Broadwood and the lower and upper flats at Broadwood House, Main Road.

Hoo St Werburgh Parish Council has written raising no objection to the retention of the conservatory, but raising an objection to the construction of the proposed garage on the grounds that it will lead to the over intensification in the use of the site.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

Policy BNE1 (General Principles for Built Development)
Policy BNE2 (Amenity Protection)

Kent and Medway Structure Plan (Deposit Plan) 2003

Policy QL1 (Quality of Design)

Planning Appraisal

The main issues for consideration arising from this application are:

- the proposal's impact on the street scene; and
- the impact of the proposal upon the amenities of the occupiers of the immediately neighbouring properties, most particularly, Mill Avon.

Street Scene and Design

The street scene is unaffected by the conservatory that has been constructed as a consequence of its location at the rear of the property.

The proposed garage has the potential to be a prominent feature in the streetscene given its position in front of the application property. The garage would be set back approximately 3.6 metres from the property's boundary. Having regard to the mixture of property designs within the vicinity of the application, the downward sloping nature of the property's frontage and the siting of the proposed garage to the eastern side of the property, it is considered that the proposed garage will not be unduly prominent within the streetscene and that it will not detract from the character of the surrounding area.

In design terms the proposed extensions are considered to be acceptable and no objection is raised in this respect to the application under the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Amenity Considerations

By reason of the conservatory's siting and size, it has no adverse amenity implications, in terms of privacy, outlook and daylight or sunlight for the occupiers of the immediately neighbouring properties.

The siting of the garage is such that in amenity terms its greatest impact will fall upon the occupiers of the property to the east, Mill Avon. It is considered that having regard to the proposed garage relative to the frontage of Mill Avon that it will not give rise to an unacceptable loss of privacy or light to that property. The most significant affect that the proposed garage might have upon the amenities of the occupiers of Mill Avon concerns its affect upon the outlook from the front of that property. However as a consequence of the planting along the party boundary between the application property and Mill Avon, it is considered that the construction of the proposed garage will not prejudice the outlook from Mill Avon.

In amenity terms the proposed extension is therefore considered to be acceptable and no objection is raised in this respect under the provisions of Policy ENV15 of the Structure Plan Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Conclusion

For the reasons stated above the submitted application is considered to be acceptable in all regards and is accordingly recommended for approval.

[The application would normally be determined under officers' delegated powers, but is being referred for Members' consideration due to the objection that has been received from the Parish Council that is contrary to the officer recommendation]

11 MC2004/2195

Date Received: 24th September 2004

Location: Tudders, Symonds Road, Cliffe, Rochester, Kent ME3 7SS

Proposal: Construction of porch to front.

Applicant: Mr D Stiff Tudders Symonds Road Cliffe Rochester Kent ME3 7SS

Agent:

Ward: Strood Rural

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Materials used on the construction of external surfaces of the extension herein approved shall match those used on the existing dwelling.

Site Description

The application property is a two storey semi-detached house set approximately 13 metres from Symonds Road. The application property has a two storey front projection that occupies approximately half the width of the front elevation and this projection has a depth of 2.8 metres. The frontage of the application property comprises a hard surfaced area and a small lawn. There is a small area of laid lawn on the south of the site approx. 2m wide and a small tree. There is a 1.8 metre high fence along boundary between the application property and the neighbouring property to the south known as Symonds Lodge.

Symonds Road comprises dwellings of varying design and ages.

Proposal

The submitted application proposes the construction of a front porch that would be approximately 2.4 metres in deep, 2.1 metres wide and its mono-pitch roof would rise to a height of 3 metres. The proposed porch would be sited within the recessed area between the forward most part of the 2 storey front projection and the front elevation of the rest of the property.

[It is to be noted that the submitted plans show the insertion of a side door towards the rear of the property and that the formation of this door constitutes "permitted development" and does not in itself require planning permission. These works do not therefore form part of the submitted application.]

Relevant Planning History

MC2001/1873	Construction of first floor front extension over existing garages Approved 19 th December 2001
MC2002/1369	Conversion of garage into habitable room Approved 18 th September 2002
MC2004/1242	Construction of two-storey extension to the rear and porch to the front Refused 12 th July 2004
MC2004/1880	Application for Lawful Development Certificate (proposed) for construction of single storey rear extension Approved 20 th August 2004

Representations

Neighbour notification letters have been sent to the owners and occupiers of Symonds Lodge, 1 Cedar Villas, Ommadown and Shamanian, Symonds Road.

Cliffe and Cliffe Woods Parish Council has written objecting to the insertion of the proposed side door on the grounds that it will result in the loss of amenity for the occupiers of Symonds Lodge.

One letter has been raising no objection to the proposed porch or the insertion of a side door provided the fence along the party boundary is retained.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

Policy BNE1 (General Principles for Built Development)
Policy BNE2 (Amenity Protection)

Kent and Medway Structure Plan (Deposit Plan) 2003

Policy QL1 (Quality of Design)

Planning Appraisal

The main issues for consideration arising from this application are:

- the proposal's impact upon the street scene; and
- the amenity implications of the proposal.

Street Scene and Design

In design terms the proposal is considered to be in keeping with the existing property. Having regard to the property's set back from Symonds Road it is considered that the proposed porch will have no detrimental affect upon the appearance of the streetscene.

In design terms the proposed extension is considered to be acceptable and no objection is raised in this respect to the application under the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Neighbour Amenities

As a consequence of the siting of the proposed porch, in amenity terms the only property that could possibly be affected by its presence is Symonds Lodge. However the scale and siting of the porch is such that it will have no detrimental affect upon the amenities of the occupiers of Symonds Lodge in terms of any loss of privacy, outlook or light.

While representations have been received about the possible loss of amenity arising from the installation of a side door within the southern elevation of the application property, this is a matter that does not fall to be considered under the provisions of the submitted application because the works to form this doorway amount to "permitted development" and therefore do not require planning permission.

In amenity terms the proposed porch is considered to be acceptable and no objection is raised in this respect under the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Conclusion

For the reasons stated above the submitted application is considered to be acceptable in all regards and is accordingly recommended for approval.

[The application would normally be determined under officers' delegated powers, but is being referred for Members' consideration due to the objection that has been received from the Parish Council that is contrary to the officer recommendation.]

12 MC2004/2269

Date Received: 6th October 2004

Location: 1 Battlesmere Road, Cliffe Woods, Rochester, Kent, ME3 8TR

Proposal: Construction of two storey side extension together with re-siting of 2 metre high boundary wall

Applicant: Mr & Mrs M Camber 1 Battlesmere Road Cliffe Woods Rochester Kent ME3 8TR

Agent:

Ward: Strood Rural

Recommendation - Approval with Conditions

(as amended by plans received on 1st and 3rd November 2004)

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Materials used on the construction of external surfaces of the extension and wall herein approved shall match those used on the existing dwelling.

Site Description

1 Battlesmere Road is a two-storey detached property within the village of Cliffe Woods. The property occupies a corner position at the junction between Battlesmere Road and Milton Avenue in a residential area comprising properties dating from the 1970s that are largely of a similar character. The property has an integral garage, adjacent to 3 Battlesmere Road, with a high pitched roof incorporating living accommodation at rear. The property has a small porch to front and a single storey extension to rear. The front garden and the majority of the side garden are open plan and there is a 2 metre high brick wall to the side of the property that encloses the rear garden and this wall is in line with the flank wall of the dwelling. There is a driveway providing two parking spaces to the front.

The adjacent property number 3 is separated from the application property by a gap of approximately 3 metres. 31 Milton Road which is on the opposite corner of the road to the application property has had a two-storey side extension and has a detached garage to the side and rear, which leaves a gap of approximately 2 metres to the boundary. The gaps between properties in Battlesmere Road are fairly constant at 2 metres, while the properties in Milton Avenue are separated by larger gaps. The properties in Milton Avenue are all set back from the road, and corner properties generally have an area of open space to the side. There is a grass verge on both sides of Battlesmere Road, which includes some shrub planting in front of number 1.

Proposal

The submitted application is for the construction of a two-storey side extension and the relocation of the garden boundary wall that runs parallel with Milton Avenue.

The proposed extension would provide a dining room and lounge extension at ground floor level and a bedroom with en-suite at first floor level. The proposed extension would have a width of 3.3 metres and would occupy the full depth of the property's side elevation. The width of the extension has been reduced from 4.5 metres following discussions with the applicant to avoid any encroachment into the sight line at the junction between Battlesmere Road and Milton Avenue. The extension would have a gable end roof in line with the existing dwelling and would be constructed in brickwork with concrete roof tiles to match the materials used on the existing house. No flank elevation windows are proposed. The relocated garden wall would be constructed in brickwork and the same height as existing structure (2 metres). The flank wall of the extension and the relocated garden wall would be sited in line with one another and would be set in 2.7 metres from the back edge of the footway in Milton Avenue.

Relevant Planning History

ME75/380	Erect new porch Approved 29 th May 1975
ME78/497	Single storey rear extension Approved 20 th July 1978
ME78/667	Re-site boundary wall Refused 20 th October 1978 Dismissed on appeal 2 nd April 1979
MC2004/2249	Construction of first floor side extension Approved 5 November 2004

Representations

Neighbour notification letters have been sent to the owners and occupiers of: 26 to 38(evens), 29 and 31 Milton Avenue; and 3 Battlesmere Close.

Cliffe and Cliffe Woods Parish Council has written objecting to the application on the grounds of prejudice to highway safety arising from obstruction of the sight line at the junction between Battlesmere Road and Milton Avenue.

Three letters have been received objecting to the application on the following grounds:

- loss of privacy;
- loss of outlook and light;
- harm to highway safety as a result of encroachment into the sight lines at the junction between Battlesmere Road and Milton Avenue and the private driveway serving 29 Milton Avenue to rear of the application property; and
- the loss of the sense openness at the road junction within an area where all other properties are set back from the road.

Following receipt of amended plans re-consultations have been undertaken and one additional letter has been received reiterating previously stated objections concerning: loss of light; loss of outlook; encroachment into sight lines and vision splays; and loss of openness within the streetscene.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy T17	(Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy T1	(Impact of Development on Highway Safety)
Policy T13	(Parking Standards)

Kent and Medway Structure Plan (Deposit Plan) 2003

Policy QL1	(Quality of Design)
Policy TP19	(Parking Standards)

Planning Appraisal

The main issues for consideration arising from this application are:

- the proposal's design and its impact upon the street scene and the character of the area;
- its impact on the amenities of the occupiers of neighbouring properties; and
- highway considerations.

Street Scene and Design

Although the area within the vicinity of the application site is characterised by relatively large properties in relatively small, closely inter-related plots, it maintains an open and spacious feeling, which is particularly apparent in Milton Avenue. This is partly due to the fact that the properties are set back from the roads. Open areas such as that to the side of the application property make an important contribution to the character of the area. Other two-storey side extensions are visible in the area, including one at the property opposite the application property at 31 Milton Avenue, although this projects towards Battlesmere Road rather than onto Milton Avenue. However, where properties have been extended they maintain a sense of openness between their flank walls and the adjacent footways.

The extension and relocated garden wall as originally proposed would have occupied most of the property's side garden area. However, the application as amended, by reducing the width of the proposed extension and re-positioning the relocated garden wall, will result in a gap of 2.7 metres being formed between the flank and garden walls and the back edge of the footway in Milton Avenue. It is considered that the revised proposal will maintain the spaciousness at the junction between Battlesmere Road and Milton Avenue and will

therefore not detract from the character and appearance of the area. Although the properties are all set back from the road along Milton Avenue, there is no consistent building line and it is therefore not considered that by projecting closer to the road the proposal would be out of character with the area.

The design of the extension is in keeping with the character of the existing property and the application is therefore acceptable in this respect and is viewed as being in accordance with the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Neighbour Amenities

In the light of the proposed extension's flank position on a corner and given its distance and orientation relative to adjoining properties to the front, side and rear of the application property, it is considered that its presence will not have a detrimental affect upon outlook, light availability or privacy for the occupiers of the adjoining properties in Milton Avenue or Battlesmere Road

The proposal is considered to be acceptable in amenity terms and the application therefore accords with the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Highway Considerations

An earlier application (ME/78/667) for the re-siting of the application property's side boundary wall was refused and then dismissed on appeal on the grounds that that proposal would have been detrimental to highway safety because the relocated wall would have encroached into the sight line at the junction between Battlesmere Road and Milton Avenue. The required sight line at this junction is 4.5 metres by 60 metres. The currently submitted proposals by reason of the siting of the extension and the relocated garden wall would not encroach into the sight referred to above and accordingly the proposed development would not be prejudicial to highway safety at the aforementioned junction.

Representations have also been received to the effect that the proposal will prejudice visibility for drivers using the driveway at 29 Milton Avenue, however it is also considered that the proposed development will not interfere with the visibility for drivers using this access. The proposal will not be prejudicial to highway safety and accordingly no objection is raised to the application under the provisions of Policy T1 of the adopted Local Plan.

The proposal will result in the provision of an additional bedroom. However, the property has a garage and two driveway parking spaces, which will remain unaffected by the proposed extension. The level of on-site car parking is considered to be adequate to meet the parking requirements of the extended property and accordingly the application accords with the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Recommendation

For the reasons stated above the submitted application is considered to be acceptable in all regards and is accordingly recommended for approval.

[The application would normally be determined under officers' delegated powers, but is being referred for Members' consideration due to the number of representations that have been received that are contrary to the officer recommendation.]

13 MC2004/2286

Date Received: 7th October 2004

Location: 46 King George Road, Chatham, Kent, ME5 0TX

Proposal: Raising of roof to form first floor level incorporating two storey side extension with porch and canopy to front and accommodation in roof (demolition of existing porch and rear extension)

Applicant: Mr A Singh 46 King George Road Walderslade Chatham Kent ME5

Agent: Mr E Loveridge Holly Hill Architectural Services 2 Holly Hill Cottages Harvel Meopham Gravesend Kent DA13 OUB

Ward: Walderslade

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.
- 3 The en suite window(s) on the west elevation shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the flank wall(s) of the extension herein approved without the prior written approval of the Local Planning Authority.
- 5 The area shown on the permitted drawings for vehicle parking and garaging shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Site Description

The area in which the application site is located is mixed comprising bungalows set amongst houses and semi-detached dwellings. The application site and the bungalow at no 44 are modest sized bungalows in comparison to many properties within the vicinity with relatively low ridge heights.

The application site comprises a modest sized detached two bed roomed bungalow set approx. 9m from the road. To the front of the site is a garden area laid to lawn with 1m high boundary enclosure forming the boundary with the highway. Conifers to approx. 2.5 m in height form the boundary to the west and north. This boundary is adjacent to a private drive to the side serving a bungalow at the rear (no 48a) and a vacant plot of land that was formerly part of the rear garden of the applicant's property. There is an area of hard standing to the western side of the bungalow leading to a garage at the rear. In total there is parking for approx. 4 cars.

A hedge to approx. 1.2m in height forms the eastern boundary (front) and close boarded fencing bounds the side drive and rear garden of no 44. This neighbour has obscure glazed and high level windows to the side flank facing the applicants' property and at the rear secondary windows also within this elevation. The main entrance door to the property is also on this side western flank. A detached flat roof garage forms the boundary with the applicants' property in part on this side.

Properties to the north comprise two storey housing with relatively small gardens at the rear. No 3 Meadow close has a 3-4m high conifer screen on the southern boundary screening their rear garden from the application site. Between this garden and the applicants property lies a parcel of land that was formerly part of the rear garden of the applicants site. This together with land in Meadow close has planning permission for a two storey four bedroom dwelling approved under reference MC2004/1305.

The neighbour to the northwest at number 48a is a detached bungalow set approx. 55m behind the rear building line of the property. To the front of that property there are bedroom windows and a window and French doors into a living room. The front garden of the property is laid to lawn with a long drive to one side. The neighbour has previously confirmed that the front garden is used 50% of the time especially when the weather is nice and they are using a swimming pool set within the property to the front. From the site inspection the rear garden is equally used as a more formal leisure area.

Proposal

The submitted application seeks to raise the height of the bungalow to form a two-storey four bed roomed dwelling house incorporating 'playroom' within the roofspace. The scheme proposes a two storey extension to the western side to facilitate this and the provision of an integral garage that projects to the front in part. A hipped roof design is proposed incorporating a front first floor projected feature above the existing ground floor footprint of the property. The existing porch is to be replaced and a single storey canopy feature proposed to link with a garage front projection.

Representations

Neighbour notification letters have been sent to the owners and occupiers of 44,48,31 33 48a King George Road and the applicants of the site at the rear, Temple Estates.

One letter from 48a king George road has been received objecting to the proposal on grounds of loss of privacy

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

Policy BNE1 (Built Environment)
Policy BNE2 (Amenity Protection)
Policy T1 (Impact of Development)
Policy T13 (Vehicle Parking Standards)

Kent & Medway Structure Plan (Deposit Plan) 2003

Policy QL1 (Quality of Development and Design)

Planning Appraisal

The main issues for consideration arising from this application are:

- its impact on the street scene and design;
- the proposal's impact upon the amenities of the occupiers of neighbouring properties, and
- parking and highway matters.

Street scene and design

The proposal to raise the roof to form accommodation at first floor, incorporating a two-storey side extension will change the character and design of the original modestly sized bungalow to that of a house. While the immediately adjacent property is a bungalow and there are bungalows opposite, the general character of the area is very mixed and as a result it is not considered that any objection can be raised on the basis of the loss of a bungalow and impact on the character of the street scene.

Accordingly no objection is raised to the application under the provisions of Policy BNE1 of the Medway Local Plan 2003.

Amenity considerations

There will be an additional loss of sunlight to the neighbour at number 44 in the afternoon period. However this is not considered to be so significant as to refuse the application due to the timescales involved and the windows impacted by the development that serve non-habitable rooms or serve as secondary windows. No other properties are affected in this regard due to the siting and distance of properties from the application site.

Due to the increase in height of the property, there will be some impact with regard to outlook and daylight upon the neighbours flank wall windows at number 44. However the affected windows are obscure glazed, high level or secondary windows and in part relate to non-habitable rooms and therefore the loss is not considered significant. No other properties are affected due to the siting and distance of properties from the application site.

With regard to privacy, due to the height of existing boundary hedging within adjacent neighbours control; the distances involved between windows and private amenity areas; and angles of view /orientation, no objection is raised on privacy grounds. It is however recommended that a condition be added to any approval to restrict further windows being inserted into the side eastern flank wall of the dwelling to prevent any potential overlooking from side first floor windows.

It is concluded that there will be no additional loss of privacy from the proposed development. Clearly Members will be aware of the new High Hedges legislation, which if implemented here may result in the height of the hedge being reduced. However it does appear that the retention of the hedge in its present form is in everyone's interest and nevertheless the distances involved or angles of view are sufficient to protect any unacceptable impact on privacy.

Accordingly no objection is raised to the application under the provisions of Policy BNE2 of the Medway Local Plan 2003.

Highways

The site contains parking for 4 cars on a drive to the front and side of the property. Therefore it is considered there would be no detrimental impact on highways in terms of increased parking problems.

Accordingly no objection is raised to the application under the provisions of Policy T1, T13 of the Medway Local Plan 2003.

Conclusion

The application is considered to be acceptable and is accordingly recommended for approval subject to conditions.

[This application would normally fall to be determined under Officers' delegated powers but is being reported for Members' consideration at the request of Councillor Burt]

14 MC2004/2290

Date Received: 11th October 2004

Location: 3 Cozenton Close, Gillingham, Kent, ME8 7LY

Proposal: Construction of single storey side extension and re-siting of boundary fence

Applicant: Mr M Freeman 3 Cozenton Close Rainham Gillingham Kent

Agent: Seymour Rogers Associates 231 Hempstead Road
Hempstead Gillingham Kent ME7 3QH

Ward: Rainham North

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Materials used on the construction of external surfaces of the extension herein approved shall match those used on the existing dwelling.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the flank wall(s) of the extension herein approved without the prior written approval of the Local Planning Authority.

Site Description

The property is located in a residential area of Rainham. The street is a cul-de-sac consisting of detached bungalows of varying designs. There is a slight slope to the northeast. All the properties have front gardens, which are generally open plan in nature.

The property is a detached bungalow with a pitched roof. It is situated on a corner plot and has a large side garden. Both the front and side gardens are laid to lawn with some flowerbeds. There is off street parking for 5 cars in 2 garages and on the driveway. There is no boundary treatment to the front or side of the property facing the road and the cul de sac is open plan. Separating the side and rear garden is a close boarded fence approximately 1.8 metres in height. The rear boundary consists of the applicants' garage, a wall and a close-boarded fence approximately 1.5 metres in height. The boundary to the east of the property consists of a wall approximately 0.5 metres in height and partial vegetation screen approximately 2 metres in height.

Proposal

It is proposed to construct a single storey side extension to provide an additional two bedrooms to the property and to re-site the boundary fence to ensure that the windows

proposed to serve the rear of the new extension face onto an enclosed rear garden area and not onto the open plan side garden.

Representations

Neighbour notification letters have been sent to the owners/occupiers of the following properties: - 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 Cozenton Close

11 letters received from residents of Cozenton Close raising the following objections:

- Spoil the appearance and character of the street;
- Devalue properties (not a planning issue);
- More cars leading to highway impacts;
- Create a precedent for future developments;
- Spoil layout and aesthetic quality of the area;
- Impact quality of life to older residents in the close with the addition of a family dwelling to the street;
- Contravene terms of the building covenants (civil matter);
- Will spoil view from number 3 Cozenton Close; and
- Sight lines of the street would be ruined.

The applicant has written making the following comments in relation to the concerns raised:

- The proposals maintain the open plan feel
- Views from number 4 will only be visible from garden and not from any habitable room
- Need for fence is a security issue
- Extension is not visible from 1, 14 and 15 Cozenton Close
- Other properties have been extended
- 5 off street parking spaces is ample.

Development Plan Policies

Medway Local Plan 2003:

Policy BNE1	General Principles for Built Development
Policy BNE2	Amenity Protection
Policy T13	Vehicle Parking Standards

Kent Structure Plan 1996:

Policy ENV15	Built Environment
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Kent and Medway Structure Plan (Deposit Plan) 2003:

Policy QL1	Quality of Living and Design
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Planning Appraisal

It is considered that the main issues that need to be addressed relate to the impact of the development on the street scene and upon neighbours amenity.

Street scene and design

There are no other side extensions noticeable in the street though due to the varying designs there is not a uniformed style of bungalow in the street. The extension is in scale and proportion to the original dwelling. The general arrangement of the street is open plan and due to its location on a corner the application property has an open plan garden to the front and side. The extension and re-sited fence would result in the loss of some lawn to the side but the loss of open space will not be detrimental to the appearance of the street as garden land of an open plan theme is retained between the extension and the highway to the side. As the extension is not proposed to build up to the boundary, the open plan feel will be retained in the cul-de-sac. The type of boundary treatment reflects the materials used within the vicinity and it is considered that there will be no detrimental effect to the appearance of the street scene. Therefore in terms of impact on streetscape and design the proposal is accepted and the proposal accords with Policy BNE1 of the Local Plan.

Neighbours' amenities

Due to the location of the extension to the side of the property it will be visible from a number of properties in Cozenton Close, most noticeably numbers 4-13. Due to the siting of the extension and the distance between it and all of the neighbouring properties there will be no detrimental impact in terms of sunlight, daylight, outlook or privacy. The re-siting of the boundary fence will only be visible from nos. 4-7 Cozenton Close and due to the nature of the alteration it is not considered to be detrimental to neighbours amenity in respect of daylight, sunlight or privacy. Due to the siting of the boundary treatment and the considerable distance between it and the nearby properties any impacts are considered negligible. Therefore the proposal is accepted and no objection is raised with respect to Policy BNE2 of the Local Plan.

Highways

The proposal will not impact on the 3 off-street car parking spaces available to serve the property and it is considered that this provision is acceptable to serve a property of the proposed extended size.

Conclusion

Taking the above matters into consideration, the application is recommended for approval.

[Members are advised that this type of application would normally fall for determination under officer delegated powers but is reported to committee due to the extent of representation received contrary to the recommendation]

15 MC2004/2488

Date Received: 3rd November 2004

Location: 187 Station Road, Rainham, Gillingham, Kent, ME8 7SQ

Proposal: Retrospective advertisement consent for the display of a fascia sign and projecting box sign (both illuminated)

Applicant: Mr H Uzum 187 Station Road Rainham Gillingham Kent ME8 7SQ

Agent:

Ward: Rainham North

Recommendation - Approval with Conditions

- 1 (i) Any advertisements displayed and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

(ii) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

(iii) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

(iv) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(v) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).
- 2 The illumination of the display hereby permitted shall be constant.

Site Description

187 Station Road has recently opened up as a mini-market set in a designated Neighbourhood Centre. The property is situated in a small parade of six commercial units, mostly in retail use, on the ground floor of a four-storey block, with residential properties on the upper floors. To the rear of the block is a garage area and opposite are more residential properties, although other uses are visible in the vicinity. The street scene is mixed.

There are no other projecting or illuminated signs within the parade. The properties in the parade have non-illuminated fascia signs only, most of them with awnings.

Proposal

This is a retrospective application for the installation of an illuminated fascia sign and an illuminated projecting box sign

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of 170, 172, 174, 176, 177c, 179c, 181c, 185 and 189 Station Road

Two letters have been received raising the following concerns:

- Shops in area do not need illuminated signs;
- Sign is illuminated until 23.00 hours;
- Out of keeping with other shops; and
- Impact on residential amenity of occupiers of properties opposite

Development Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

Policy BNE1 (General Principles for the Built Environment)
Policy BNE2 (Amenity Protection)
Policy BNE10 (Advertisements)
Policy R10 (Local centres, Village Shops and Neighbourhood Centres)
Policy T1 (Impact of Development)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1 (Quality of Development and Design)

Relevant Planning History

MC2004/1835 Replacement of a shop front and the installation of roller shutters
Refused September 2004

Planning Appraisal

Street scene and design

The application site is within a Neighbourhood Centre in a predominantly residential area. The internally illuminated fascia sign and projecting sign, although the first in the parade of shops are not considered to be detrimental to the character or appearance of the building or street scene and are not an unusual feature generally within a neighbourhood centre. The area is not of any particular character which would justify the resistance of an illuminated

sign. They do not represent visual clutter and do not alter the character of the building or alter the already varied street scene.

Accordingly no objection is raised to the application under the provisions of Policy BNE1 and BNE10 of the Medway Local Plan 2003.

Amenity

Although this is a predominantly residential area the fascia and projecting signs are set below the residential accommodation in the flats above and set approximately 17m from the residential accommodation to the east. It is considered that the lighting in the illuminated signs will not be any greater than the streetlights.

Accordingly no objection is raised to the application under the provisions of Policy BNE2 and BNE10 of the Medway Local Plan 2003.

Highways

The adverts are not considered to constitute a road safety hazard, which would be likely to distract, confuse or obstruct the vision of road users due to their setting approximately 5m away from the road. Accordingly there are considered to be no highways issues raised by this proposal.

Accordingly no objection is raised to the application under the provisions of Policy T1 and BNE10 of the Medway Local Plan 2003.

Conclusion

The application is considered to be acceptable and is accordingly recommended for approval subject to conditions.

[This application would normally fall to be determined under Officers' delegated powers but is being reported for Members' consideration at the request of Cllr Magee.]
