

MC/13/2679

Date Received: 24 October, 2013

Location: 97 Elaine Avenue, Strood, Rochester, ME2 2YP

Proposal: Demolition of existing bungalow and construction of 4 detached dwellings (Resubmission of MC13/1029)

Applicant: Mr Light

Agent: Mr A Wells Andrew Wells Arch Planning & Design 10 Woodrush Place St. Mary's Island Chatham Kent ME4 3BB

Ward Strood South

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 8 January, 2014.

Recommendation - Approval with Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Drawing numbers: PL/275/06 rev B, PL/275/04 rev B and 4010/O.G.L/01 received 24 October 2013, PL/275/02 rev B received on 31 October 2013 and PL275.01 rev D and revised drawings PL/275/03 rev D received 02 December 2013.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall commence until details and samples of any materials to be used externally including roofing materials, facing bricks and/or other cladding materials, windows and doors have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 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 retained. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 5 No development shall commence until full details of the hard and soft landscape works for the publicly accessible areas have been submitted to and approved in writing by the Local Planning Authority. These details shall include paving and hardstanding materials, planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. The landscape works shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter.

Reason: To accord with the provisions of Section 197 of the Town and Country Planning Act 1990 and to ensure that the development does not prejudice the appearance or character of the site and the locality.

- 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, satellite dishes 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 satellite dish or overhead line shall be erected within the site area.

Reason: To ensure all services are provided underground in the interests of visual amenity of the area.

- 7 Access to the development from Elaine Avenue shall be formed by a dropped kerb crossover off the existing footway and this shall be provided prior to first occupation of any part of the development.

Reason: In the interests of pedestrian safety, in accordance with Policies T2 and T3 of the Medway Local Plan 2003.

- 8 No unit herein approved shall be occupied until the area shown on the plan (drawing number PL/275/01 rev D received on 02 December 2013) for parking purposes has been provided surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 9 No development shall commence until a code of construction practice (CoCP) has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be followed throughout the construction of the development.

RN: To safeguard the amenities of the occupants of any properties nearby in accordance with Policy BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks full planning permission for the demolition of an existing bungalow and the construction of 4 detached dwellings. The application is a resubmission of MC/13/1029.

The application site is 'T' shaped with access gained from a vehicular crossover from Elaine Avenue. The layout of the proposed scheme shows 97 Elaine Avenue removed through demolition allowing for improved access into the rear of the site. The proposed dwellings would be sited so that one would have a frontage onto Elaine Avenue and the remaining three would be located to the rear.

Plot 1 to the front of the site would be a 3-bed dwelling approx. 10.5m in depth by approx. 5.5m wide. The dwelling would be two-storeys in height measuring approx. 4.6m to the eaves and approx. 7.9m to the ridge of the pitched roof.

Plot 2 would be located behind Plot 1 and would be a 3-bed dwelling approx. 7.8m in depth by approx. 15.4m wide. The dwelling would be a chalet bungalow (single storey with the first floor in the roofspace). The dwelling would measure approx. 2.3m to the eaves and approx. 4.9m to 6.4m to the ridge of the pitched roof.

Plots 3 & 4 would be located to the southern side of the access and both would be 3-bed dwellings of the same design measuring approx. 9.8m in depth by approx. 6.6m wide. The dwellings would be two-storeys in height measuring approx. 4.2m to the eaves and approx. 7.5m to the ridge of the pitched roof.

Each unit would have two allocated parking spaces and there is a parking space within the site for number 95 and 1 visitor parking space.

Site Area/Density

Site area: 0.16 hectares (0.40 acres)
Site density: 25 dph (10 dpa)

Relevant Planning History

MC/13/1029 Demolition of existing bungalow and construction of 4 detached dwellings
Refused, 11 July 2013.

MC/11/3117 Demolition of existing bungalow and construction of three detached dwellings with garages, bin store, associated parking, access and associated works.
Refused, 29 March 2012.

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

6 letters (1 of the 6 letters has 11 endorsements in support of the contents) have been received raising the following objections:

- Overlooking and loss of privacy
- Noise and disturbance
- Increased traffic problems
- Density of development is unacceptable
- Loss of daylight
- Dominant form of development
- Security and personal safety concerns
- Concerns regarding accessibility for refuse vehicles to enter the site
- Overdevelopment
- Exacerbate on-street parking problems
- Concerns regarding accessibility for emergency vehicles along Elaine Avenue
- Pedestrian safety concerns
- Increased pressure on services

Development Plan Policies

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background

This application is a resubmission of MC/13/1029 which was refused on 11 July 2013 for the following reason:

The proposed development by virtue of its predominantly backland nature, limited garden size, land levels and access opposite existing residential properties would result in an unacceptable form of development out of character with the area and harmful to the amenities that occupiers of neighbouring properties and prospective properties could reasonably expect to enjoy. The proposal is therefore contrary to the provisions of the National Planning Policy Framework 2012 and Policies BNE1, BNE2, H4, and H9 of the Medway Local Plan 2003.

This current proposal mainly differs from the previous scheme (MC/13/1029) in that all of dwellings would be 3 bed units rather than the previously proposed 3 x 4-bed units and 1 x 3-bed unit.

Plot 2 has changed from a two storey dwelling to the currently proposed chalet bungalow and the location of plots 3 and 4 have been moved forward away further from the boundary with the property in River Drive.

Principles of Development

Local Plan Policy H4 advises that within urban areas as defined on the proposals map the principle of development is acceptable providing that a clear improvement in the local environment will result.

The character of the area comprises residential properties. The application site forms the rear garden area to 97 Elaine Avenue comprising overgrown grass. The site to the rear is at a higher level than it is to the front. The National Planning Policy Framework (NPPF) generally states a presumption in favour of sustainable development and being within the urban area, close to services the site is in a fairly sustainable location.

The application also represents a form of 'backland' development to which Policy H9 of the Local Plan Policy 2003 applies. Policy H9 states that backland development will be permitted only when:

- 1) There is no loss of privacy from overlooking houses and/or their back gardens; and
- 2) There is acceptable vehicular access;

- 3) There is no significant increase in noise or disturbance to adjacent residents from traffic using the access;
- 4) Existing natural features such as trees, which contribute to the amenity of the area are retained and conserved;
- 5) There is adequate private amenity space for the existing and proposed dwellings; and
- 6) The character and amenity of the area as a whole is maintained.

Overall, it is considered that the site could be developed for residential use in accordance with the NPPF and criteria set out in Policies H4 and H9 of the Medway Local Plan 2003 subject to further assessment against other material consideration.

Street Scene and Design

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development. Policies S4, BNE1 and H4 of the Medway Local Plan 2003 seek to achieve high quality and require development to result in a clear improvement to the local environment and be appropriate in relation to the character, appearance and functioning of the built and natural environment.

The spatial pattern of development within Elaine Avenue changes from what is quite a uniform layout from numbers 87 and 94 southwards to a more spacious and varied pattern of development towards the northern end. The application site is located towards the northern end of Elaine Avenue. The development towards the northern end of Elaine Avenue comprises a mix of two storey houses and bungalows, predominantly as detached properties but with some semi-detached dwellings.

The site comprises a 'T' shaped plot. The layout of the proposed scheme shows the access road leading into the site with one dwelling proposed to the front of the site adjacent to the access road into the site (plot 1), a second dwelling to the rear of the first (plot 2) and two further dwellings to the rear of the site to the southern side of the access facing north (plots 3 & 4). Plots 2, 3 and 4 would have a frontage onto the access road.

In terms of the number of dwellings proposed for the site, it is considered that four would not be excessive, with a feeling of space maintained and would not result in an overdevelopment of the site. The garage proposed for plot 2 has been increased in depth by 1.5m following comments from the transport officer.

The proposed layout ensures the dwellings are positioned to maintain residential amenity (discussed below) for future and existing occupiers of residential dwellings whilst providing sufficient private amenity space and parking and allowing for landscaping within the publicly accessible areas to ensure that hard landscaping and boundary treatments do not dominate.

The proposal allows for a welcoming environment for pedestrians and for those accessing the site in a vehicle due to the areas of soft landscaping. The soft landscaping coupled with the use of high quality hard landscaping and boundary treatments would make the publicly accessible areas attractive and inviting and would provide a feeling of security.

In relation to the architecture of the dwellings, the design is considered relatively traditional and inoffensive with the properties being two-storeys in height with gabled pitched roofs or a chalet bungalow with pitched roof and dormers. The use of canopies over the doors and cills and brick arches to the windows add interest to the elevations bringing the design above what would otherwise be a standard.

It is recommended that conditions be imposed requiring details of the external materials for the dwellings, hard and soft landscaping and boundary treatments to ensure the development and its surroundings are of sufficient quality to result in a good quality public realm.

Subject to the recommended conditions, it is considered that the proposal would be on accordance with paragraph 56 of the NPPF and Policies S4, BNE1 and H4 of the Medway Local Plan 2003.

Amenity Considerations

Given the layout of development proposed, Policy H9 is of relevance to this proposal. Policy BNE2 of the Medway Local Plan 2003 also seeks to protect residential amenity.

Policy H9 allows for backland development, but only where it meets the criteria listed. The criteria state that there should be no loss of privacy for adjoining houses or their back gardens; an acceptable vehicular access; no significant increase in noise and disturbance to adjacent residents from traffic using the access; existing natural features which contribute to the amenity of the area being retained or conserved; adequate private amenity space for the existing and proposed dwellings being provided; and the character and amenity of the area as a whole being maintained.

Careful consideration has been given to the impact of the proposal on living conditions of the neighbouring properties and this is reflected in the proposed layout. Plots 1 and 2 have been positioned within the development site allowing for a separation distance of approx. 19.8m between the rear elevation of plot 1 and the front elevation of plot 2. In addition to this, there are no windows within the roof space within the side elevation of plot 2 that would face onto the rear elevation of plot 1 to further ensure no privacy issues between the two plots.

There are two dormer windows to the front roofslope of plot 2 that would face the small front garden area of plot 2, the access road into the site, visitors' parking area and a small part of the rear garden area of 93 Elaine Avenue. The distance between this window and the northern side boundary to the rear garden of 93 is approx. 16m. This is considered sufficient to maintain privacy for the occupiers of 93 Elaine Avenue.

Plots 3 and 4 are located to the rear of the site with their frontages facing north. There would be some but minimal overlooking of the private garden space to plot 2 from plots 3 and 4. The siting of plots 3 and 4 is such that the rear elevation of plot 3 is approx. 11.4m and the rear elevation of plot 4 is approx. 9.8m from the boundary

with 36 River Drive. This distance coupled with the orientation of the proposed dwellings is considered sufficient to maintain privacy for the occupiers of 36 River Drive. In addition the trees and vegetation along the boundary provides additional screening.

The access to plots 2, 3 and 4 runs adjacent to plot 1 proposed at the front of the site. Given the low numbers of vehicles that will be associated with the development, it is considered that there would be no detrimental impact on the residential amenity of the future occupiers of plot 1 as a result of noise and disturbance from vehicles utilising the access road. It is however, recommended that as plot 3 would be located adjacent to garages to the east of the site that a close boarded fence at least 2m in height be erected along that boundary. It is recommended that a condition be imposed to secure this.

In relation to the amenities of the future occupiers, the proposal has been considered against the Medway Housing Design Standards (interim) (MHDS) that were adopted as a material consideration in November 2011.

The table below shows how the scheme compares with the standards:

Number of bedrooms	MHDS Min gross internal floor area	Gross internal floor area proposed	MHDS Living/ Dining/ Kitchen Good practice Minimum floorspace	Proposed Living/ Dining Kitchen floorspace	MHDS Bedroom Good practice Minimum floorspace	Proposed Bedroom floorspace
3b4p	87sqm	Plot 1 90.6sqm	27sqm	37.7sqm	Single 8sqm Double 12sqm	Single 9.2sqm & 8.1sqm Double 14.6sqm
3b5p	96	Plot 2 118sqm Plots 3&4 95sqm	29sqm	Plot 2 43.8sqm Plots 3&4 34.7sqm	Single 8sqm Double 12sqm Single 8sqm Double 12sqm	Plot 2 12.7sqm Plot 2 13.3sqm & 12.7sqm Plots 3&4 8.1sqm Plots 3&4 12sqm & 13.9sqm

The proposal meets the residential standards in all regards except for plots 3&4 where the overall gross internal floor space falls short by approx. 1sqm. Given that the proposal show how the rooms in the dwellings can accommodate furniture and that the shortage is only approx. 1sqm, it is considered that, on balance, the application should not be refused on the basis of not meeting the internal space standards.

It is considered that the layout shown would not result in any detrimental impact on the amenities of occupiers of existing properties or future occupiers of the proposed dwellings. Subject to the recommended conditions, the proposal is considered to be in accordance with Policy BNE2 if the Medway Local Plan 2003.

Highways

Access would be gained via a dropped kerb in Elaine Avenue. This is considered acceptable due to the low number of vehicle movements generated by the development. Pedestrians would still maintain priority. The width of the access is considered acceptable for what will be a lightly trafficked access and the layout permits fire appliance and refuse vehicle access with the ability to turn and leave the site in a forward gear.

The proposal would not result in any highway safety issues.

In terms of parking each dwelling is provided with two parking spaces with an additional 1 visitor space and 1 for the occupiers of 95 Elaine Avenue. The proposal accords with Medway Councils interim parking standards and therefore Policies T2 and T13 of the Medway Local Plan 2003.

Local Finance Considerations

None relevant to this application.

Conclusions and Reasons for Recommendation

It is considered that the proposal would result in a development that is appropriate for its context and is acceptable in terms of design and appearance, residential amenities, highway safety and parking. The proposal accords with the provisions of NPPF and Policies S4, H4, H9, BNE1, BNE2, T2 and T13 of the Medway Local Plan 2003 and it is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions as set out above..

The application would normally be determined under delegated powers but is being reported to Committee due to the previous application being reported to committee and the number of objections received contrary to officer recommendation.

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 Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/donline/AcolNetCGI.gov>