

MC/14/0154

Date Received: 21 January, 2014

Location: 81 Church Green, Rochester, ME2 4HE

Proposal: Application for the use of a detached building as a 2-bedroomed house with associated detached garage

Applicant: Mr Cooney

Agent: Mr Evans W.D.Evans Building Services 45 Galleon Way Upnor Rochester Kent ME2 4GX

Ward Strood North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 23 April 2014.

Recommendation - Refusal

- 1 The proposed dwelling, by virtue of its siting and lack of frontage onto Church Green would represent an inappropriate form of backland development. The development is therefore contrary to Policies BNE1, H4, and H9 of the Medway Local Plan 2003.
- 2 The proposed development would result in poor living conditions for future occupants of the proposed residential unit by reason of its poor level of private amenity space provision; the use of high level windows to serve the ground floor bedroom and the resulting poor levels of light and outlook; and the limited floor to ceiling height of the main bedroom. This would be contrary to the Medway Housing Design Standards (November 2011) and Policy BNE2 of the Medway Local Plan 2003.

Proposal

This planning application seeks permission for the use of a building approved for an office use (Class B1) as a two-bedroomed dwelling (Class C3). The building has a depth of some 8.5m (reflecting a projecting porch), a width of some 9.2m and a height to the ridge of the half hipped roof of some 5.9m. Internally, the ground floor will comprise of a bedroom, a living area, a kitchen and a shower, with a double bedroom at first floor. Vehicle parking is shown to the front of the dwelling in the form of a single detached garage and a hardstanding area. The detached garage is included on this application (as well as on MC/13/2748, also on this agenda) and measures some 5m deep, 4.5m wide and 3m in height to the ridge of the gable roof.

Site Area/Density

Site Area: 0.0286 hectares (0.070 acres)
Site Density: 34.9 dph (14.28 dpa)

Relevant Planning History

MC/13/2748	Retrospective application for construction of a detached garage On this agenda
MC/13/0037	Demolition of existing garage block and construction of a garage, store and office Approved 10 May 2013
MC/12/2084	Demolish of existing garage block and construction of a 1 bedroomed studio dwelling Refused 26 October 2012
MC/10/3303	Conversion of garage block into a 1- bedroomed bungalow together with construction of a front porch Withdrawn 09 December 2010
MC2009/0591	Construction of a 3-bedroomed detached house with integral garage (demolition of existing workshop) Refused 19 June 2009
MC2008/1141	Increase of existing double garage to a triple block of garages Approved 09 October 2008
MC2006/0634	Construction of a pair of 3-bedroomed semi-detached houses, a detached block of two garages and associated parking Approved 21 August 2006

Representations

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

3 letters of objection have been received with the following comments:

- The development has the potential to introduce a loss of privacy,
- Existing landscaping should not be interfered with or damaged,
- The development would be out of character with the local area,
- The loss of parking is unacceptable,
- The development will add to existing highway constraints regarding parking and access.

The City of Rochester Society has objected on the grounds that the proposal appears to be very cramped with poor levels of amenity and outlook.

Development Plan

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

The application site forms part of a development (approved in 2006) which comprised of the construction of a pair of semi detached dwellings and associated parking in the form of a detached garage. The detached garage was originally constructed larger than approved and in 2008 an application was approved which regularised this development. The garage was demolished in mid - 2013 and a replacement building, to be used as an office, was approved shortly afterwards. A site visit took place in December 2013 at which point it became clear that the newly constructed building was not going to be used for its intended office use. The building was clearly being fitted out with the intention of being used for residential purposes and the applicant was advised of the need to rectify the situation. An application is on this agenda to separately regularise the detached garage in the event that Members refuse this application which also includes the detached garage.

Principle

The site is located within the urban boundary as defined by the proposals map of the Medway Local Plan 2003 (Local Plan). Both national advice and local policies support the efficient and effective use of land. Indeed the National Planning Policy Framework (NPPF) notes that 'local planning authorities should.... resist inappropriate development of residential gardens, for example where development would cause harm to the local area.' However the NPPF notes that sustainable development should be approved where it accords with the development plan. Therefore the redevelopment of this plot needs to be considered in the context of whether the proposal would result in the most effective and efficient reuse of urban land and would provide a 'clear improvement to the local environment'. In general terms an additional dwelling on this site is in accordance with the provisions of Policy H4 of the Local Plan and the NPPF. However, further consideration needs to be given to the impact of the development in terms of design and impact on the character and appearance of the area.

The proposal represents backland development and needs to be considered in relation to Policy H9 of the Local Plan which sets the criteria for the determination of such proposals. While the Policy does not state that backland development is unacceptable pursue it sets out criteria regarding issues such as neighbour amenity, acceptable vehicular access, noise and disturbance, retention of natural features, private amenity and character of the area. Some of this criteria will be considered

below. Whilst the site has an access from Church Green, it does not have a frontage onto the highway. This is very much out of character with the surrounding area and insofar as that aspect is concerned the proposal is in conflict with Policy H9 of the Local Plan.

Design

The proposed property will not be highly visible from Church Green, particularly due its location set back from the highway and the land level difference. Nevertheless, the siting of the development still needs to be considered against the wider development pattern. In this context, the siting of the isolated and somewhat cramped single dwelling would be out of keeping with the spacious character of the area. Accordingly the development fails to comply with Policies H9, H4, and BNE1 of the Local Plan. With regard to the garage which is included on this application, no objection is raised.

Amenity

The siting, proportions and orientation of the dwelling is such that it is not considered to impinge upon outlook, sunlight and daylight of neighbouring properties. With regard to the impact upon the privacy of neighbouring dwellings, the proposed east facing elevation includes an opening, although any outlook from this window will be mitigated partially by the height of the boundary treatment and partially by the use of a high level window. The much higher brick boundary wall to nos. 80 and 81 will restrict any overlooking from the west facing windows. A high level window has been installed in the rear (south) facing elevation and this overlooks the private amenity space of the land to the rear of 110 Frindsbury Hill. The level of outlook from this window is much reduced by the internal floor height and in the event of an approval, an obscure glazed condition would be recommended.

With regard to the amenities of the occupiers of the proposed dwelling, the development has been considered against the Medway Housing Design Standards (November 2011).

No. Of Bedrooms	MHDS Min Gross Internal Floor Area	Gross Internal Floor Area Proposed	MHDS Living / Dining / Kitchen Good Practice Minimum Floorspace	Living / Dining / Kitchen Floorspace Proposed	MHDS Bedroom Good Practice Minimum Floorspace	Bedroom Floorspace Proposed
2	77	71	25	34	8 or 12	12.6 and 24.75

The use of the building as a two bedroom dwelling falls considerably short of the overall internal floor area requirements within the Standards. The development proposes only two high level windows to serve the ground floor bedroom. This relationship will lead to a poor level of outlook and occupier amenity, which they could reasonably expect to be able to enjoy from bedroom windows. This being the case, this element of the development is considered to be unacceptable.

Furthermore, the Standards state that a minimum floor to ceiling height of 2.4m is required across at least 60% of the floor area of habitable rooms. The submitted section drawing suggests that this figure is not achieved at either ground or first floor. As such, the rooms are unlikely to provide a standard of accommodation that enables occupants to comfortably undertake their day-to-day living activities. Lastly, concern is also raised with the amenity space which will serve the future occupiers of the dwelling. The dwelling has no amenity space to the rear and the area to the front will be set aside for vehicle parking. This is visible from public areas and offers a poor level of privacy. The development therefore fails to comply with the provisions of Policy BNE2 of the Local Plan and the Medway Housing Design Standards 2011.

Highways

The highway considerations of the application raise two issues. Firstly, the provision of parking to serve the needs of the development. Secondly, the loss of parking which was used to serve the adjacent semi detached dwellings. With regard to the former, Medway Council's adopted minimum parking standards require a single parking space which can be accommodated within the application boundary. With regard to the latter, adequate parking can be provided to serve the needs of the semi detached properties in a tandem fashion on the existing hardstanding and indeed this was accepted in the grant of planning permission for the office proposal. The development therefore complies with the provisions of Policy T13 of the Local Plan.

Local Finance Considerations

None relevant

Conclusions and Reasons for Refusal

For the above reasons, the development in an inappropriate form of backland development which fails to respect the local character and fails to provide an adequate level of private amenity space, outlook and internal space for the prospective users of the property. Accordingly, the development fails to comply with the objectives of Policies H4, BNE1 and BNE2 of the Medway Local Plan 2003 and the Medway Housing Design Standards 2011.

This application would normally fall to be considered under officers' delegated powers but has been reported to Planning Committee for determination at the request of Councillor Hubbard who considers that Members are best placed to determine this application reflecting the history of the site.

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/dconline/AcolNetCGI.gov>