

MC/14/2590

Date Received: 3 September, 2014

Location: Land Adjacent to 29 Shelden Drive, Rainham, Gillingham ME8 8JH

Proposal: Construction of a detached bungalow with associated parking (demolition of existing garage)

Applicant: Mr S Potter

Agent: Mr K Plumb Woodstock Associates 53 Woodstock Road Sittingbourne Kent ME10 4HJ

Ward Rainham Central

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 5 November 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 The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawings PO/14/114.01 rev A and PO/14/114.02 rev A received 8 October 2014.

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

- 3 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and 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 The dwelling shall not be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning

(General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 5 Prior to the first occupation of the development hereby permitted vision splays of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access point (so far as they fall within the application site) and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and T2 of the Medway Local Plan 2003.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes A, B and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: Due to the small size of the site including its rear garden and to enable the Local Planning Authority to control such development in the interests of amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping (including plant species, size at time of planting and numbers/spacing/density) showing planting by the eastern part of the rear site boundary, together with a timescale for implementation. All planting comprised in the approved scheme of landscaping shall be implemented in accordance with the approved timescale. 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, unless the Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality and the amenities of future occupants of the site, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 8 The existing garage on the site shall be removed from the site in its entirety prior to the first occupation of the dwelling hereby approved.

Reason: In the interests of the character and appearance of the area and of amenity with regard to Policies BNE1 and 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

It is proposed to demolish the existing garage on this site and to construct a detached bungalow. The site was formerly part of the garden of 29 Shelden Drive but it has been fenced off from this adjacent dwelling and is now in separate ownership. The proposed bungalow would be approx. 15m by 6m although its width varies. Its front wall is shown to be level with the frontage of no. 29, although it would project further back to the rear by approx. 2.8m. Two parking spaces are shown to be provided on the site frontage and there would be a garden area to the rear. Externally the bungalow would have a stepped, ridged roof with gables at the front and rear and internally it would provide one bedroom, a living and kitchen area and a bathroom.

Site Area/Density

Site Area: 0.025 hectares (0.06 acres)

Site Density: 40 dph (16.66 dpa)

Relevant Planning History

This relates to 29 Shelden Drive as well as to the application site:

MC/13/1235	Construction of a detached bungalow with associated parking (demolition of existing garage) Refused 23 September 2013 Appeal dismissed 18 June 2014
MC/06/1578	Construction of a infill extension to side and bay window to front (resubmission of MC2005/0978) Approved 5 October 2006
MC/06/0978	Construction of single storey extension to front and infill to side Refused 19 July 2006
MC/05/2279	Construction of a detached garage Approved 29 December 2005
NK/3/73/11	Erection of a 6' softboard fence along the back and side perimeter (as amended by applicants letter dated 12/02/73) Approved 19 February 1973

Representations

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

Four letters have been received, in summary raising the following concerns:

- Loss of privacy from proposed window facing no. 29;
- Very close to boundary and longer than no. 29, loss of light, hemming in;
- Security concerns due to removal of gate to alleyway between the proposed dwelling and no.29;
- Poor amenity for future occupants, including from buses at the adjacent bus stop;
- The Council should consider purchasing that land and making an inlet for the bus stop with shelter and seating, alleviating congestion caused by buses stopping, safer for bus passengers and improving access to and from Shelden Drive;
- Health and safety, lack of clear escape for potential occupants in case of fire as no exit via rear garden onto the street;
- Noise and disturbance during construction including from builders vehicles;
- What happens to the bus stop and shelter, where will it be re-sited?

Development Plan

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

Planning Appraisal

Background

Planning permission for a bungalow on this site was refused last year (reference MC/13/1235) for two reasons, firstly as it would appear cramped and incongruous due to its overall size and design, detrimental to the character and appearance of this prominent corner location, and secondly as it would have a poor level of privacy due to overlooking from 14 Mierscourt Road, resulting in poor living conditions for potential occupants of the site. A subsequent appeal against this refusal was dismissed. The Inspector found that the development would have resulted in harm to the living conditions of future occupiers due to a lack of privacy from the flank window of no. 14, however he did not consider that it would be harmful to the character and appearance of the area.

The main difference between the previous and the current schemes is that the bungalow would now be slightly longer (approx.15m compared to 13.77m), wider at the front (approx. 6m compared to 4.982m) but narrower at the rear (approx. 3.2m compared to 4.982m). The window arrangement has also been changed such that the living room window would look towards the side rather than the rear, with the doors to the kitchen area being on the other side (by 29 Shelden Drive) rather than to the rear. In addition two parking spaces rather than one are shown on the site

frontage.

Principles of Development

There is no overriding objection in principle to the addition of a further dwelling in this urban area, including with regard to Policies H4 and H5 of the Local Plan and paragraphs 49 and 53 of the NPPF. The main issues are the visual impact and the impact on amenity.

Street Scene and Design

As stated above the previous scheme was refused due to the impact of the addition of a bungalow on this site on the character and appearance of the locality, however at appeal the Inspector did not agree with this concern. Although the detailed design of the current proposals does differ from the previous application, the width of the bungalow frontage increasing (but decreasing to the rear), it is considered that this would be a slight improvement to the previously proposed impact on the street scene. Whilst the bungalow would project closer to the Mierscourt Road frontage this frontage is already enclosed by a 1.8m high close boarded fence, limiting its openness, and the appearance of the bungalow would be more in proportion with the adjacent bungalows in Shelden Drive. In these circumstances the visual impact of the development is considered acceptable including with regard to Policy BNE1 of the Local Plan and to the advice given in the NPPF (section 7).

As with the last application it is not considered that there would be any impact on the nearby Rainham Conservation Area.

Amenity Considerations

There are two main amenity considerations, the impact on the amenities of neighbours and the level of amenity which would be provided for potential occupants of the development itself.

With regard to neighbours the main property which would be affected is 29 Shelden Drive. The proposed bungalow would be located parallel to this bungalow but would project approx. 2.8m further back. There would be a separation distance of approx. 1.2m between the proposed bungalow and the addition to the front part of the side of no.29, with an approx. 4m separation distance level with the rear wall of no.29. The side addition to no.29 is a utility room which is half glazed to the front and rear (but not glazed to the side) with a transparent roof. There is also a bathroom window in the main wall to the rear of this, facing the application site. The proposed plans include a bathroom window and the kitchen/living area doors facing towards no. 29.

Although this relationship would be fairly close, as at the time of the previous application it is not considered that it would result in unacceptable harm to the amenities of the occupants of no. 29. The neighbours utility room has glazing to the front and rear as well as to the roof. The proposed development is single storey only and the roof would pitch away from this neighbour. A mix of fencing together with the use of obscure glazing for the proposed bathroom would prevent inter-looking between the ground floor windows/doors. Although there would be some impact on

sunlight to no.29 this would not be significant, and there would be some benefit due to the removal of the garage on the site from next to the rear garden of no.29. With regard to security a gate is now shown to the front of the passageway between the proposed dwelling and no.29 in order to help alleviate the neighbours concerns in this respect.

In summary the impact of the development on the amenities of the occupants of 29 Sheldon Drive is considered acceptable including with regard to Policy BNE2 of the Local Plan. Other neighbours are located further from the development, although the relationship with 14 Mierscourt Road to the rear will be addressed below.

With regard to the amenities of potential occupants of the site itself the development has been assessed with regard to the Medway Housing Design Standards (Interim) 2011 (MHDS):

Number of bedrooms /occupancy	Number of units	MHDS minimum Gross Internal Area	Gross Internal Area proposed
1 bedroom 2 person	1 bungalow	50m ²	56.5m ²

The internal space standards comply with the recommendations in this document. However the main concern raised at the time of the previous application/appeal was that future occupants of the site would have poor living conditions due to a lack of privacy from the first floor flank window of no. 14 Mierscourt Road. The current scheme has addressed this by removing the door and window to the main living/dining/kitchen area from the rear elevation of the bungalow, the Inspector being particularly concerned about the views down to this lounge window. The rear, main living area of the proposed bungalow is now shown to have a window to one side and double doors to the other, which would create suitable living conditions with rooms now longer overlooked by no.14.

It is not possible to prevent overlooking of the rear garden area of the proposed bungalow from the first floor window of no. 14, although in the long term landscaping could assist in this. The original plans for the current application attempted to create a private area by the use of a screen wall to enclose the patio area outside the proposed side doors to the living area. However it was felt that this would be of limited use in this respect, and also that it would have separated the patio from the remainder of the garden area, which is undesirable. The screen wall has therefore been removed from the proposals. Although the relationship of the site and the side window of no.14 is not ideal, the part of no. 14 which is immediately adjacent to the current site boundary means that part of the proposed rear garden would not be overlooked, this area being of sufficient size for a table and chairs for potential occupants of this one-bedroomed dwelling. In these circumstances, on balance, it is considered that the scheme is acceptable in this respect, and that occupants of the development would experience a reasonable level of privacy including with regard to Policy BNE2 of the Local Plan and the fourth core planning principle in paragraph 17 of the NPPF.

Highways

The site already contains a double garage (granted planning permission in 2005) and includes a drop kerb onto Shelden Drive, close to its junction with Mierscourt Road. It is proposed to provide two parking spaces on the site frontage to Shelden Drive, on the side of this frontage furthest from the junction with Mierscourt Road. This level of provision would accord with the adopted minimum Interim Residential Parking Standards. It is not considered that the proposed access arrangements would result in significant harm to highway safety, including bearing in mind the existing double garage (which would be removed) served by a very similar access on the site. The provision of appropriate vision splays at the access would be required by planning condition. A single one-bedroomed dwelling would only generate very low levels of traffic and is unlikely to cause any significant harm to local highway safety. In summary it is not considered that an objection to the development on highways grounds can be justified, including with regard to Policies T1, T2 and T13 of the Local Plan.

Other Matters

The current site originally formed part of the garden of 29 Shelden Drive. One of the conditions of the planning permission for the garage on the site was that it shall be used only for purposes incidental to the enjoyment of the dwelling house and that no trade or business shall be carried on there from (condition 3 of MC2005/2279). No. 29 is now in different ownership to the garage and the garage site currently appears unused. This means that if planning permission is not granted for a redevelopment and the owner wishes to use the existing garage separate from no. 29 then planning permission would be required. This will be drawn to attention by an informative on the decision notice.

Comments have been raised regarding the bus stop to the side of the site in Mierscourt Road, however this remains unchanged by the current application. Fire safety issues are controlled under the Building Regulations although it is noted that there would be external access along both sides of the proposed bungalow. Some noise and disturbance is likely to occur from building works everywhere, but it is not reasonable to prevent development on such grounds.

Local Finance Considerations

None considered relevant.

Conclusions and Reasons for Approval

In summary it is considered that this revised scheme would appear acceptable within its surroundings and that it has overcome previous concerns such that an acceptable level of amenity would be experienced by future occupants. The impact on neighbours is also considered to be acceptable, the development would meet adopted parking standards and there would be no significant highway safety issues, a one-bedroomed dwelling replacing a double garage. Approval is therefore recommended including with regard to Policies H4, H5, BNE1, BNE2, T1, T2 and T13 of the Local Plan and to the advice given in the NPPF.

This application would normally fall to be determined under officer's delegated powers but is being reported for Members' consideration due to the number of letters of representation expressing a view contrary to the officers' 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://publicaccess.medway.gov.uk/online-applications/>