

MC/14/1626

Date Received: 9 June, 2014

Location: 14 Wharf Lane, Cliffe, Rochester, ME3 7UE

Proposal: Outline application with some matters reserved (Appearance Landscaping and Scale) for residential development comprising of 7 three bedroomed dwellings together with private road access.

Applicant: Mr A Bush

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

Ward Strood Rural

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**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 - Refusal**

- 1 The development, as a result of its scale and location, would result in an over development of the site and inappropriate backland development which would fail to respect the character and appearance of this part of the village of Cliffe. In terms of the development's visual presence, it would be harmful to the countryside beyond the settlement boundary. The development would be contrary to Policies H9 and BNE1 of the Medway Local Plan 2003, the Medway Landscape Character Assessment and the NPPF.
- 2 The proposal by virtue of the narrow access and density proposed would result in a form of development that would be harmful to the amenities that occupiers of adjacent properties could reasonably expect to enjoy. As such the proposal is contrary to the provisions of Local Plan Policies H9 and BNE2.
- 3 The proposal by virtue of the inadequate access does not make satisfactory provision for the collection of refuse and for access by emergency vehicles. As such the proposal is contrary to the provisions of Policies H8, H9 and BNE2 of the Medway Local Plan 2003

### **Proposal**

The application seeks outline planning consent, with some matters reserved (appearance, landscaping and scale), for residential development within the residential curtilage of no. 14 Wharf Lane, comprising of 7 three bedroomed

dwellings together with private road access. The new dwellings would have a footprint of 7m x 9m, and a height to eaves of 5m and to the ridge 7.6m. They would be two storeys in height and faced with brick under a roof of concrete interlocking tiles.

### **Site Area/Density**

Site Area: 0.22 hectares (0.54 acres)

Site Density: 36.4 dph (14.8 dpa)

### **Relevant Planning History**

MC/11/1837	Construction of two detached 3-bedroomed houses with associated parking Refused 10/01/2012 Appeal Allowed 24/01/2013
MC/08/2026	Demolition of existing garage and construction of a detached house Approved 16/03/2009

### **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. The Dickens Country Protection Society and Cliffe & Cliffe Woods Parish Council have also been consulted.

**Cliffe & Cliffe Woods Parish Council** has no objection to the proposal, which is within the village envelope. They do however object to the highways access to the properties. Wharf Lane is poorly maintained and has not been adopted by the highways authority. It is relatively narrow in parts and any parking in the road can cause problems for larger vehicles. There have already been further developments further down the road and at the end, but no improvements to the road (which is the responsibility of residents). If the road, at least to the proposed development, can be brought up to a more satisfactory standard the Parish Council would have no objection to the application.

**Dickens Country Protection Society** wish to raise an objection to the planning application on the grounds of over-intensification of the site.

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

- The proposal will have an adverse impact on immediate neighbours, blocking out light;
- The development will impact upon neighbours outlook;
- Increase in noise disturbance from the proposed development;
- The development would destroy the quality of 'Wharf Lane' life, presently being stretched to the limit by the sheer number of vehicles using Wharf Lane.
- Wharf Lane is an unmade private road that cannot be subjected to further

degradation that would undoubtedly make it unsafe and harmful to health.

- The entry point to Wharf Lane is dangerous.
- The road is not wide enough to accommodate construction vehicles;
- The erection of two storey properties would result in loss of privacy to immediate neighbours;
- More dwellings will result in unwanted congestion and parking;
- Concern over fire risk as a large number of properties in an inaccessible location for fire trucks;
- Concern for safety of residents during construction;
- Would the development be supported by existing waste water and supply facilities without putting a strain on the system?;
- Too many houses proposed, and the scheme should be reduced.
- Creation of dust and muck during construction;
- Wharf Lane is a rural lane, and this proposal would change its character beyond recognition;
- Wharf Lane is in a poor state of repair. Previous schemes have promised to 'make good' Wharf Lane, but no such promises have materialised.

Non-planning issues:

- Concern regarding house values
- View of the countryside

**14 letters** have been received in support of the application making the following comments:

- The village needs new housing and especially of this size.
- The site is an ideal location, tucked away nicely off a private lane, not directly overlooking anyone, ample parking provision and makes good use of land currently doing nothing;
- Quiet location provides benefits for families with small children;
- There have been no recorded accidents on Wharf Lane, which would be able to accommodate additional properties and benefits from a 10 mph speed limit.
- The application offers to improvements to the approach road.
- The development will give young people the opportunity to remain in the village instead of moving away.

## **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**

### *Principle*

This site lies within the built confines of Cliffe as defined on the proposals map of the

Medway Local Plan 2003. Policy H11 of the Local Plan relates to residential development in rural settlements. It identifies Cliffe as a village where housing development will be restricted to minor development within the confines of the settlement as defined on the proposals map. There is no definition within the Policy or preceding paragraphs of what constitutes minor development. It is not clear that the provision of 7 dwellings constitutes minor development and indeed anything above 5 units would normally be a housing allocation, but it is not considered that this is the key determining issue for this application. The key issues will be the location of the site, the character assessment and its relationship to adjacent development, including the access. The principle of the development is therefore a matter of consideration of these detailed aspects.

#### *Visual Impact, Backland Development and character of the area*

The application site forms part of the large 'L' shaped rear garden afforded to no. 14 Wharf Lane, which abuts the village boundary edge of Cliffe itself. To the east of the site lies open countryside and agricultural land, to the south a recently developed plot of land for two detached two storey properties (fronting onto Reed Street) and to the west and north residential properties, comprising a mix of two storey detached, semi-detached and terraced homes. These properties are set in fairly spacious plots and are fairly low density. Whilst within the village envelope, the large gardens, (which are a characteristic of most dwellings along the eastern side of Wharf Lane) provide a soft buffer where the open countryside meets the village confines. The proposed 7 residential units would result in the erosion of the soft character by providing a hard edge of development, prominent when viewed from the east and on approach along Common Lane (which leads in to Reed Street). The development of this garden area would give a stark and harsh appearance when viewed from the open fields beyond.

An application was submitted for two detached residential properties south of the application site, accessed off Reed Street (MC/11/1837). The Council sought to refuse the application on grounds of loss of character and impact on the rural area and open countryside. The case was allowed at appeal, and the Inspector disagreed that the proposed dwellings would '*erode this traditional garden area or be harmful in terms of their impact on the open countryside beyond the settlement boundary*'. The inspector advised that '*I am not persuaded that a similar hard edge (when comparing with properties along Thatchers Lane to the south) exists to the north of Reed Street. Here the pattern of development is more fragmented, with varied spacing between dwellings and different roof heights. This part of the eastern settlement boundary of the village is experienced in the context of significant tree cover, hedgerows, and many ancillary buildings within the long rear gardens. These factors provide a transition to the open countryside beyond, and soften the impacts of the dwellings fronting Wharf Lane*'.

It is considered that if this current proposal for 7 dwellings is allowed, this 'transition to the open countryside beyond' would be lost, resulting in a hard edge already created by those dwellings in Thatchers Lane, and to which the Inspector agreed gives a '*stark and harsh*' appearance. It is considered that the proposed development of 7 units would 'jut out' beyond the natural line of development, despite the two detached units to the south.

The Inspector, on determining the proposal for the two detached units south of this application site, advised that he did not consider a precedent would be set for similar development further to the north (the area of land subject of this application), as no other site within the rear garden environment would have direct road frontage. In this case, the proposal would constitute backland development. Local Plan Policy H9 advises that backland development will generally only be permitted where there would be no loss of privacy from overlooking; there is acceptable vehicular access; there would be no significant increase in noise disturbance to neighbours; existing natural features are retained; there is adequate private amenity space for the existing and proposed dwellings and the character of the area as a whole is maintained. In addition, Local Plan Policy BNE1 states that the design of development should be appropriate in relation to the character, appearance and functioning of the built environment by (i) being satisfactory in terms of use, scale, mass proportion, details, materials, layout and siting; and (ii) respecting the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area.

It is accepted that the application has been submitted in outline form with consideration of design, landscaping and scale reserved for consideration at a later date. However, the applicant has provided an idea of scale and layout in the form of indicative plans and description within the Design and Access Statement. Overall, the proposed layout of 7 two storey units results in a cramped form of development, which does not respect the character of built form in the area. Nor does it respect its location immediately adjacent to open countryside. The result of such development, as discussed above, not only erodes this soft transition between the built development in Wharf Lane and the open Countryside but also fails to maintain the fragmented character and appearance of the development found along this eastern section of the village. The Inspector in the appeal for MC/11/1837 gave some indication that development here would not be acceptable because of the '*rear garden environment*'. The development does not benefit from a site frontage, and would rely solely on a proposed access road/drive into the site from a currently unadopted road. This is not considered ideal in this location and would compromise the visual and local amenities of the area. As the character of the area would no longer be maintained as a result of development, the proposal is considered contrary to the provisions set out under Local Plan Policies H9 and BNE1. This is further supported by the Medway Landscape Character Assessment (March 2011), which advises that development should be resisted that '*lack respect for historic rural character of area; development should seek to strengthen landscape structure and enhance local distinctiveness*'. It is not considered that this proposal does either.

Whilst a number of letters of support have been received, advising that Cliffe is in need of housing similar to that proposed, and paragraph 55 of the National Planning Policy Framework, states that housing should be located where it would enhance or maintain the vitality of rural communities, the NPPF, paragraph 53, also advises that local planning policies should consider the case for setting out policies to resist inappropriate development in residential gardens, for example, where development would cause harm to the local area. There are too many units proposed on this garden plot, which appear to have been shoe horned with little regard to the character and layout of other developments in the area.

Overall, the development is considered inappropriate backland development, which would harm the character of the area, destroy the open transition to the open countryside to the east and result in a cramped development out of character with the built form of the area contrary to the above Local Plan policies.

### *Residential Amenity*

Policy BNE2 of the Local Plan requires all development to secure the amenities of its future occupants and protect those amenities enjoyed by nearby and adjacent properties.

Although the proposal would result in the loss of part of Mayfield's garden area, it is considered that the property would continue to have a reasonable level of private amenity space and no objection is raised to this aspect of the scheme. The indicative layout plan submitted with the application illustrates that there is the potential to ensure each unit is provided with approximately 7 - 8 metre deep gardens, which accords with Medway Housing Design Standards (interim) 2011. Any reserved matters application will need to be assessed against the Medway Council's Housing Design Standards (Interim), 2011 in terms of internal and external amenity space.

Whilst concern has been raised within the submitted representations with regard to potential for overlooking and impact on privacy, as the proposal has been submitted in outline form it is not possible to fully assess the potential impact of the development in terms of daylight, sunlight, overlooking and privacy. These matters will be considered at a later date upon submission of a reserved matters application. It is however considered that the illustrative plans indicate that it will be possible to design the scheme in such a way as not to unacceptably impact on neighbour amenity in this regard. Nevertheless, the number of units proposed may have a detrimental impact on the outlook of neighbours, particularly no 12 Wharf Lane and the two detached units backing onto the application site from Reed Street. There is just 6 metres between the rear of no. 12 and the flank of one of the proposed units and with 7m rear gardens, the Reed Street Properties are also close to the southern most plot. This inappropriate relationship is due to the over development of the site and cramped nature of development, which is considered unacceptable for the reasons given above.

The use of the newly constructed access will result in an increase in noise from cars entering and exiting the site. The access road would be located between no's 12 and 14 Wharf Lane, measuring 4m wide with footpaths either side. The flank elevation of no. 14, albeit the applicant's property, immediately abuts this footway. Whilst it is clear the applicant has no objection to this, there is the potential for harm by way of noise and privacy to become an issue for any future occupants of no. 14 in years to come and it is the Local Planning Authority's duty to protect the amenity of all neighbours of new development. In this regard, the application is considered unacceptable under the provisions of Local Plan Policy BNE2.

### *Trees*

An arboricultural Survey has been submitted with the application, which identifies 6 individual trees and one group of trees on the site. One tree, within the curtilage of 14 Wharf Lane is protected and will not be affected by the proposed development. The remaining trees are considered moderate to poor in quality, although none are proposed to be removed as a result of this proposal.

There are no objections to the proposal in terms of the proposal and any impact on trees.

### *Land Contamination*

While there is possibly no contamination on site, it is recommended that any approval should include a condition advising that if during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority.

The application is considered acceptable under the provisions set out under Local Plan Policy BNE23.

### *Highways*

The proposed development could be expected to generate up to three vehicle trips during each peak period and between three and four trips per dwelling over the course of a day. Wharf Lane is of variable width, but does permit two vehicles to pass each other at certain locations. The surfacing is poor, and there is some overgrown vegetation on the western side. In light of the additional trips generated by the development, it is considered appropriate for Wharf Lane to be improved between the development site and the junction with Reed Street. There is also scope to implement corner protection parking restrictions in order to improve visibility for vehicles leaving Wharf Lane. It is recommended these details be secured by planning condition. The site is able to accommodate vehicle access, manoeuvring and sufficient car parking - this would need to be considered when a hard and soft landscape design is developed for a future reserved matters application, and should be included in the required details to be submitted at that stage. Subject to this, there are no objections to the application in respect of the transport policies of the Local Plan.

### *Other Matters*

Concern has been raised as to the ability for refuse trucks and fire engines to sufficiently access the site and in this respect the development is unacceptable. This is an issue which substantiates the inappropriate backland nature of the development and being contrary to Policy H9 of the Local Plan.

### *Local Finance Considerations*

There are no local finance considerations as a result of this proposal.

## **Conclusions and Reasons for Refusal**

The development, as a result of its scale and location, would result in inappropriate backland development which would fail to respect the character and appearance of this part of the village of Cliffe, it would not provide satisfactory access for refuse and fire vehicles and would be harmful to the amenities of prospective occupiers of adjacent properties. As such would be contrary to Policies H9, BNE1 and BNE2 of the Medway Local Plan 2003 and advice set out within the NPPF.

This application would normally be considered under officer's delegated powers but is being reported to Planning Committee for consideration by Members due to the number of representations received expressing a view contrary to the recommendation.

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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 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/>