

PLANNING COMMITTEE
10 FEBRUARY 2016
REPORT ON APPEAL DECISIONS
OCTOBER TO DECEMBER 2015

Report from: Richard Hicks, Director of Regeneration, Community and Culture

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Summary

This report informs Members of appeal decisions. The summary of appeal decisions is listed by ward in Appendix A.

A total of 15 appeal decisions were received during October to December 2015, of which 4 were allowed, 10 were dismissed and 1 Enforcement Notice was upheld on ground (f) but otherwise dismissed.

A summary of appeal cost decision summaries is set out in Appendix B and overall information on appeal costs is set out in Appendix C.

1. Budget and Policy Framework

1.1 This is a matter for the Planning Committee.

2. Background

2.1 When a planning application is refused, the applicant has the right to appeal. The timescale for lodging an appeal varies depending on whether the application relates to a householder matter, non householder matter or whether the proposal has also been the subject of an Enforcement Notice.

2.2 Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.

2.3 Where the Council has taken enforcement action through the serving of an Enforcement Notice then an appeal can be lodged in relation to that. An appeal cannot be lodged though in relation to a breach of condition notice on

the basis primarily that if the individual did not like the condition then they could have appealed against that at the time it was originally imposed.

- 2.4 The appeals are determined by Inspectors appointed by the Secretary of State and administered by the Planning Inspectorate, which informs Medway Council of the Inspector's decision.

3 Advice and analysis

- 3.1 This report is submitted for information and enables members to monitor appeal decisions.

4. Consultation

- 4.1 Not applicable.

5. Financial and legal implications

- 5.1 An appeal may be determined after a Public Inquiry, a Hearing or written representations. It is possible for cost applications to be made either by the appellants against the Council or vice versa if it is alleged that either has acted in an unreasonable way. Powers have now been introduced for Inspectors to award costs if they feel either party has acted unreasonably irrespective of whether either party has made an application for costs.
- 5.2 It is possible for decisions made by Inspectors on appeal to be challenged through the courts but only if it is considered that an Inspector has erred in law, for instance by not considering a relevant issue or not following the correct procedure. A decision cannot be challenged just because an Authority does not agree with it. A successful challenge would result in an Inspector having to make the decision again in the correct fashion, e.g. by taking into account the relevant factor or following the correct procedure. This may lead ultimately to the same decision being made.
- 5.3 It is possible for planning inspectors to make a "split" decision, where they allow one part of an appeal but not another. This is not possible for the Council when it makes its original decision on the planning application other than for an advert application.

6. Risk Management

- 6.1 Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are being defended thoroughly and that appropriate and defensible decisions are being made by Committee and under delegated powers. The lack of any monitoring could lead to more decisions going contrary to the Council's decision possibly resulting in poorer quality development and also costs being awarded against the Council.

7. Recommendations

- 7.1 The Committee consider and note this report which is submitted to assist the Committee in monitoring appeal decisions.

Appendices

- A) Appeal decisions list
- B) Appeal costs
- C) Report on appeal costs

Lead officer contact

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Background papers

Appeal decisions received from The Planning Inspectorate for the period October to December 2015

APPEAL DECISION SUMMARIES

GILLINGHAM NORTH

8 High Street, Gillingham ME8 1BB (PI)

MC/15/1461 – Refused (2 Jan 2015) – Delegated

Conversion and part first floor extension to existing rear storage unit to provide a one bedroom two person residential unit

Dismissed (15 October 2015)

Summary:

The main issue:

- The effect of the proposal on the character of the surrounding area.
- The effect on the living conditions of future occupiers regarding safety, sense of enclosure, outlook and light.
- The visual impact of neighbouring properties.

The proposed scale of the first floor would appear as a dominant addition at odds with surrounding developments.

Access to the proposed property would be through the café or via the existing rear alleyway. Even if the proposed unit was used in conjunction with the commercial premises it would be difficult to ensure that this remained the situation long term, so the suitability of the rear alleyway would need to be considered as the primary means of access, but due to the lack of natural surveillance it is considered that future residents using this access would feel vulnerable.

The proposed residential unit would be provided with an enclosed and small patio area which would be adjacent to the boundary wall which would limit the amount of sunlight to the patio area and also the kitchen. Future residents would experience an unacceptable sense of enclosure.

The development would have an unacceptable adverse effect on the character of the surrounding area and on the living conditions of future occupiers.

7 Augusta Close, Gillingham ME7 1FG (TS)

MC/15/1620 – Refused (10 Aug 2015) – Delegated

Construction of a dormer window to side to provide additional living accommodation within roof space

Dismissed (26 October 2015)

Summary:

The main issue:

- The effect of the proposal on the character and appearance of the appeal property and the street scene.

The appeal property is a semi-detached house towards the end of a cul-de-sac with residential buildings of varying design. The proposal for a large side dormer would occupy most of the roof slope and would create a large and bulky addition to the dwelling that would dominate its roof space. It would appear disproportionate and incongruous on this semi-detached house.

The size, scale and design of the proposed dormer would be detrimental to the appeal property and the street scene

11 Eastern Road, Gillingham, ME7 2RH (TS)

MC/15/1404 – Refused (4 September 2015) – Delegated

Construction of a single storey extension and dormer to rear

Dismissed (10 December 2015)**Summary:**

The main issue:

- The effect of the proposed extensions on character and appearance of the surrounding area.

The extension is not sympathetic to the character and appearance of the host property or the wider area. Although the scheme has sought to provide additional space to the property in the design that does not harm the amenities of neighbours this does not outweigh the harm to the character of the area and the conflict with adopted planning policy.

PENINSULA

Garage site to the Rear and 6 St Johns Road, Hoo, Rochester, Kent (MS)

MC/14/2734 – Refused (4 December 2014) – Committee

Demolition of garages and construction of 5 two-bedroomed houses including amenity space and car parking

Allowed (14 October 2015)**Summary:**

The main issue:

- The effect of the proposal on pedestrian and highway safety and the free flow of traffic.
- The effect on living conditions of nearby residents with particular reference to availability of parking spaces.

The proposal is for the development of an existing lock up garage site to provide five dwellings and 25 parking spaces 10 for future residents and 15 as a replacement for the existing garages. The appellant has stated that a maximum of 16 garages are used for parking. The council raised concern regarding the safety of pedestrians. Vehicular access would be altered to 4.4 metres in width and include rumble strips and a shared surface for vehicles and pedestrians. Existing pedestrian access would be retained to Knights Road and Kingshill drive with the provision of new lighting. The proposal would not have an adverse effect on pedestrian and highway safety and the free flow of traffic; or the living conditions of nearby residents

Conditions:

1. The development hereby permitted shall begin not later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Revision G, 102 Revision H, 103 Revision E, 104 Revision E and 105 Revision C.
3. No development above ground floor slab level 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.
4. Within two months of the commencement of the development hereby permitted, a scheme of hard and soft landscaping (including surfacing materials to ensure permeability for surface water, plant species, size at time of planting and numbers/spacing/density) which includes features which would be beneficial for bats, together with a timescale for implementation, shall be submitted to the Local Planning Authority for its approval. All hard landscaping and planting comprised in the approved scheme of landscaping shall be implemented in accordance with the approved timescale. The hard landscaping shall thereafter be retained as approved. 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.
5. 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, such details to include the existing and proposed ground levels on each side of the boundaries and a timescale for the completion of the works. The boundary treatment shall be completed in accordance with the approved timescale and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

6. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include amongst other matters details of: hours of construction working; noise and vibration limitation and monitoring regimes; access points; screening/mitigation; wheel cleaning/chassis cleaning facilities; dust control measures; protection of surface and groundwater resources, including arrangements for the storage of oils, fuels or chemicals; pollution incident control; site illumination including any cowls to be fitted to ensure that light spillage on sensitive areas is avoided and location of construction compounds/laydown areas and offices. The approved CEMP shall be adhered to throughout the construction period for the development.
7. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 8 to 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent submitted to and approved in writing by the Local Planning Authority until condition 11 has been complied with in relation to that contamination.
8. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface water, ecological systems, archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced).

9. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior

to commencement of the development hereby permitted. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

10. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development hereby permitted (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.
11. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby permitted.
12. In the event that contamination is found at any time when carrying out the development hereby permitted that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority.
13. Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 9 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared and submitted to and approved in writing by the Local Planning Authority in accordance with condition 10.
14. No development shall take place until full details of the existing and proposed ground levels across the site (clearly showing any areas which are to be reduced or increased in height together with details of the finished floor levels of the dwellings hereby permitted in relation to neighbouring properties) and of any retaining features have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained as such.
15. Prior to the first occupation of the dwellings hereby permitted, external lighting shall be provided for the two footpath links to the site. This lighting together with any other external lighting to be provided in the public areas of the development hereby permitted shall be in accordance with details which have first been submitted to and approved in writing by the Local Planning

Authority, the submitted details to include height, position, external appearance, any shielding, light intensity, colour, light spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of illumination together with a report to demonstrate the effect of the lighting scheme on nearby residential properties and explaining how any impact on bats has been minimised. Only the external lighting approved pursuant to this condition shall be illuminated in the public areas of the site in accordance with the approved details.

16. Within two months of the commencement of the development hereby permitted details of the vehicular access shall be submitted to the Local Planning Authority for its written approval. The approved works shall be completed prior to the occupation of the dwellings hereby permitted and shall be retained as such thereafter.
17. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing nos. 102 Revision H and 105 Revision C for 25 cars to be parked, delineating 10 car parking spaces for the occupiers of the dwellings hereby permitted and 15 public car parking spaces and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
18. No development shall take place until a scheme detailing the disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of the dwellings hereby permitted and shall be maintained as such thereafter.

Land at Coronation Bungalow, Cooling Street, Cliffe, Rochester, Kent, ME3 7UB (HP)

ENF/14/0320 – Enforcement Notice dated 4 March 2015

Without the benefit of planning permission the change of use of the Land for the siting of a mobile home for residential use.

Without the benefit of planning permission:

- a. The construction of close-boarded fence panels erected on the Land between points A and B and C and D as shown on Plan 2.
- b. The construction of access gates erected on the Land between points E and F as shown on Plan 2.
- c. The construction of a hard standing area on the Land.

Succeeds in part on ground (f) but is otherwise dismissed and the enforcement notice is upheld with corrections and variations (6 November 2015)

Summary:*Ground (c)*

The appellant states that the fencing, gates and hardstanding all benefit from permitted development rights, however, concedes that the material change of use took place without consent.

There is nothing of substance to the effect that the hardstanding was substantially completed and used for a purpose incidental to the enjoyment of the dwellinghouse before the material change of use occurred. Therefore, this element of the appeal took place without the benefit of planning permission.

Having considered Class A of Part 2 of Schedule 2 to the 1995 GPDO and Article 3(5) of the 1995 GPDO in relation to the fencing and gates, it is found that the works took place unlawfully.

The appeal on ground (c) fails in its entirety.

Ground (f)

In relation to the mobile home, it is difficult to conceive that the sizeable and well-equipped accommodation might be used for ancillary purposes and it would be virtually impossible for the Council to monitor the extent to which occupiers made use of facilities in Coronation Bungalow itself. Also, there is no indication from the Appellant that he would be prepared to remove equipment from the mobile home to ensure the necessary degree of dependence.

With regard to the fences and gates, it is not readily apparent that the gates and fencing could fulfil a purpose that might reasonably be regarded as incidental to the primary use of the lawful planning unit. These structures are utilitarian in appearance and cannot reasonably add to the ambience of the rear amenity space by enhancing its character, nor can they be said to perform a significant security function.

The hardstanding lends itself more readily to an alternative use incidental to the dwellinghouse.

The requirements (i) to (iv) and (vi) of the enforcement notice do not exceed what is necessary, but having regard to relevant case law, requirement (v) should be removed. The notice is varied accordingly and the appeal on ground (f) therefore succeeds to that extent but otherwise fails.

Ground (g)

The notice as issued does not require works to be completed until late spring/early summer 2016, which seems improbable that conditions at that time of the year would hamper the removal of the mobile home or the gates and fencing.

The appeal on ground (g) fails.

The appeal should succeed in part on ground (f) in relation to the hardstanding but should otherwise fail. The enforcement notice will therefore be upheld with corrections and variations.

PRINCES PARK

10 Archer Road, Lordswood, Chatham Kent, ME5 8LH (TS)

MC/15/0164 – Refused (13 May 2015) – Delegated

Retrospective application for construction of a rear single storey detached garage

Dismissed (26 October 2015)

Procedural Matter:

- The plan AR-1597--01 indicates a height of 2.65, the council has stated it is approximately 3m in height and the appellant has conceded that the garage as built is higher than planned due to ground level changes on site. The appeal has been determined on the basis of the plans submitted.

Summary:

The main issue:

- The effect of the development on the character and appearance of the surrounding area.

The proposals excessive height, width and elevated position will cause harm to the character and appearance of the surrounding area. The use of breeze blocks for the garage appears stark and utilitarian in appearance compared with more traditional bricks used in other garages in the area. It would be contrary to policy BNE1 as it requires developments to be satisfactory in terms of scale, mass, proportion, materials, layout and sitting.

RAINHAM CENTRAL

1 London Road, Rainham, Gillingham ME8 7RG (AB)

MC/15/0840 – Refused (12 May 2015) – Delegated

Advertisement consent for the installation of 1 internally illuminated projecting sign and 1 internally illuminated free standing pylon sign

Dismissed (19 October 2015)

Summary:

The main issue:

- The effect of the proposal advertisements on the character of the surrounding area.

The site is on a prominent corner location on a main through road where there is a proliferation of existing advertisements including fascia signs on the building as well as a number of flag poles. The proposal would add two further prominent

advertisements with internal illumination. The introduction of one or both of the proposed advertisements would result in an unacceptable visual clutter at the site.

RAINHAM NORTH

Land At Station Road (Bakersfield), Rainham Kent ME8 7QZ(GG)

MC/14/0285 – Refused (17 July 2014) – Planning Committee

Outline application with all matters reserved for residential development comprising approx. 90 dwellings

Allowed (7 December 2015)

Summary:

The main issue:

- The effect of the proposal on the character and appearance of the area.

The proposal would result in moderate harm to the character and appearance of the area and the function of the Gillingham Riverside ALLI. However the social and economic benefits significantly outweigh the harm. The proposal would represent sustainable development and the presumption in favour of sustainable development applies.

Schedule of conditions:

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No more than 90 dwellings shall be erected on the site.
- 5) The details submitted pursuant to condition 1 shall only provide for vehicular access to be derived via Station Road.
- 6) The details submitted pursuant to condition 1 shall include not less than 0.531 hectares of open space and play space.
- 7) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable that 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) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 9) The approved remediation scheme, submitted pursuant to condition 8, shall be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given not less than two weeks written notification prior to the commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.
- 10) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any necessary remediation shall be undertaken in accordance with the details so approved.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) dust management
 - iii) measures to ensure public access to the highways and footways adjoining the site at all times during construction
 - iv) measures to control noise and vibration levels during the construction period, including the predicted noise levels and a methodology for monitoring the levels during the period of works
 - v) the days of the week and times of the day when construction work at the site and construction traffic movements to and from the site will be undertaken
 - vi) measures to protect the public highway from mud and debris
 - vii) traffic routing for construction vehicles
- 12) No development shall take place until a Reptile Translocation Plan has been submitted to, and approved in writing by, the local planning authority. The Reptile Translocation Plan shall include:

- i) the identification of a receptor site for reptiles
 - ii) details of how reptiles would be captured and translocated to the designated receptor site
 - iii) a management plan for the receptor site which shall identify any measures required to enhance the capacity of the receptor site to accommodate translocated reptiles
 - iv) details of a monitoring plan over a period of five years; and
 - v) a timetable for implementation
- Thereafter, the Reptile Translocation Plan shall be carried out in accordance with the details so approved.

RAINHAM SOUTH

2 Matts Hill Road, Rainham, Gillingham Kent ME9 7XA

MC/15/0602 – Refused (5 May 2015) - Delegated

Construction of a detached garage/gym-games building to side - resubmission of MC/14/3476

Allowed subject to conditions (27 October 2015)

Summary:

The main issue:

- The effect of the proposal on the character and appearance of the countryside.

The site lies just to the south of the M2 Motorway within the North Downs Area of Outstanding Natural Beauty and within land designated as a Special Landscape Area. The house and garage are well set back from the road frontage and due to extensive tree coverage the building would not be particularly noticeable from Matt's Hill Road. The Tree Preservation order covering the adjacent wooded area means the extensive screening of the site is likely to be retained. The garage should be used for vehicle parking only and for that no other purpose including no trade or business.

Conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Block Plan and Proposed Block Plan, received 24 February 2015, and Site Plan and Drawing Nos. 14.05.06/3E Revision C and 14/05.06/3 Revision C, received 3 March 2015.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

RIVER

Lodge, Maxwell Road, Brompton, Gillingham, Kent, ME7 5SG (MSP)

MC/14/1551 – Refused (8 January 2015) – Delegated

Erection of a dwelling.

Dismissed (16 November 2015).

Summary:

The main issues are:

- Effect on the character and appearance of the area, with particular regard to the host dwelling and protected trees; whether the proposal would preserve or enhance the character or appearance of the Brompton Lines Conservation Area and the significance of the setting of the Grade II Listed Garrison Church and vicarage.
- Effect on highway safety with particular regard to car parking.

The proposed dwelling would visually close the gap between the Lodge and the former church hall, resulting in a change in character of the immediate area. This change of character would materially harm the host dwelling's setting as a gatehouse to the entrance of the officer's gardens and consequently fail to preserve the character and appearance of the conservation area and Grade II Listed Garrison Church and vicarage setting.

The tree survey confirms that there would be some risk of post development pressure due to the proximity of a mature Lime tree in relation to the proposed dwelling. Whilst the trees would not materially reduce light to the proposed dwelling, the size and proximity would potentially lead to both seasonal nuisance and a future pressure for removal.

The appeal proposal is modest and the site is located within reasonable walking distance of local bus routes and there is provision for on-street parking in Maxwell Road. There is no substantive evidence to suggest that the residual cumulative impact of the proposed development would be severe in relation to highway safety. The proposal would not result in material harm to highway safety with particular regard to car parking.

The development could cause a degree of harm to the significance of the Brompton Lines Conservation Area and to the setting, thereby the significance, of the Grade II Listed Garrison Church and vicarage. Consequently, the appeal should be dismissed.

STROOD NORTH

Land rear of 157 Brompton Farm Road, Strood, Rochester, Kent ME2 3NQ (TS)

MC/15/0734 – Refused (1 May 2015) – Delegated

Outline application with some matters reserved (appearance, landscaping, scale) for construction of a 2-bedroomed detached dwelling with associated parking

Dismissed (15 October 2015)

Summary:

The main issues:

- The effect of the proposal on the character of the surrounding area.
- Living conditions for future occupiers with particular reference to outdoor amenity space provision and privacy.

The site lies within a predominantly residential area with a mix of single storey and two storey dwellings. A defining characteristic of the area is the setting of dwellings within plots with long rear gardens. The site comprises a former rear garden and access from Lynors Avenue to the rear. The Medway Housing Standards seeks private gardens with a minimum length of 10 metres or 7 metres if a site constrained. The proposal meets neither of these standards. In an area of characteristic long rear gardens, the proposal would appear cramped and not in keeping with the character of the surrounding area.

The proposed rear garden would be directly overlooked from first floor windows in No 157a, 157 and 159 Brompton Farm Road. Future residents of the appeal property would experience an unacceptable loss of privacy in their rear garden.

The proposal would have an adverse effect on the character of the area and the living conditions of future residents. The proposal should seek to ensure that the infilling of residential areas provides a clear improvement in the local environment and seek to protect the amenities of the future occupiers.

STROOD RURAL

60 Town Road, Cliffe Woods, Rochester, Kent, ME8 3JJ (RN)

MC/15/2929 – Refused (12 October 2015) – Delegated

Construction of part 2 storey part single storey side/rear extensions; roof alterations together with insertion of rear dormer with roof lights to front, rear and side to provide additional accommodation within roof space

Dismissed (23 December 2015)

Summary:

The main issue:

- The effect of the proposed extensions on character and appearance of the host dwelling and on the wider street scene.

The proposed extensions would be harmful to the street scene and the character and appearance of the original dwelling would be lost and the pair of dwellings grossly unbalanced.

1 Courtsole Farm, Pond Hill, Cliffe, Kent, ME3 7QR (MSP)

MC/15/1175 – Refused (3 June 2015) – Delegated

Construction of a brick boundary wall with infill timber panels

Dismissed (14 December 2015)

Summary:

The main issue:

- The effect of the proposed development on the character and appearance of the surrounding area and nearby listed buildings.

The proposed development would see the enclosure of a currently open area. The position of the wall would appear as a discordant and harmful feature to the character and appearance of the area including the adjoining conservation area. There would be harm to the significance of the heritage asset of the church which is a Grade I listed building. This has been dismissed to preserve the setting of the conservation area.

STROOD SOUTH

Garage Site Rear Of 23-29 Seagull Road, Strood, Rochester, ME2 2SQ (MS)

MC/14/2467 – Refused (8 January 2015) – Planning Committee

Demolition of existing garages and construction of 10 one and two bedroom flats; undercroft and surface parking; landscaping and associated refuse and bin stores

Allowed (4 November 2015)

Summary:

The main issue:

- The effect of the proposed extensions on character and appearance of the surrounding area.
- Living conditions of occupants of surrounding properties, with particular regard to privacy.
- The on-street parking conditions in the area and any consequent impact on surrounding residents' living conditions.

The proposed development would not result in material harm to the character and appearance of the area or the living conditions of surrounding residents. The proposal would represent sustainable development and is well connected in the

surrounding housing estate. A scheme of remediation is required and the Council puts forward conditions to address this. Conditions are also required to secure vehicle and cycle parking.

Conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 712 023 PL01 A, PL02 A PL03 B, PL 04 A, PL05 A, PL06 A, PL07, PL08, PL09, PL10, PL11, PL12, PL13.
- 3) No development shall take place until details, including samples, of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. 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, including a timescale for implementation, 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 surface materials, plant species, size at time of planting and numbers/spacing/density. All hard landscaping and planting comprised in the approved scheme of landscaping shall be implemented in accordance with the approved timescale. The hard landscaping shall thereafter be retained as approved. 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.
- 5) 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 hereby approved, or any part of it, is first occupied. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) location of construction compounds including offices and areas for loading, unloading and storage of plant and materials
 - iii) hours of construction working
 - iv) noise and vibration limitation and monitoring regimes
 - v) site screening
 - vi) wheel washing facilities
 - vii) measures to control the emission of dust and dirt during construction
 - viii) protection of surface and ground water resources, including arrangements for the storage of oils, fuels or chemicals
 - ix) site illumination, including any cowls to be fitted

- 7) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011; and, unless otherwise agreed in writing by the Local Planning Authority, and
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).
- 8) No development shall take place until details of the proposed foul and surface water sewage disposal have been submitted to and approved in writing by the local planning authority. None of the dwellings hereby approved shall be occupied until the sewerage details have been provided on the site in accordance with the approved details. No infiltration of surface water drainage into the ground is permitted, other than with the express written consent of the Local Planning Authority.
- 9) No development shall take place until a scheme for measures to minimise the risk of crime, according to the principles and physical security requirements of 'Crime Prevention Through Environmental Design', has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before any part of the development is first occupied and thereafter retained.
- 10) Notwithstanding condition 2 no development shall take place until alternative details of refuse and recycling storage for the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 11) Notwithstanding condition 2 no development shall take place until details of the cycle parking provision (to the rear of the undercroft parking area, underneath the building) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) No dwelling shall be occupied until space has been laid out within the site in accordance with approved plans for 16 cars to be parked for such use by occupants of the flats and 10 retained garages for use by local residents along with turning and access. No development whether permitted by the Town and Country (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position to preclude vehicular access to this reserved parking and turning space.
- 13) Prior to the installation of any external lighting on the site details of such lighting including its height, position, external appearance, any shielding, light intensity, colour, light spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate how its effect on nearby residential properties has been minimised shall be submitted to and approved in writing by the Local Planning Authority. Only the external lighting approved pursuant to this condition shall be used on the site and it shall only be used within the hours approved pursuant to this condition.
- 14) All of the windows/openings on the east elevations of the building hereby approved, including the sides of the balconies, shall be fitted with obscure glass/panelling up to a height of not less than 1.7 metres above the internal finished floor level of the room/balcony it serves. The panelling shall be fixed in place and apart from any top-hung light that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves the windows shall be non-opening. This work shall be carried out and completed before the flats are first occupied and shall be retained at all times thereafter.

WALDESLADE

50 Sussex Drive, Chatham, Kent ME5 0NP(TS)

MC/15/1792 – Refused (4 September 2015) – Delegated

Construction of a two-storey side extension incorporating garage and single-storey front/side extension (demolition of existing garage)

Dismissed (23 December 2015)

Summary:

The main issue:

- The effect of the proposed development on the character and appearance of host dwelling and the wider street scene.

The buildings in this part of Sussex drive are mainly semi-detached houses. The large extension would be an incongruous addition to the pair comprising Nos 50 and 52, exacerbated by No 50's prominent position within Sussex Drive. The extension would stand out as inappropriately large in relation to the host dwelling itself and would unbalance the pair of dwellings and harm the wider street scene of Sussex Drive.

APPENDIX B

Appeal Cost Decision Summaries

There were no cost decisions for this quarter.

APPENDIX C

Report on Appeal Costs

Appeals 2012/13					
Ref.	Site	Proposal	Decision type	Costs	Comment
ENF/11/0282	2 Livingstone Circus Gillingham (Watling Ward)	Change of use of ground floor to mixed use resi and A1 retail use without permission	Enforcement	For (partial)	Costs of <u>£243.36 paid in full 20/11/2013</u>
ENF/10/0141	Riverview Manor Rochester (Rochester West Ward)	Planning breach : mixed use of resi, recovery, repair and storage of vehicles and storage of catering van and container	Enforcement	For	Costs of <u>£872.04 paid in full over 3 instalments (final instalment received 09/09/2014)</u>
MC/13/0280	Plot 1, Merryboys Stables, Cliffe Woods (Strood Rural Ward)	Construction of shed to side of dwelling (resubmission of MC/12/0818)	Delegated	For	Costs of <u>£276 paid in full 30/12/2013</u>

Appeals 2014/2015					
Ref.	Site	Proposal	Decision type	Costs	Comment
MC/13/2031	48 Hoath Lane, Rainham (Wigmore Fish Bar)	Construction of 4 dwellings	Committee over turn of officer recommendation	Against (partial)	Costs limited to defending reasons 1 and 3 of decision. <u>£1,946.50 paid</u> to cover 50% costs.
ENF/12/0473	Buttercrook Wharf, Vicarage Lane, Hoo	Construction of a commercial building with landscaping,	Enforcement	For (partial)	Costs incurred limited to preparation to refute the

		parking and internal infrastructure without the benefit of planning permission			claim that the new commercial building erected was the implementation of a valid planning permission <u>Costs of £1,517.50 paid in full 27/08/2014</u>
MC/14/0326	Land north side of Cross St (r/o 77-87 James St), Gillingham	Construction of 2 storey blocks comprising of 4 x 1 bed flats	Delegated	Against	