

MC/16/1469

Date Received: 4 April, 2016

Location: 8a Mansion Row, Brompton, Gillingham, ME7 5SE

Proposal: Revised design details of single dwelling house and garage begun under TP Ref. NK3/60/243B

Applicant: Mr J Wraight

Agent:  
Ward River

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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 29 June 2016.**

**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:

Drawing numbers TP1, TP2, TP3, TP4, TP5, TP6 and TP8 received 4 April 2016.

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

- 3 No development shall take place above slab level until details of the following have been submitted to (or provided on site as appropriate) and approved in writing by the Local Planning Authority:

- (a) a sample panel of no less than 0.5sqm to show the proposed brick type and bond (Flemish bond) with pointing finish for the dwelling, to be constructed on site close to the front of no. 8 and aiming to match the neighbouring properties;
- (b) samples of other external materials including for the garage, where, notwithstanding the approved plans all of the external walls of the proposed garage which will not be directly obscured by retained boundary treatments/adjacent garages shall be finished in brickwork;
- (c) a 1:20 elevation of the proposed applied timber casing to the throughway (ideally increasing the size of the casing shown on the

approved plans by removing the platt band between the ground and first floor);

- (d) 1:10 details of the proposed Juliette balconies;
- (e) 1:10 details of the proposed iron gates at ground floor;
- (f) 1:20 elevational details of all window joinery to the front with 1:5 cross sectional details; and
- (g) 1:10 cross sectional details of the pavement light to the basement noting its junction with the pavement and the house.

The development shall be implemented in accordance with the approved details which shall thereafter be retained.

Reason: In the interests of the character and appearance of this historic setting in accordance with Policies BNE1, BNE12, BNE14 and BNE18 of the Medway Local Plan 2003.

- 4 The house hereby approved shall not be occupied until details of the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority and the approved details have been implemented. Thereafter the approved boundary treatment shall be retained as such.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to visual and residential amenity in the locality, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 5 The house hereby approved shall not be occupied until the area shown on the submitted layout as vehicle parking space/garaging together with access thereto and the vehicle turntable have been provided, surfaced and drained. Thereafter these facilities shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (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 as to preclude vehicular access to this reserved parking/garaging and turning space.

Reason: The inclusion of vehicular access to these facilities has affected the design of the dwelling frontage in a manner which is not ideal in the historic context of the site and its surroundings, therefore it is considered important that the vehicular facilities which it provides access to are retained available for this purpose in the interests of amenity and with regard to Policies BNE1, BNE2, BNE12, BNE14 and T13 of the Medway Local Plan 2003.

- 6 There shall be no removal of any trees on or overhanging the site and no development shall take place related to the construction of the dwelling and garage hereby approved until a method statement for the protection of bats and breeding birds has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by a bat emergence / dawn return survey (noting the weatherboarding to the side of

no. 8 as well as the vegetation on the site) and shall detail the mitigation measures necessary to protect bats and breeding birds during construction and provide replacement opportunities for thereafter (including a timescale for this). The protection of any bats and breeding birds shall thereafter be implemented in accordance with the approved details .

Reason: These details are required prior to commencement as the tree/construction works could have an adverse impact on any protected species on the site and in the interests of protection of wildlife and to mitigate any impact with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

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

### **Proposal**

This application is for a revised design for a three storey single dwellinghouse and detached garage which has planning permission under reference NK3/60/243B. The main changes to this previously approved scheme are:

- The proposed house was previously shown to be set back from the frontage of the adjacent houses whereas now it is shown to be level with it, increasing its overall depth;
- The ground floor frontage is altered from white stucco to red brick;
- Alterations to the detailing of the fenestration, Juliet balconies and vehicular access opening;
- An increase in the depth of the single storey ground floor kitchen projection by 1.6m;
- The addition of a cellar;
- Internal alterations including the addition of a lift between the ground and first floor, with the total number of bedrooms remaining at 3/4 (depending on whether or not one of the first floor rooms is used as a fourth bedroom or as a dining room, drawing room or study);
- The addition of a turntable for vehicles in front of the garage (which fills the width of the rear of the site) to enable cars to arrive and depart more easily in a forward direction, access to the garage from Mansion Row being via a passageway through the southern side of the ground floor of the building;
- The increase in depth of the garage by approx. 0.55m.

### **Relevant Planning History**

NK3/60/243B	Erection of dwelling house and garage Approved 22 January 1969
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### **Representations**

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

**KCC Biodiversity** advise that the trees on the site may have some potential for roosting bats due to the presence of ivy coverage; from the photographs it is difficult to see any details of the trees themselves but while quite tall they do not seem to offer significant bat roosting opportunities. It is notable that the objector refers to bats flying around the trees so it may be that this area of somewhat unkempt land offers an initial feeding and warming up area for bats that are roosting nearby rather than roosting within the trees themselves. It would be preferable if a bat emergence / return survey was carried out before the trees are removed.

If the trees do not support roosting bats then there is unlikely to be a legal issue (in terms of bats) with the applicant removing the trees but the local planning authority should be seeking to ensure that there is no net loss of biodiversity; opportunities for the incorporation of landscape planting should be sought and external lighting of the site should be limited to minimise potential impacts to bats that are present nearby. These details could be subject to condition. Of potential additional concern though is the weatherboarding on the adjacent property which appears to be raised in places, offering opportunities for roosting bats. If this is to be covered with the proposed building an assessment for bats would be essential, ideally to inform the determination but given the application circumstances a condition requiring a method statement informed by a bat survey to ensure no bats are using it as a roost is an option.

If bats are found to be roosting in the building or the trees then a European protected species mitigation licence will be necessary to undertake the works without committing an offence. By securing the survey by condition Medway Council is not able to consider whether it is unlikely that a licence will be granted before making the determination.

The scrub and trees offer potential bird nesting opportunities so it is suggested that this matter is also covered by condition. If not the applicant should be advised that to ensure no offences against breeding birds are committed site clearance should be undertaken outside of the bird breeding season unless immediately preceded by an inspection carried out by a suitably experienced ecologist.

**Four letters of objection from three neighbours** have been received, in summary raising the following concerns:

- The build would cover the weatherboarding on the side wall of 8 Mansion Row, preventing maintenance of it, covering a valuable feature of a listed building and having uncertain consequences to the rear timber framed portion of it;
- Loss of light to garden and kitchen of no. 8 due to north flank elevation and to garden due to rear garage;
- Potential impact on 'tanked' basement of no. 8 from footings;
- The rear of no. 8 and many buildings in Mansion Row are have Kent peg tiles, this being a listed feature contributing to the conservation area status – they are not referred to in the proposed design;
- Large trees which are home to many breeds of wildlife would be affected;
- Impact on bats cannot be avoided;
- The garage should be red brick not breeze blocks;
- The rear site wall should be kept;

- The garage entrance feature in the frontage is out of keeping in the row/conservation area, on-site parking is unnecessary and there is plenty of off-road parking in a safe and secure area; and
- How will the garage area be affected during construction?

## **Development Plan Policies**

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

## **Planning Appraisal**

### *Background*

Planning permission for a house and garage on this site was granted in 1969, reference NK3/60/243B, subject to a condition which required the parking/garage space to be kept available for such use. Subsequent to this work involving the digging of a trench for the foundations of the garage took place in the 1970's and this was inspected by a Building Control Officer at that time. In 1991 a legal view was given by the Deputy Town Clerk and Solicitor of Gillingham Borough Council confirming that the works which had been undertaken in the 1970's were a material operation sufficient to keep the permission alive (the approved development was started and there is no requirement for it to be completed within any given time period). In these circumstances this previous planning permission can still be implemented, this being a material consideration in the determination of the current application.

### *Principle*

The site is located within a primarily residential area and already has a live planning permission for the erection of a single dwelling. There is no objection in principle to this revised application for a single dwelling, including with regard to Policy H4 of the Medway Local Plan 2003 and the advice in the NPPF (paragraph 49).

### *Street Scene, Design and Heritage Impacts*

The site is located within the Brompton Lines Conservation Area, with 1-15 Mansion Row consisting of a street of grand Georgian houses built in the second half of the 18<sup>th</sup> century all being Grade II listed buildings. Nos 1-8 have a more formal style although each has slightly different detailing, with nos 9-15 being more modest in scale and mixed in character. In this historic context the design and visual impact of the proposed dwelling is clearly important.

The proposed design is considered to be a significant improvement to that approved in 1969 which can still be implemented. In particular the moving forward of the front elevation to be flush with the front of no.8 and the rest of the row is wholly preferable, as is the use of red brick rather than the part white stucco/part brick previously approved. The house would continue to have the same height as no. 8 with the

windows on the front elevation being aligned to continue the Georgian fenestration that is seen in the remainder of the row. The one feature which is at odds with the existing row is the proposed vehicular access from the frontage through to the proposed garage in the back garden. From a design perspective ideally this would be removed and the main (pedestrian) entrance to the house moved to the front elevation, rather than being to the side within the access underpass. However the applicant wishes to retain vehicular access from the site frontage to the rear garden, this design being a feature of the 1969 permission. As this 1969 scheme can still be implemented and the current scheme is considered to be a visual improvement to it, it is not considered that the refusal of planning permission on the basis of the retention of the underpass would be reasonable.

It is noted that neighbours have raised concern regarding a number of other detailed design matters. The covering of the side of no. 8, which is partly weather boarded, would occur in any case if the existing 1969 permission was fully implemented and the side of this building is not considered to be of such value that it should be retained as an 'open' feature. Construction details in respect of the basement and potential impact on the integrity of no. 8 are controlled separately under the Building Regulations. Although some local buildings have Kent peg tiles roofs there is variation, including modern tiles and slate effects, such that they are not considered essential for use on the current site. It is agreed that the exposed parts of the garage should be finished in brick rather than blockwork and this could be secured by condition. The garage itself would remain a subservient feature at the end of the rear garden.

In summary the proposed design is considered to be an improvement to that which can be implemented under the 1969 permission. It would complement the historic features and architecture of the street and would appear acceptable in this context. In these circumstances there are no objections with regard to Policies BNE1, BNE12, BNE14 and BNE18 of the Medway Local Plan 2003 and the advice in the NPPF (sections 7 and 12). Conditions are recommended to agree exact design details and samples.

### *Amenity Considerations*

With regard to the impact on neighbours the main bulk of both the house and the garage are similar to that previously approved and the increase in the depth of the house to bring the frontage level with that of no. 8 would not result in any harm. The main change is the increase in the depth of the ground floor rear kitchen projection which is adjacent to the boundary of the rear garden of no. 8. This is shown to be approx. 1.6m deeper than previously approved, resulting in it projecting approx. 3.25m beyond the rear elevation of the closest part of no. 8. There is currently a boundary wall over 2m high which projects approx. 4.5m passed the rear of this section of no. 8, such that the rear kitchen extension would not project as far into the garden as this section of high boundary wall. Although the proposed single storey rear projection would be higher than this wall, outlook and light from the neighbouring windows is already restricted by the wall and the rear projection would not be unreasonably large (it would also project less than others nearby including that at no. 8). In these circumstances the impact of the revised house design on neighbours is considered acceptable.

To the rear of the garden the garage is very similar to the existing 1969 permission although it has been increased in depth by approx. 0.55m. It is not considered that this relatively minor change would harm the amenities of neighbours including with regard to light. The (ground level) vehicular turntable within the rear garden would aid manoeuvring but is unlikely to have any other significant impacts on amenity.

With regard to the amenities of future occupants of the development itself the proposed dwelling has been assessed against the technical housing standards – nationally described space standard (the national standard) and, for matters not covered by this, with regard to the Medway Housing Design Standards (MHDS) (interim) 2011. The proposals meet the internal floorspace requirements of the national standard (although bedroom 2 is of single rather than double bedroom area). With regard to garden size the MHDS recommend that houses should have a private garden with a minimum length of 7m, with 10m normally being expected. The garden complies with this although much of its area would be used for access and the proposed garage. However bearing in mind the existing 1969 permission it would be unreasonable to resist the development on this ground.

In summary the impact of the revised development on the amenities of neighbours is considered acceptable including with regard to Policy BNE2 of the Medway Local Plan 2003 and the guidance given in the NPPF (including the fourth core planning principle given in paragraph 17).

### *Highways and Parking*

The adopted Medway Council Interim Residential Parking Standards require a minimum of two parking spaces for a dwelling of this size and the proposed garage could accommodate these (although the depth of the garage is under the usual minimum size, the width is greater). The access under part of the house through the site from the frontage would be restricted although the proposed vehicular turntable would aid manoeuvring. Although it would be possible to consider whether or not a reduction in the adopted standards would be acceptable in the site circumstances, bearing in mind the heritage and design implications, the applicant wishes to provide the albeit restricted access and parking on the site as already approved as part of the 1969 scheme and there is no objection to this on parking and highway grounds. It is noted that none of the other houses in the row have curtilage parking but that there is a garage block on the southern side of the site as well as generally well-used on-street parking in the locality.

In summary the parking and highway implications of the development are considered acceptable including with regard to Policies T1, T2 and T13 of the Medway Local Plan 2003.

### *Bird Mitigation*

The application site is within 6km of the North Kent Marshes SPA/Ramsar Sites and therefore development on it has the potential to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird

interest. Where such an effect would occur Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officers costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. In the current case there is already a valid planning permission for a single dwelling on the site. The current proposal is for a revised design to this approved scheme, rather than for an increase in the scale of development, therefore there would not be any significant increase in the use of the SPA/Ramsar sites and no contribution towards mitigation measures has been requested.

### *Local Finance Considerations*

There are none considered relevant to this application.

### *Other Matters*

Since the 1969 permission a number trees have grown on/close to the southern side of the rear of the site and neighbours have raised concern regarding their value to wildlife including bats. Their removal would be required to implement both the existing 1969 permission and the currently proposed revised scheme. It is considered that whilst the trees provide greenery they are not of particular merit in themselves and that they are in generally poor condition. However it is possible that they provide habitat and /or feeding areas for protected species such as bats and birds. In usual circumstances it would be recommended that survey work be undertaken to determine whether or not this is the case before an application is determined, such that the results of the survey can be fully considered prior to reaching a decision. However in the unusual circumstances of the current case, where the 1969 permission can continue to be implemented without further planning permission, it is considered that this would be unreasonable in respect of the current application for relatively minor revisions to the detailed design of the scheme. However in order to ensure that adequate measures are undertaken should evidence of use by protected species be found a condition requiring a method statement and mitigation measures for the protection of bats and breeding birds, informed by survey work, is recommended. This would need to include the potential use of the weather boarded area to the side of no. 8 by bats, as well as the trees. It is noted that the protection afforded to protected species under UK and EU legislation is irrespective of the planning system and that the developer would therefore need to ensure that any activity undertaken complies with the appropriate wildlife legislation (if any bats, roosts or other protected species were found on the site then work would need to halt and an appropriately qualified ecologist consulted), therefore the imposition of the proposed condition is not considered onerous in these circumstances.

A neighbour has expressed the view that the rear garden wall should be kept. It has not been possible to inspect this wall from the site due to the overgrown conditions, however the 1969 permission and the current plans both appear to show it replaced with the rear wall of the proposed garage. However bearing in mind the condition and nature of other boundary enclosures in the immediate area is it not considered that the retention of the wall is vital from a historic or amenity viewpoint, although the developer may choose to incorporate it into the rear garage wall rather than completely rebuild.



Finally a query has been raised regarding the impact on the adjacent garage block area. It is understood that the site owner has no right of access through this adjoining land (which may be a preferable means of access to the proposed garage). Once the development is completed there would be no direct effect on the use of these garages. Any temporary impact during the construction period would be a private matter between the affected land owners.

## **Conclusions and Reasons for Recommendation**

The planning permission for a house and garage on this site granted in 1969 can still be implemented and the current application is for relatively minor alterations to this previously approved scheme. The proposed changes are considered acceptable in this context, including with regard to the impact on the appearance and historic character of the locality, amenity, highway safety, parking, bird mitigation and ecology. Approval is therefore recommended with regard to Policies H4, BNE1, BNE12, BNE14, BNE18, BNE35, BNE37, BNE39, BNE43, T1, T2 and T13 of the Medway Local Plan 2003 and to the advice in the NPPF.

This application has been reported to the Planning Committee due to the number of representations which express views contrary to the recommendation and as Councillor Filmer had a potential indirect (financial) interest in the site.

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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/>