

MC/16/4531

Date Received: 4 November, 2016

Location: 64 Boxley Road, Walderslade, Chatham ME5 9LJ

Proposal: Construction of detached three bedroom house with associated car parking spaces

Applicant: Mr Paul Harman

Agent: Mr Mark Carter Mark Carter Design Design Studio, Priestfield Stadium Priestfield Stadium Redfern Avenue Gillingham ME7 4DD

Ward Walderslade

Case Officer Doug Coleman

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 12 April 2017.

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 number 3078-003B received on 4 November 2017; drawing number 3078-004D received on 7 November 2016; and drawing number 378-006 received on 8 February 2017.

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

- 3 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 4 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 Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall above slab level take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 6 The development shall not be occupied until details of a permeable surface for the parking area and details of the boundary treatment to be erected have

been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To protect and enhance the appearance and character of the site and locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 7 The development shall not be occupied until details of the refuse storage arrangements, including provision for the storage of recyclable materials, have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved refuse storage arrangements are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 The dwelling shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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 space and garaging.

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

- 9 The dwelling hereby approved shall not be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area.

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

- 10 The dwelling shall not be occupied until that part of the service road shown on drawing 3078-004D, which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T2 of the

Medway Local Plan 2003.

- 11 The bathroom window on the first floor side (south-east) elevation shall be fitted with obscure glass 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, shall be non-opening. This work shall be carried out and completed before the dwelling is occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be constructed in the side elevation of the building than as hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

Proposal

This application proposes the construction of a detached three bedroom house with associated car parking spaces. The site is within the rear garden of 64 Boxley Road, and should be considered in conjunction with the following application for a minor material amendment to planning permission MC/15/1573 (the adjacent site).

The application site measures approx. 36m deep and varies in width from approx. 7m at the south-western end to approx. 12m at the north-eastern end. The land slopes by approx. 3.5m from south-west to north-east.

The site is adjoined to the north-west by the rear garden of 58 Boxley Road, which has the benefit of an extant planning permission for four houses (MC/15/1573). To the north-east it is bounded by the remainder of the garden to 64 Boxley Road, whilst to the south-west and south-east it is bounded by properties in Woodlands and Dale Court. The south-eastern boundary to the site also defines the boundary between Medway and Maidstone.

The proposal is to build a detached house, with a staggered appearance measuring up to approx. 7.5m wide and up to approx. 10.8m deep. The accommodation within the house would comprise a hall, lounge, dining room/kitchen on the ground floor and three bedrooms (one en-suite) and a bathroom on the first floor. Two car parking spaces would be provided at the front. A rear garden, approx. 10m deep would be provided.

Site Area/Density

Site Area: 0.03 hectares (0.08 acres)
Site Density: 30 dph (12.2 dpa)

Relevant Planning History

Rear of 64 Boxley Road

- MC/11/2813 Construction of a detached chalet dwelling
Refused 22 December, 2011
Appeal dismissed 27 July 2012
- MC/07/1030 Construction of detached 3-bedroomed house with integral double garage within the curtilage of 64 Boxley Road (demolition of garage)
Refused 07/08/2007

Rear of 58 Boxley Road

- MC/16/4528 Variation of condition 2 to allow a minor material amendment to planning permission MC/15/1573 to reposition to parking spaces
Reported elsewhere on the agenda
- MC/15/1573 Construction of four three-bedroomed dwellings with associated parking
Approved With Conditions 17/12/2015

Rear of 52 Boxley Road

- MC/05/0251 Construction of two pairs of 2 & 3-bedroomed semi-detached houses, three 3-bedroomed detached houses and a terrace of three 3-bedroomed houses with associated parking and vehicular access via Francis Drive
Approved with Conditions 13/04/2005

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Mid Kent Planning Services (Maidstone Borough Council) has also been consulted.

Three letters have been received raising the following objections:

- The development would be out of character with the immediate surroundings and the area as a whole;
- Unacceptable backland development;
- Overdevelopment;
- Overbearing impact, overlooking and loss of privacy to neighbouring properties;

- Loss of light;
- Proposal would add to parking and drainage problems in area;
- Proposal would have overbearing impact of boundary hedge;
- Previous applications have been refused and dismissed on appeal.

Other matters raised are non-material.

Maidstone Borough Council has written raising no objection.

Development Plan

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

Planning Appraisal

Background

There is planning history both to the application site and to the adjoining sites to the north which is relevant to this application. There have been previous applications to build on this land the latest being MC/11/2813 for a detached chalet dwelling on the application site which was refused on 22 December 2011 on the following grounds and was subsequently dismissed on appeal:

"The proposed dwelling by reason of its siting and location to the rear of No. 64 Boxley Road would not result in a clear improvement to the local environment and would unacceptably alter the established character of the area. The development would be by reason of its siting and access wholly inappropriate and out of character with the setting of the locality and character of the area. The scheme is therefore contrary to policy BE1 of the South East Plan 2009 and policies BNE1, H4 and H9 of the Medway Local Plan 2003".

The dwelling proposed under that application would be sited in approx. the same position as that currently proposed. Access would have been achieved using the existing drive serving 64 Boxley Road and as such the proposal would have resulted in backland development.

In his decision letter the Inspector considered that the proposed dwelling *would be on the same building line as nos 8-10 Betteridge Close and 1 Dale Court, and would replace an existing building. The proposed dwelling would appear appropriately sited within the grain of development and to this extent it would be in keeping with the character and appearance of the area. The curtilage of the proposed dwelling, and the residual curtilage of no.64, would be of a size similar to those of surrounding dwellings. However, the layout would involve the development of back land by means of an access taken past no.64, and this would be incongruous with the existing backland development in the locality which is served by planned cul-de-sacs and as such the proposed development would harm the character and appearance of the area, in terms of the unsatisfactory design of its layout, and would be contrary to policies H9*

and BNE1 of the Local Plan.

With regard to the living conditions of the occupiers of 64 Boxley Road, the Inspector considered that *the proposed access to the new house would use the existing access to the garage, which (at its closest point) comes to within a metre of the flank wall of 64 Boxley Road in which there are three windows serving the kitchen, dining room and living room. The prospective occupiers of the proposed dwelling would be able to look into these windows at extremely close quarters, requiring the use of blinds or curtains to prevent loss of privacy, or the erection of a fence at least 1.8m high along this part of the driveway. Any of these measures would result in an unacceptable loss of outlook. Since the windows face south, they would also result in a loss of light and sunlight to these rooms. In addition, the passage of vehicles along the access would cause noise and disturbance which would be experienced in these rooms and in the rear amenity space of the dwelling.* Therefore the Inspector also concluded that *the proposed access would harm the living conditions of the occupiers of no.64, in terms of loss of privacy or outlook, and of noise and disturbance and as such would be contrary to policy BNE2 of the Local Plan.*

Subsequent to that appeal decision, planning permission was granted on 17 December 2015 for the construction of 4 x three bedroom dwellings with associated parking on land immediately to the north of the application site at the rear of 58 Boxley Road under reference MC/15/1573. That application proposed the extension of Betteridge Close to serve the proposed dwellings.

The current application proposes utilising the extended Betteridge Close to serve the proposed development instead of the drive off Boxley Road. This would necessitate a minor change to the layout of the neighbouring development which is the subject of an application for a minor material amendment also on this Committee agenda.

Principle

Policy H4 of the Local Plan states that within the urban area, residential development consisting of the redevelopment of existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result) will be supported. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development

The principle concern with previous proposals for this site has been the backland nature of development, with the access from Boxley Road, and as such the development was considered to be contrary to Policy H9 of the Local Plan. The current proposal seeks to address this by securing access off the extended Betteridge Close, hence removing the previously raised concerns regarding noise and disturbance and loss of privacy from use of this access to serve the proposed development. Accordingly, no objection is raised to the current proposal under Policy H9 of the Local Plan.

Design and appearance

The design of the proposed dwelling reflects that of the neighbouring development which proposes a traditional designed terrace, with contemporary features. The predominant material would be brick, with render on the two storey flat roof front projection and parapets on each side. The submitted plans show the proposed dwelling to be located at a lower level than the existing land level at Betteridge Close and there would be steps down to the rear garden that would be levelled by raising the land level towards the rearmost boundary.

It is considered that the layout, scale, mass and general detailing of the proposal would respect the proposed neighbouring development and in this regard, no objection is raised under Policy BNE1 of the Local Plan and Paragraph 58 of the NPPF.

Residential Amenity

Occupier Amenity

Policy BNE2 of the Local Plan seeks to secure the amenities of the future occupants as well as protect those of nearby and adjacent properties. The DCLG's Housing Technical Standards specify a minimum gross internal floor area (GIA) of 84 sq m for a three bedroom/four person dwelling. The proposed dwelling would have a GIA of approx. 116 sq. m. which would comply with these standards. The proposed bedrooms measure at approx. 13 sq m (double), approx. 9.8 sq m (single) and approx. 9 sq m (single). The Standards require a minimum GIA of 11.5 sq m (double or twin bedroom) and 7.5 sq m (single) and a minimum width of 2.15m (single) and 2.55/2.75 sq m (double). The proposed development would comply with the Housing Technical Standards and therefore, no objection is raised in this regard under Policy BNE2 of the Local Plan and Paragraph 50 of the NPPF.

Neighbour Amenity

To the north-east there would be a separation distance of approx. 40m from the rear of the existing dwelling in Boxley Road to the rear of the proposed dwelling. Taking this into account, there would be no detrimental impact in terms of loss of light, privacy or outlook to that property. To the south-east, the rear of 1 Dale Court would be approx. 20m from the side elevation to the proposed dwelling. Apart from a small bathroom window, which would be obscured glazed, no windows are proposed in this elevation and therefore, there would be no loss of privacy to that property. In view of the distance and the fact that the proposed dwelling would be to the north of that property, it is considered that there would be no detrimental loss of light or outlook to that property.

To the north-west, there would be a gap of approx. 2.3m between the flank wall of the proposed dwelling and the flank wall of the approved dwelling. However with no windows in either flank wall no issues are raised in relation to any detrimental impact on the amenity of the future occupiers of that property. To the south-west, of the application site, is an end of terraced property, 7 Betteridge Close. That property has been extended by the construction of a two storey side extension which was approved on 29 March 2010 (under reference MC/10/0301). The site boundary is approx. 2.3m

in front of this extension, but the front of the proposed dwelling would be approx. 17m from this extension, at a lower level and separated by the access road and parking. This distance would be similar to the distance between the other dwellings on the south-west side of Betteridge Close and the dwellings approved under MC/15/1573. As this is a frontage to frontage distance with a road in between, it would be acceptable in terms of light, outlook and privacy. Finally, also to the south-west, there is a dwelling at 20 Woodlands, which partly adjoins the site, but which would be approx. 24m from the proposed dwelling at its closest corner. There would be no loss of light, privacy or outlook so far as that property is concerned.

Accordingly, no objection is raised in terms of neighbour amenity under Policy BNE2 of the Local Plan and Paragraph 17 of the NPPF.

Highways

Medway Council's adopted Vehicle Parking Standards require the provision of two spaces for a three bedroom dwelling. Two spaces are shown on the submitted drawings and therefore no objection is raised under Policy T13 of the Local Plan in terms of parking. The number of vehicle trips generated by the proposed development would and be low and therefore no objection is raised under Policies T1 and T2 of the Local Plan.

Trees

Despite, the plans stating 'retained tree', this tree has recently been removed so there are no trees on the application site. The tree was a multi stemmed silver birch which was not protected. There is a tree in the retained garden of 64 Boxley Road, which would be approx. 20 m from the rear of the proposed dwelling. There are trees in the curtilage of the neighbouring properties to the south, 1 Dale Court and 20 Woodlands, which would be closer to the proposed dwelling. A condition is recommended requiring the submission and approval of an appropriate tree protection measures to safeguard these trees. Subject to this condition, no objection is raised under Policy BNE43 of the Local Plan.

Bird Mitigation

As the application site is more than 6km of the North Kent Marshes SPA/Ramsar Sites, no mitigation contribution is sought in respect of the proposed development and therefore, no objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The principle of the proposed development is acceptable and no objection is raised in terms of backland development, design and appearance, housing design standards

and occupier amenity, neighbour amenity, highways, trees and bird mitigation. The application would, therefore comply with Policies S6, BNE1, BNE2, BNE35, BNE43, H4, H9, T1, T2 and T13 of the Local Plan and Paragraphs 17, 49, 58, 109 and 118 of the NPPF and is recommended for approval.

The application would normally be determined under Officer delegated powers but is being referred to Committee for determination on account of the number of letters of representation received contrary to the Officers' recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>