

MC/17/0065

Date Received: 9 January, 2017

Location: 37 Brendon Avenue, Walderslade, Chatham ME5 8JG

Proposal: Conversion of existing ground floor extension together with the construction of an approved first floor extension to a separate one bedroom dwelling with associated works

Applicant: Mr Richard Barker

Ward Princes Park

Case Officer Mary Smith

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 subject to:

A. The applicant entering into a Section 106 agreement to secure the following:

1. A contribution of £223.58 towards bird disturbance mitigation measures within Special Protection Areas; and

B. The following 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 1A, 1B, 2A, 4A, 6A, 7A, 8A, 9A, 9B, 10A, 11A, 12A and 12B received 23 February 2017.

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

- 3 All materials used externally shall match those of the existing building at number 37 Brendon Avenue.

Reason: To ensure that the appearance of the development is satisfactory

and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 The area shown on the approved plans as vehicle parking space and garaging 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 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 a loss of amenity and in accordance with Policies BNE2 and T13 of the Medway Local Plan 2003.

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

Proposal

It is proposed to construct a first floor addition and then to convert the existing ground floor extension together with this new first floor extension in to a separate, self-contained one bedroom house. The new house would have a reception/kitchen/dining room on the ground floor with a bedroom and bathroom on the first floor leaving no. 37 as originally constructed, a three bedroom house. The proposed dwelling would have a front and rear garden with one parking space to the rear of its back garden, this space currently being used by no.37. No. 37 would retain use of the garage which is in a block across the road to the west.

Site Area/Density

Site Area: 0.0285 hectares (0.07 acres)

Site Density: 70 dph (28.6 dpa)

Relevant Planning History

MC/16/1937	Construction of a first floor extension to side Decision Refusal Decided 4 August, 2016 Appeal Allowed Decided 05/12/2016
MC/15/2202	Construction of a first floor extension to side Decision Refusal Decided 17 August, 2015
MC/11/2300	Construction of an attached single storey one-bedroomed dwelling together with the construction of steps, parking and bin store provision to rear

	Decision Refusal Decided 7 November, 2011 Appeal Dismissed Decided 29/05/2012
MC/10/4579	Construction of a single storey extension to side (Resubmission of MC/10/2548) Decision Approval With Conditions Decided 4 May, 2011
MC/10/2548	Construction of single storey side extension Decision Refusal Decided 3 September, 2010
MC/09/1419	Construction of a 2-bedroomed dwelling forming end of terrace (re-submission of MC2009/0758) Decision Refusal Decided 12/11/2009 Appeal Dismissed Decided 24/06/2010
MC/09/0758	Construction of a 3 bedroomed dwelling forming end of terrace Decision Refusal Decided 28/07/2009 Appeal Dismissed Decided 24/06/2010

Representations

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

A petition signed by 33 people from 20 addresses has been received raising the following objections:

- Revision of previous six applications which have all been strongly opposed by local residents;
- Manipulation of previous application to achieve original intention to create a separate dwelling;
- Very small, insufficient in size to cater for a family dwelling;
- Detrimental effect on the character of the area, its facilities and the community in general.

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 (the NPPF) and are considered to conform.

Planning Appraisal

Background

Two planning applications for new dwellings on this site were submitted in 2009 and subsequently refused and dismissed at appeal. The first, MC/09/0758, showed a three bedroomed house which extended back approximately in line with the rear of the conservatory of no.37 whereas the second, MC/09/1419, was for a two bedroomed house which only extended as far back as the main rear house wall of no. 37. At appeal the Inspector found that the rear projection of the first proposal would be out of scale and keeping, that there would be insufficient private amenity space for a three bedroom family house amounting to overdevelopment providing a sub-standard living environment for any future occupiers and that the rear projection would adversely affect the living conditions of neighbours. In respect of the second proposal the Inspector found that the detailed design was more in keeping and would provide a larger garden for a smaller dwelling, avoiding amenity conflicts. However she remained concerned that the proximity of the development to the side boundary with Brendon Avenue would result in a prominent and obtrusive appearance in the street scene and dismissed the appeal on this basis.

A further two planning applications were submitted in 2010, both for single storey side extensions. The first, MC/10/2548, was refused on the basis that the size and roof design would be over dominant, failing to respect the appearance of the original dwelling or the streetscene. The second, MC/10/4579, for a smaller extension was approved and has now been implemented.

In 2011 application MC/11/2300 proposed a single storey one bedroom dwelling as a side extension to no. 37, with a very similar basic footprint and external design as that approved for an extension to no. 37, application MC/10/4579. This was refused and dismissed at appeal. The Inspector found that the use of such an extension as a separate dwelling would represent a visual anomaly within its townscape context. It would register as a separate dwelling but would appear as a rather odd and incongruous addition to the short terrace, exacerbated by its prominent position. In these circumstances it was found to be harmful to the character and appearance of the surrounding area, contrary to Policy BNE1 of the Local Plan and the appeal was dismissed on this basis. However the Inspector did note that, whilst marginal, he did consider that acceptable living conditions could be provided within the proposed unit.

More recently two applications for a first floor site extension have been submitted. The first, MC/15/2202, was refused on the basis that the extension would appear prominent and obtrusive, detrimental to the character and appearance of the street scene. A revised design was then submitted, MC/16/1937. This was refused on the same basis as application MC/15/2202 however at appeal it was allowed, the Inspector noting the weight of opposition but deciding that there would not be harm to the character and appearance of the area. The design of this allowed extension is very similar to the design of the first floor extension proposed as part of the current application, with only relatively minor changes to windows and doors on the front and rear elevations.

Principle

There is no overriding objection in principle to an additional dwelling in the primarily residential urban area including with regard to Policy H4 of the Local Plan and the advice in the NPPF (paragraph 49). However the acceptability of the scheme will rest on matters of detail including the impact on the character of the area and on amenity.

Design

The design of the first floor extension is very similar to that allowed at appeal, reference MC/16/1937. In terms of the physical impact of this alteration on the street scene it would be unreasonable to refuse permission on the basis of this design, the previous Inspector having found that it would not harm the character and appearance of the area or conflict with Policy BNE1 of the Local Plan.

However as well as the physical presence of the building consideration also needs to be given to the impact of the use of the extensions as a separate dwelling rather than as an extension to the existing house, no. 37. At the appeal against the refusal of MC/11/2300 the Inspector found that the use of a single storey extension on the site as a separate dwelling would have been a visual anomaly, visually registering as a separate dwelling but appearing odd and incongruous as such. However in the current case whilst the proposed house site would be a little narrower than that which would remain as no. 37 (approximately 6m as opposed to 7m), it is not considered that the presence of a separate two storey dwelling on it would result in the adverse effects on the character of the area which would have been caused by, in effect, a bungalow on the site. It is also noted that the Inspector at one of the other appeals, MC/09/1419, did not raise this potentially incongruous impact as a concern in relation to a two storey dwelling on the site, although the appeal was dismissed on other design grounds.

In summary in the circumstances taking into account the planning history of the site the design of the development is considered acceptable including with regard to Policy BNE1 of the Local Plan and the advice in Section 7 of the NPPF.

Amenity

There are two main amenity issues, the impact on neighbours and the potential living conditions for occupants of the site itself.

As stated above a very similar first floor extension has already been permitted. Due to its position, the front and rear walls being flush with those of no. 37 and the side being adjacent to Brendon Avenue, it is not considered that there would be any significant harm to the amenities of neighbours including with regard to light and privacy. In addition it is not considered that any additional movements caused by a one bedroom dwelling (which would replace the permitted fourth and fifth bedrooms for no. 37) would result in harmful levels of noise and disturbance.

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 Standards (MHS) (interim) 2011.

The initial plans showed a two bedroomed house but the floorspace and bedroom sizes were too small and contravened the national standards. Amended plans were subsequently submitted to show a one bedroomed house which now meets the national standards. Although the rear garden would only be approximately 6.5m in depth, under the minimum length of 7m recommended by the MHS, as the proposed house only has one bedroom, rather than being for larger family accommodation, this is not considered to be unreasonable.

In summary the amenities impacts of the revised proposals both on neighbours and in future occupants of the site itself are considered acceptable including with regard to Policy BNE2 of the Local Plan and the guidance given in the NPPF (including the fourth core planning principle given in paragraph 17).

Highways

The proposed dwelling requires a minimum of one parking space to meet the adopted Medway Council Interim Residential Parking Standards and this would be located at the back of its rear garden, as currently provided for no. 37. No. 37 would in theory require a minimum of two spaces but would only retain one off-road garage space. However in view of the previous appeals, when this has not been raised as a particular issue of concern despite several nearby houses not having curtilage parking, it is not considered that this minor shortfall would be likely to result in harmful amenity impacts (by reason of intense competition for spaces) or highway safety hazards. It is also noted that this is not an issue which has been specifically raised by the petition against the application.

In summary the parking and highway impact of the development is considered acceptable including with regard to Policies T1, T2 and T13 of the Local Plan.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely 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. Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;

- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicant has agreed in principle to pay this tariff and a unilateral undertaking to this effect would be progressed if a resolution to approve the application is been made. 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

None considered relevant.

Conclusions and Reasons for Approval

In summary, planning permission has already been granted for a first floor extension virtually the same as the one now proposed. In addition, bearing in mind the previous appeal decisions, it is not considered that a two storey dwelling in this location would be incongruous in the street, or that it would result in harm to amenity or highway safety. The applicant has agreed to make a contribution to bird disturbance mitigation and in these circumstances approval is recommended including with regard to Policies S6, H4, BNE1, BNE2, BNE35, T1, T2 and T13 of the Local Plan and the advice in the NPPF.

The application would normally be determined under delegated powers but is being referred to Planning Committee due to the extent of the representations received expressing a view contrary to the 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/>