

MC/18/1298

Date Received: 27 April 2018

Location: Land Rear Of 117 Hempstead Road Hempstead Gillingham

Proposal: Construction of 3-bedroom detached bungalow with single garage to rear and soft and hard landscaping; Widening of existing vehicle crossover and hardstanding to facilitate additional parking for existing and proposed properties - demolition of garage, shed, outbuilding and greenhouse

Applicant Mr & Mrs J Collis

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Ward: Hempstead And Wigmore Ward

Case Officer: Tom Stubbs

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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 4th July 2018.**

**Recommendation - Refusal**

- 1 The proposal would introduce a dwelling to the rear and therefore would create a form of development that would not be in keeping with the existing spatial pattern of the area. Therefore as a result of the siting of the dwelling to the rear, the proposal constitutes tandem development which would result in an inappropriate use of residential garden detrimental to the spatial character of the area and contrary to paragraphs 53 and 56 of the NPPF and Policies H4, H9 and BNE1 of the Local Plan.
- 2 The proposed tandem development and its associated access would result in a harmful impact on the amenities of the occupiers of the existing property at 117 Hempstead Road and the occupiers of the properties to the rear in Lombardy

Close as a result of increased noise and disturbance contrary to point 4 of paragraph 17 of the NPPF and Policies H4, H9 and BNE2 of the Local Plan.

- 3 The development would also result in unacceptable impact on the future occupiers by lack of private amenity space contrary to point 4 of paragraph 17 of the NPPF and Policies H4, H9 and BNE2 of the Local Plan.

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

## **Proposal**

This application seeks planning permission for the construction of a 3-bedroom detached bungalow with single garage to the rear. The proposal also involves the widening the existing vehicle cross over and hardstanding to facilitate additional parking for both the existing and proposed properties – demolition of garage, shed, outbuildings and greenhouse.

The proposed hipped roof bungalow would measure a maximum of approx. 17m in width, between approx. 8.5 and 15.5m in depth and approx. 5m in height to the ridge. It would have a gable roof front projection and a hipped roof rear projection. The layout would consist of three bedrooms, an open plan kitchen/diner/living room, bathroom, utility room, study and a garage. Windows would be located on all elevations. It would be sited approx. 3-5m from the rear elevation, approx. 1m from the north eastern side boundary, approx. 2m from the north western side boundary and set back approx. 44m from the front of the site; and approx. 27m from the rear of the existing property. The property would benefit from a rear garden and a front garden. The front garden would include a retained existing swimming pool and a pond.

The property would be accessed via an existing driveway which runs adjacent to the existing property. It is proposed to enlarge a section of the vehicular crossover, result in a loss of existing amenity space.

## **Site Area/Density**

Site Area: 0.084 hectares (0.208 acres)

Site Density: 23.8 dph (9.615 dpa)

## **Representations**

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

There have been **nine** letters of objection from **seven** households and the Hempstead Residents Association raising the following concerns:-

Intensification of access over footpath would lead to issues of highway safety.  
Parking issues due to the number of potential cars onsite as a whole.  
Backland development,  
Overbearing on neighbouring properties to the rear.  
Loss of privacy.  
Overdevelopment.

There have been **three** letters of support for the application received.

## **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**

### *Principle*

The site is located urban, residential area of Hempstead. The development of this back garden would be considered tandem development. Policy H9 of the Local Plan is applicable and states that tandem development is unacceptable as it 'generally causes disturbance and loss of privacy to the house at the front'. It also goes onto conclude that this type of development would only be approved subject to the compliance with six points, which can be summarised as; no overlooking, acceptable vehicle access, no significant noise increase, existing natural features retained, adequate privacy space, character of the area and amenity land maintained. Policy H4 of the Local Plan is also relevant which seeks to permit development that would result in the most effective and efficient re-use of urban land and where a 'clear improvement to the local environment' would result. Paragraph 53 NPPF states that development in residential gardens should be resisted where it would cause harm to the local area.

The detailed matters of these policies which are subject to assessment are listed below.

### *Design*

Paragraph 56 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The street scene and character of this section of Hempstead Road (between Pear Tree Lane and Pine Grove) is a mix of retail and residential uses. The retail area is opposite the application site and comprises a pub, restaurant and variety of shops. The residential area is a mix of two storey dwellings and bungalows predominantly set to the front of the site with varying sized rear gardens. There are no examples of residential tandem

development in this section of the road. To the front of the proposed application site is a small area of amenity land with street trees.

The proposed bungalow with its associated boundary treatment and hardstanding area would be located to the rear of the site and would be visible from neighbouring properties in Hempstead Road, Lombardy Close and Pine Grove. The proposal would introduce dwelling within close proximity to the rear of properties within Lombardy Close whose rear gardens are not as deep as the existing rear garden of the application site.

The proposal would introduce a dwelling to the rear and therefore would create a form of development that would not be in keeping with the existing spatial pattern of the area. Therefore as a result of the siting of the dwelling to the rear, the proposal constitutes tandem development which would result in an inappropriate use of residential garden detrimental to the spatial character of the area and contrary to paragraphs 53 and 56 of the NPPF and Policies H4, H9 and BNE1 of the Local Plan.

The application shows the retention of the majority of trees onsite apart from the removal of a row of conifer trees and willow tree which fall within the footprint of the proposed dwelling. The application also seeks the loss of a section of amenity land to the front to enlarge the proposed access, no objection is raised to this extension as it would retain the majority of the amenity land and due to the distance from the street trees root protection area would not have a detrimental impact on this tree subject to a condition to ensure tree protection measures during construction if the application were considered for approval.

It is argued in the applicant's submission that recent planning permissions (MC/17/0679 - 233 Hempstead Road and MC/17/3192 – 326 Hempstead Road) have approved tandem development within the same road and therefore a precedent has been set, however it should be noted that all planning applications are considered on their own merits.

With regards to these planning applications the proposed development was not considered to be tandem development that resulted in harm as the proposed dwellings were located to the front of the site. Consequently, both sites as they existed before the planning applications were at odds with the surroundings and the addition of a dwelling on the frontage would be a positive step to overcome the impact on the street scene.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and bullet point 4 of paragraph 17 of the NPPF relates to the protection of these amenities.

## Neighbouring Residential Amenity

The proposed dwelling is a bungalow. Taking account of the proposed height and the distance from neighbouring properties and the relationship of their habitable windows to the proposed dwelling, the orientation of the site and the path of the sun and proposed boundary treatment, it is considered that there would not be any detrimental loss of neighbouring amenity with regards to privacy, outlook, daylight or overshadowing of the adjoining properties. Whilst it is considered the proposed development is not detrimental with regards to these aspect of neighbours amenity as proposed, it is necessary to consider the potential future development, if the dwelling were to be extended into the roof which could be carried out under permitted development rights, this could result in privacy issues and overlooking of surrounding neighbours rear gardens. Consequently it is recommended that permitted development rights relating to alterations to the roof should be removed by condition if the application were considered for approval.

With regards to noise and activity the proposed tandem development would bring vehicular access and a dwelling with its associated noise and activities to the rear of the site. The noise and disturbance generated from everyday activity is likely to result in a detrimental impact to the occupiers of the properties to the rear that are located in Lombardy Close given the smaller rear gardens. In addition, the approx. 5m wide access route would be adjacent the existing 117 Hempstead Road with no landscaping buffer. The access would bring new activities in terms of the comings and goings of vehicles and pedestrian visitors to the proposed dwelling, running in close proximity to the two habitable rooms consisting of a living room with a secondary window facing the access and bedroom (as per site visit on 22 May 2018).

The proposed access and siting of the bungalow would draw activity to the rear of the site and passed the existing dwelling which would have a detrimental impact on the amenity of the occupiers of number 117 Hempstead Road. Consequently the proposal is considered to be contrary to bullet point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

If the application were considered for approval a condition would be required for a Construction Environment Management Plan (CEMP) to be submitted to ensure that during construction the proposal would not result in harm with regard to neighbours amenities in terms of noise and dust nuisance.

## Amenity of Future Occupiers

The proposed dwelling has been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard) and the approx. 158sqm gross internal floor area would exceed the minimum of 95sqm set out for a three bedroom, six person property over one storey. Both double bedrooms and the single bedroom meet the national standards area and the width requirements and all habitable rooms would be provided with suitable outlook.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that private gardens should 10m in depth and 7m when constraints exist. The proposed depth of the retained garden of 117 Hempstead Road would be approx. 14.5m deep which would exceed the standard. The proposed garden amenity space to the rear would be approx. 3m to 6m in depth which falls short of this standard. It is noted that the proposed dwelling would have a provision of an approx. 13m and 17m depth front garden but this includes the retention of the existing swimming pool but this area does not appear to be private. It is acknowledged that the area could be completely enclosed by boundary treatment however, this would have an impact in terms of the design of the development. On this basis, it is considered that there would be a poor level of private amenity space to serve a 3-bedroom property contrary to bullet point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

### *Highways*

A concern has been raised in consultation responses regarding the possible impact from the intensification of the access on highway safety and parking not being sufficient and therefore adding to an existing pressure on on-street parking availability. The application proposes a three bed property and would provide at least two off road parking within the proposed driveway which would meet the Medway Council's Interim Residential Parking Standards for a property of this size. It is noted that the plans show the garage as one parking space however this would not meet the standards size of 3m wide and 7m deep to be included. The retained three bedroom bungalow would have an increased front driveway which would be in accordance of the Medway Council's Interim Residential Parking Standards.

The new access would have suitable vision splays and would not result in a significant intensification due to the size of the proposed property and would consequently not raise any highway safety concerns with regard to Hempstead Road. Accordingly the parking and highways impact of the development are considered acceptable and in accordance with Policies H4, H9, T1, T2 and T13 of the Local Plan subject to a condition for the driveway and parking to be provided prior to occupation and retained thereafter.

### *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 £239.61 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 applicants have agreed to pay this tariff and are in the process of submitting a unilateral undertaking. 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.

#### **Conclusions and Reasons for Refusal**

The proposal would introduce a dwelling to the rear and therefore would create a form of development that would not be in keeping with the existing spatial pattern of the area. Therefore as a result of the siting of the dwelling to the rear, the proposal constitutes tandem development which would result in an inappropriate use of residential garden detrimental to the spatial character of the area and contrary to paragraphs 53 and 56 of the NPPF and Policies H4, H9 and BNE1 of the Local Plan.

The proposed tandem development and its associated access would result in a harmful impact on the amenities of the occupiers of the existing property at 117 Hempstead Road and the occupiers of the properties to the rear in Lombardy Close as a result of increased noise and disturbance contrary to point 4 of paragraph 17 of the NPPF and Policies H4, H9 and BNE2 of the Local Plan.

The development would also result in unacceptable impact on the future occupiers by lack of private amenity space contrary to point 4 of paragraph 17 of the NPPF and Policies H4, H9 and BNE2 of the Local Plan.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the number of representations received contrary to officers' recommendation.

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## **Background Papers**

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

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>