

MC/18/1404

Date Received: 9 May 2018

Location: Land Rear Of 87 Kent Road Halling Rochester Medway

Proposal: Construction of an attached dwelling with access via Essex Road  
- demolition of existing detached outbuilding

Applicant Mr S Smith

Agent Mr Jason Drew  
3 Treasury View  
Ickham  
Canterbury  
CT3 1QY

Ward: Cuxton And Halling Ward

Case Officer: Amanda Grout

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 1st August 2018.**

**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 04325\_MH02, 04325\_MH03 Revision B and 0325\_MH04 Revision B received 17 May 2018.

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

- 3 All materials used externally shall match those of the adjacent building/property at number 37 Essex Road.

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 No dwelling and/or building shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling and/or building is occupied and shall thereafter be retained.

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.

- 5 Prior to the first occupation of any dwelling/the development herein approved, full details of both hard and soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and 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.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 The front parking area shall not be brought into use until it has been formed from permeable surfacing materials or has provided with drainage arrangements within the site which shall thereafter be retained.

Reason: To manage surface water in accordance with Paragraph 103 of the NPPF.

- 7 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall show consideration regarding matters of controlling noise that may affect nearby residents, hours of work, dust suppression and the prevention of the escape of pollutants. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the

developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Class[es] t[yp] of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and 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**

The application seeks full planning permission for the construction of a 3-bedroomed attached house on land to the rear of 87 Kent Road, fronting onto Essex Road, Halling. One parking space is shown on a driveway to the front of the property. The proposal would create a 2 storey dwelling providing a lounge, kitchen/diner and toilet on the ground floor, 2 bedrooms and a bathroom on the first floor and a bedroom within the roof space served by a dormer window in the rear elevation and a roof light on the front elevation. The proposed house would attach to No. 37 Essex Road which is currently a detached dwelling that obtained planning permission on 11 July 2012 under planning ref: MC/12/0622. This current application is a replica of this development in terms of design, scale, height and parking provision.

## **Site Area/Density**

Site Area: 0.00884 hectares (0.021 acres)

Site Density: 113 dph (47.6 dpa)

## **Relevant Planning History**

80/41           Erection of a private motor garage  
                  18 April 1980  
                  Approval with Conditions

As a material consideration for this application is the planning permission granted for Land rear of 89 Kent Road Halling:

MC/12/0622 Construction of a 3-bedroomed detached house  
Decision: Approval  
Decided: 11 July 2012

## **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. **Halling Parish Council** was also notified.

**Halling Parish Council** has made no representation.

**Five letters** have been received raising objection on the following grounds:

- Increased demand for parking
- Inadequate parking for a 3 bedroom house
- Scale and proportions of proposed dwelling does not reflect surrounding buildings
- Small garden for a 3 bedroom house
- Loss of privacy, overlooking over gardens and rear facing windows
- Noise from new dwelling
- Anymore development on this road is not sustainable
- Bats have been seen living in outbuilding that is to be demolished

**Two letters** of support have been received from No. 87 Kent Road.

## **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 within the built up confines of the urban/rural settlement area of Halling . Both national and local policies support the development and creation of residential units on these sites in favour of countryside locations.

The proposed development makes use of a portion of land to the rear no. 87 Kent Road fronting Essex Road. The plot would have once formed part of the garden area for this property, but has since been divided and sold off, which has been the case for many plots of land along this stretch of Essex Road. Paragraph 53 of the NPPF

advises that Local Planning Authorities should resist inappropriate development of residential gardens, for example, where development would cause harm to the local area. However, the plot no longer forms part of the residential garden of no. 87 Kent Road, and benefits from its own road frontage along Essex Road.

Policy H4 of the Medway Plan provides a general support for infill residential developments. In this instance therefore the principle of a residential development is considered acceptable.

The proposal would be in accordance with Policy H4 of the Medway Local Plan 2003 and objectives of Paragraph 53 of the NPPF.

### **Street scene and design**

The proposed dwelling would face onto and contribute to the street scene of Essex Road and within the wider vicinity that consists of bungalows and 2-storey properties. Those properties, in particular to the far south of the site, are spaced irregularly and consist of detached, semi detached and terraced properties. In this instance, the proposed dwelling would be 2-storeys in height, and would be attached to the existing detached dwelling on the plot to the south as such appearing as a semi-detached pair thereby being in keeping with established character of the area. The height of the proposed dwelling at both eaves (approximately 5.2m) and ridge level (approximately 8.6m), in addition to the distance the property would be set back from the pavement edge (approximately 4m) would allow the open nature found within the immediate vicinity of the street scene to be continued. The design of the attached property with a gable feature would be identical to the existing dwelling at No. 37 Essex Road and as such is considered to be acceptable.

Materials proposed to be used in the construction of the dwelling include the use of mixed brown brick and red interlocking roof tiles, which would be identical to those found on the existing dwelling at No. 37 Essex Road. In addition, the combination of hard and soft landscaping would result in an improvement to the immediate street scene and area.

Having regard to the above, no objection is raised in terms of design, siting and appearance of the proposed dwelling under Policy BNE1 of the Medway Local Plan 2003 and Paragraph 56 (good design) of the NPPF.

### **Neighbours' Amenities**

Medway Local Plan Policy BNE2 seeks to ensure that an adequate level of amenity is provided for the future residents of the proposed dwelling and at the same time respect the amenities of the surrounding properties.

The proposed dwelling would be located east of Nos. 87, 89 and 91 Kent Road. The land level change within the vicinity and height of the proposed dwelling would restrict any potential impact upon the sunlight and daylight amenity of the occupiers of those

dwellings. Furthermore, that aforementioned land level change would also limit any impact upon the outlook for occupiers of those dwellings. Finally, with regards privacy, given the land levels changes the approx. 17m distance in this case is considered acceptable and means that the proposed development would not introduce a significantly detrimental form of overlooking between properties. This is typical arrangement that is the established pattern of development in this area.

The proposed dwelling would not impact on the amenity of the occupiers of the dwelling to the north, No. 41 Essex Road, and as it would be attached to No. 37 would also present no adverse amenity implications for the occupiers. As with the permission for No. 37, it is necessary to remove the permitted development rights for Classes A, B and E of the GDPO for this new dwelling to help regulate any further enlargements.

*Amenity of future occupiers*

It is also necessary to consider whether adequate habitable space would be provided for the future occupier of the proposed dwelling house in compliance with the Technical housing standards - nationally described space standards March 2015.

The table below shows minimum gross internal floor area expected against the proposed dwelling floor areas.

	Number of bedrooms	Number of bed spaces(person)	2 storey dwellings m2
Standard	3b	6p	102
Proposed	3b	6p	110

As such, the living conditions for potential occupants of the site are considered acceptable. There are no objections with regard to Policy BNE2 of the Local Plan and the fourth core planning principle in paragraph 17 of the NPPF.

**Highways**

Concern has been raised with regard to impact on parking as a result of the development. The application proposes 1 off road parking space for a 3 bedroom dwelling in the form of a driveway to the front. In addition it would be possible to park on street. The Medway Interim Parking Standards states that for a 3+ bedroom property the minimum number of car parking spaces should be 2. However, taking into consideration that one car could be parked on-street in front of the property and the sustainable location of the site being in close proximity to local shops, Halling train station and a local bus service, it is considered that the proposed parking is acceptable in this location.

The driveway would be constructed using permeable block paving, however no details relating to the driveway's construction or drainage has been provided, and in this instance it is considered necessary to request submission of these.

The proposal is considered acceptable with regard to the impacts on the highway and

accords with Policies T1, T2 and T13 of the Medway Local Plan 2003.

## **Other Matters**

### *Bird Mitigation*

The application site falls outside 6km of the North Kent Marshes SPA/Ramsar Sites and therefore the proposed development is unlikely 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. Therefore no objection is raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *Noise during construction*

Due to the residential locality and the potential for impacts on existing residents in the area, a condition securing a Construction Environmental Management Plan (CEMP) should be submitted prior to the commencement of the development.

### *Local Finance Considerations*

There are none that are relevant to this application.

## **Conclusions and Reasons for this Recommendation**

The site is within the urban/rural settlement area and as such the principle of the proposed development is acceptable. The proposed dwelling would relate positively to the character of the area and appearance of the street scene. In addition it is considered that the proposal would not cause adverse harm to the occupiers of the adjoining properties. The proposed car parking provision would be acceptable for the proposed dwelling and no objection is raised in this regard. The proposal is considered to be acceptable in terms of design, neighbour amenity and highways, in line with Policies H4, BNE1, BNE2, T1, T2 and T13 of the Medway Local Plan 2003 and with the objectives of Paragraphs 17, 53 and 56 of the NPPF and is therefore recommended for approval.

*This application would normally be determined under delegated powers however has been referred to the Planning Committee for determination due to the number of representations received expressing views contrary to 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://publicaccess1.medway.gov.uk/online-applications/>