

MC/18/2504

Date Received: 23 August 2018

Location: 12 Kirkdale Close Lordswood Chatham Kent

Proposal: Construction of a 4 bedroomed detached dwelling with integral garage and vehicular access

Applicant Mrs Maria Parker

Agent J-L Abbyad
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Chatham
Kent
ME5 8DB

Ward: Lordswood And Capstone Ward

Case Officer: Dylan Campbell

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 24th October 2018.

Recommendation - Approval subject to:

A. 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 2479/02 received 23 August 2018; 2479/01 REV B received 3 September 2018; and 2479/03 REV A received 27 September 2018.

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

- 3 All materials used externally shall match those set out in the planning application form received 23 August 2018.

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 dwelling herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space and garaging 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 Policies T1 and T13 of the Medway Local Plan 2003.

- 5 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) the dwellinghouse herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out 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 amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

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

Proposal

This application seeks planning permission for the construction of a detached two-storey, 4-bedroom dwelling.

The proposed dwelling would be approx. 11.42m in width, approx. 16.56m in depth, approx. 7.81m to the ridge and approx. 5.5m to the eaves and would be set off from the boundary between the application site and 12 Kirkdale Close by 1m.

The dwelling would have single storey projections to the front and rear. The ground floor would consist of an integral garage, W/C, hall, study, playroom, living room, kitchen/diner and conservatory; and the first floor would consist of 4 bedrooms, two with en-suites, and a bathroom. The dwelling would also benefit from two off-road parking spaces to front and a degree of soft landscaping would be retained.

Site Area/Density

Site Area: 0.1 hectares (0.25 acres)

Site Density: 10 dph (4 dpa)

Relevant Planning History

MC/03/1062	Outline application for the construction of 4 bedroom bungalow with attached double garage Decision: Approval with Conditions Decided: 10 July 2003
81/657	Erection of a two metre close boarded fence Decision: Approval with Conditions Decided: 16 October 1981
80/781	Outline application for the erection of a detached chalet bungalow Decision: Refusal Decided: 24 September 1980

Representations

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

10 letters have been received raising the following objections:

- Out of character with street scene
- Cramped appearance
- Overdevelopment
- Loss of green, open space

- Overbearing
- Loss of privacy to 5 Kirkdale Close
- Parking
- Highway safety
- Loss of daylight to 2 Kirkdale Close

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 2018 and are considered to conform.

Planning Appraisal

Principle

The application site lies within an urban, residential area. Policy H4 of the Local Plan states that residential development in the form of infilling in such area areas is acceptable providing that a clear improvement in the local environment will result. Paragraph 70 NPPF states that development in residential gardens should be resisted where it would cause harm to the local area. Subject to compliance with detailed matters which are subject to assessment below, the principle of the site for residential development is considered acceptable given the residential character of the area.

Design

Paragraphs 124 and 127 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 of Kirkdale Close predominantly comprises of large detached properties sited within generous plots. The dwellings are set back from the highway with green, open frontages. Several of the existing dwellings have been extended. The existing two-storey dwellings within the street scene are similar in scale and design but are not identical, with some minor variances in design and materials.

The application site is located near the junction of Clandon Road within the side garden of 12 Kirkdale Close, which has been separated from the dwelling by an approx. 1.8m high close boarded fence. The proposed dwelling would infill an area that is currently enclosed by close boarded fence. The dwelling would be set back from the highway by approx. 9m to the front and 2m to the side. It is considered that the proposal would not detrimentally impact the open character of the street scene and the proposal would retain an open frontage and a degree of soft landscaping.

The proposed dwelling would be similar in design and scale to No. 12 Kirkdale Close

and incorporate some minor material differences, namely cladding used at first floor level (outlined in the planning application form), to ensure the proposed dwelling appears independent of the neighbouring dwelling, 12 Kirkdale Close, but respects the character and appearance of the existing street scene.

It is considered that the proposal is in accordance with Policy BNE1 of the Local Plan and Paragraphs 124 and 127 of the NPPF.

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 Paragraph 127f of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Due to the relationship of the proposed dwelling and surrounding neighbours, the orientation of the site and the path of the sun, there would be no detrimental impact on neighbour's amenities in terms of loss of privacy, outlook, daylight or sunlight. Concerns were raised by the occupiers of 2 and 5 Kirkdale Close regarding loss of daylight and privacy respectively. However the side elevation of the proposed dwelling would be approx. 22m from the front elevations of 1 and 2 Kirkdale Close and the front elevation of the proposed dwelling would be approx. 27m from the front elevation of 5 Kirkdale Close. There are no concerns regarding loss of daylight or privacy at these distances. The property would result in a degree of mutual overlooking for the occupiers of No. 12 but would not result in any detrimental impact in terms of privacy as there is already mutual overlooking within the street scene. As currently proposed, the development would not result in harm to neighbouring residential amenities. In considering the potential for future development under permitted development rights, it is felt in this instance permitted development rights should not be removed due to the generous garden space serving both the proposed dwelling and the nearest neighbouring dwelling, sited south of the application site.

It is considered that a Construction Environmental Management Plan (CEMP) is required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents.

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). The proposed approx. 190.76m² gross internal floor areas (GIA) would exceed the minimum standard for a 4 bedroom, 8 person over two storey minimum GIA of 124m². All double bedrooms meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing

Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The depth of the proposed garden exceed these depths being between approx. 9.5m deep from the rear of the conservatory and 14m deep from the rear of the dwelling. The proposal is in accordance with Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Highways

The plans include the provision of two off-road parking spaces to serve the proposed dwelling in accordance with the adopted Interim Residential Parking Standards. It is proposed that the dwelling would have a single access onto Kirkdale Close. There would also be a degree of soft landscaping retained to front. It is not considered that this would result in any adverse highways impacts and the development is considered acceptable with regard to Policies T1, T2 and T13 of the Local Plan and Paragraphs 105 and 108 of the NPPF.

Bird Mitigation

The proposed site falls outside the 6km buffer zone of the North Kent Marshes SPA/Ramsar Sites and therefore there is no requirement for any mitigation for bird disturbance within such areas.

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Approval

It is considered that the details of the proposal are acceptable. There would be no detrimental impact on the character and appearance of the existing streetscene, amenities of future occupiers, neighbouring residential amenities or highways. The application is in accordance with Policies H4, BNE1, BNE2, T1, T2 and T13 of the Local Plan and Paragraphs 70, 105, 124, 127 and 127f of the NPPF.

This application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation for approval.

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/>