

MC/18/2088

Date Received: 12 July 2018

Location: 32 Love Lane Rochester Medway ME1 1JD

Proposal: Construction of a single storey extension to rear; part conversion of garage into habitable room; porch to front, Juliet balcony to the rear and enlargement of existing first floor balcony area.

Applicant Mrs Lorna Kitney

Ward: Rochester West Ward

Case Officer: Robert Neave

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 21st November 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:

MAD-375-07 and Block Plan received on 18 September 2018.

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

- 3 Prior to the commencement of the development, details and/or samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented 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.

Recommendation

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

Proposal

Construction of a single storey extension to rear; part conversion of garage into habitable room; porch to front, Juliet balcony to the rear and enlargement of existing first floor balcony area.

With regard to the porch, it would measure (approx.) 1.1m in depth, 2m in width, and 1.8m in height to the eaves and 2.8m to the ridge. The proposed rear extension measures (approx.) 2.45m in depth, 2.9m in width, and 2.2m in height to the eaves and 3.5m to the ridge.

The enlarged balcony would increase the projection from the rear by approx. 1m, however would not increase in width.

Relevant Planning History

ME/96/0267	Erection of 20 3-bedroomed houses Decision Approval with Conditions Decided 25/09/1996
------------	--

Representations

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

Six letters have been received (three from one address) objecting on the following grounds:

- Porch out of character with the character of the Bishops Court estate and Conservation Area
- Loss of light
- Poor fenestration
- Overbearing effect from the wall of the rear extension

Objections relating to covenant and building control matters have not been taken into account.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. 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

During the course of the application, the historic planning permission notice has been reviewed (ME/96/0267). Condition 8 (removes permitted development for Class A, B and D) and Condition 12 (restricts the use of the garage) stating 'notwithstanding the provision of the Town and Country Planning Act 1990 and General Permitted Development order 1995, no development/conversion without prior written approval of the local planning authority could take place'.

Due to the wording of the conditions, which only makes reference to the 1995 order and no provision for any revoking orders, it can be stated that the property can carry out alterations and enlargement under Classes A, B and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) without permission.

Design

This section of Love Lane consist of modern mid-terraces comprising of mainly 3-storey townhouses, and accessed off Love Lane. This 1990s housing development is essentially split into two, divided by the public passageway that links Love Lane to the Church Fields Recreation Ground beyond (to the south) and sits within the Historic Rochester Conservation Area.

The proposed single-storey extension would be located to the rear and would measure 2.45m deep by 2.95m wide, and would not be visible from Love Lane. The design of the extension is simple, and would be in materials to match the existing and as such would complement the host dwelling. This element of the development can be carried out under permitted development.

In respect of the porch, it has been sympathetically designed taking account of the existing roof design and matching materials. Whilst it would be 'different' to the existing front canopy over front entrances which is a character of the estate, the choice of materials, and indeed the design, would ensure that the appearance remains in keeping with the predominant character and appearance of the estate and in turn preserve the character and appearance of the Historic Rochester Conservation Area.

The enlargement of the balcony and external alteration to the dwelling house would not have a negative impact on the appearance of the host property.

Therefore, subject to conditions, the proposed development would not have a harmful impact on the character and appearance of the host property and the street scene. The proposal comply with Policies BNE1, BNE12 and BNE14 of the Medway Local Plan 2003 and Paragraphs 124 and 127 of National Planning Policy Framework 2018.

Amenity

With respect to the single storey, rear extension, due to the moderate scale of this extension, there would be no negative impact resulting on the amenity of neighbouring

occupiers in terms of loss of light or outlook.

The proposal also involves the enlargement of an existing balcony at first floor and a new Juliette balcony to the rear, second floor. The proposal would not result in increased levels of overlooking that would be harmful to the amenity of neighbouring occupiers or their living conditions.

Therefore, the development would accord with Policy BNE2 of the Medway Local Plan 2003 and Paragraph 127F of the National Planning Policy Framework 2018.

Highways

The proposal would result in the loss of a secured car parking space from the conversion of the garage to habitable space and store. The proposed development would also result in the increase in the number of bedrooms from three to four.

Although parking is limited in the area particularly on this side of Love Lane, there are parking restrictions within the local vicinity, given that the property is located within a sustainable location, there is still provision for one car parking space at the front of the garage and as such, this provision is considered to be adequate for this location.

The proposal therefore accords with Policy T13 of the Medway Local Plan 2003 and Paragraph 105 of the National Planning Policy Framework 2018.

Conclusions and Reasons for Approval

The proposal would not detract from the host property and would not have a harmful impact on the street scene, H R Conservation Area, neighbouring amenities or highways and therefore accords with Policies BNE1, BNE2, BNE12, BNE14 and T13 of the Medway Local Plan 2003 and Paragraphs 105, 127, and 127F of National Planning Policy 2018.

The application would normally be determined under delegated officer's power but is being referred to the Planning Committee due to the number of representations received expressing views contrary to officer's recommendation.

The application was deferred from the 24 October 2018 meeting on request by Members for officers to provide clarification on similar developments in the area.

The following applications were refused on parking and highway safety grounds:

MC/18/1070 – Satis Court, Love Lane

Proposal: Partial demolition of dwarf stone wall to form gated vehicular entrance for new parking platform area; replacement of metal railings and pedestrian gate with metal framed timber clad panels.

The proposed development sought to create two off-street car parking spaces through a parking platform that can be accessed via a new vehicle access from Love Lane. In assessing the application, officers considered that the proposed development would

reduce pressure on-street parking however to achieve this some on-street parking bay would be removed.

The Council's Principal Transport Planner highlighted that the proposed development would increase competition for the limited on-street parking on Love Lane, and as such would have a detrimental impact on the amenity of local residents, in particular those with no off-street parking available to them.

The application was refused for the reason that:

1. The proposed metal grid parking platform, balustrading and fencing, by reason of design, scale and choice of materials would result in a dominant, unattractive and obtrusive form of development that would be uncharacteristic of this local area and would result in the loss of the open nature of the site. Therefore, the proposal would have a negative impact on the character and appearance of the street scene and that of the Historic Rochester Conservation Area, contrary to Policies BNE1, BNE12 & BNE14 of the Medway Local Plan (2003) and the design objectives set out in Paragraph 7 of the NPPF (2012).
2. The proposed development would result in the loss of a parking bay for residents on Love Lane and as such impacting on parking in the area. The proposal would increase demand and competition for limited on-street parking on Love Lane, and as such would have a detrimental impact on the amenity of local residents, contrary to Policy BNE2 and T13 of the Medway Local Plan 2003.
3. The proposal fails to adequately assess the direct and indirect impacts of the buildability of the proposed structure in terms of the significant land level changes on trees and landscaping on site, and fails to make sufficient recommendations to mitigate the risk of damage to the trees and landscaping, which has the capacity to have a significant detrimental impact on the appearance of the Historic Rochester Conservation Area, contrary to Policies BNE12, BNE14 and BNE43 of the Medway Local Plan (2003) and Paragraph 109 of the NPPF (2012).

MC/16/1874 – 14 Love Lane

Proposal: This is a retrospective application for change of use from class C3 (dwelling) to class C1 (bed and breakfast/hotel) together with the proposed insertion of dormer windows to the front and rear.

The application sought permission for a bed and breakfast. The property benefits from a garage and two external parking spaces to the rear accessed via a shared underpass from Love Lane, which is also shared by three other properties in the terrace. The adopted *maximum* parking standard requires one car parking space per bedroom for hotels, therefore given the number of bedrooms within the dwelling there would be no direct conflict with these or Policy T13 of the Local Plan. However, as Love Lane is very limited in width with a narrow footway and there is high demand for the on-street parking facilities, particularly as many of the older dwellings do not have off-street parking. This demand can result in indiscriminate parking causing particular difficulties for larger vehicles such as emergency services and competition for spaces can cause

unpleasant living conditions/aggravation for residents. In this instance, officers consider the location of the close to the centre of Rochester and its public transport links was not sufficient as a significant proportion of guests to the bed and breakfast would (and have in the past) likely arrive by private car. Some of the guests may well use the off-street parking facilities which from representations received, appears to cause difficulties for neighbours who share the access and rear parking area. Officers also considered that the bed and breakfast use would result in overspill parking on to Love Lane, causing increased competition for the very limited spaces available.

The application was therefore refused for the reason that:

1. The bed and breakfast use results in harm to the amenities of neighbours by reason of an increased demand for the limited parking available in this tight-knit residential area together with associated noise and disturbance due to the arrival and departure of guests, contrary to Policies BNE2 and ED14 of the Medway Local Plan 2003.
2. The proposed dormer design would appear large, clumsy and poorly related to the original design of the terrace and would be an unsympathetic addition, which would be detrimental to its surroundings and would harm the special character and appearance of the Conservation Area, contrary to Policies BNE1, BNE12 and BNE14 of the Medway Local Plan 2003 and the design objectives set out in chapter seven of the National Planning Policy Framework.

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/>