

MC/19/0052

Date Received: 9 January 2019

Location: 5 Shirley Avenue Horsted Chatham Kent

Proposal: Construction of a 1-bedroom detached dwelling with associated undercroft parking

Applicant Mr Adam Slegg

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Ward: Rochester South & Horsted Ward

Case Officer: Dylan Campbell

Contact Number: 01634 331700

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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 24th April 2019.**

**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 01.379.10 REV P3 and 01.379.15 REV P0 received 10 January 2019; 01.379.11 REV P6 and 01.379.14 REV P6 received 12 March 2019; 01.379.05 REV P3 received 25 March 2019; and 01.379.12 REV P6 received 1 April 2019.

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

- 3 No development above slab level shall take place until details and samples of all materials to be used externally have been 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.

- 4 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 demolition and 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 prior to commencement of development to minimise the impact of the construction period on the amenities of local residents with regard to Policy BNE2 of the Medway Local Plan 2003.

- 5 The dwelling herein approved shall not be occupied, until the area shown on the submitted layout as vehicle parking space 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 Policy T13 of the Medway Local Plan 2003.

- 6 No dwelling herein approved shall be occupied until details of cycle and refuse storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle and refuse storage facilities shall be implemented in accordance with the approved details prior to any dwelling herein approved being occupied and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE2 and T4 of the Medway Local Plan 2003.

## **Proposal**

This application seeks planning permission for the construction of a detached two storey 1 bedroom dwelling with under croft parking for 3 vehicles.

The proposed dwelling would be approx. 7.2m in width, approx. 7.9m in depth, approx. 8.5m to the ridge and approx. 5.5m to the eaves. It would be set back from the public footpath by approx. 3m, in line with the existing property, No. 5 Shirley Avenue. The proposal consists of under croft parking for 3 vehicles at street level to serve the proposed dwelling and the previously approved two flats (planning ref MC/17/2705), the first floor level would consist of a kitchen, dining and living area and the second floor in the roof space, would consist of a box dormer to rear with one bedroom, bathroom and storage space.

## **Site Area/Density**

Site Area: 0.02 hectares (0.049 acres)

Site Density: 50 dph (20 dpa)

## **Relevant Planning History**

MC/18/0569

Details pursuant to condition 4 on planning permission MC/17/2705 - Construction of dormer windows to rear and installation of roof lights to front to provide an additional 1-bedroom self-contained flat within roof space of existing building and construction of a detached two storey building to provide a 1-bedroom and 2-bedroom self-contained flat with associated parking

Decision: Discharged

Decided: 27 February 2018

MC/17/2705

Construction of dormer windows to rear and installation of roof lights to front to provide an additional 1-bedroom self-contained flat within roof space of existing building and construction of a detached two storey building to provide a 1-bedroom and 2-bedroom self-contained flat with associated parking

Decision: Approval with Conditions

Decided: 14 November 2017

## **Representations**

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

3 letters of representation have been received raising the following objections:

- Loss of light
- Reduction of parking impacting on trade and residents
- Waste collection

Following receipt of amended plans, re-consultation was carried out. No further letters of representation have been 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 2019 and are considered to conform.

## **Planning Appraisal**

### *Background*

The application site at 5 Shirley Avenue is vacant and used as parking. The site was granted permission in 2017 for the an additional 1-bedroom self-contained flat within roof space of 5 Shirley Avenue and construction of a detached two storey building to provide a 1-bedroom and a 2-bedroom self-contained flat with associated parking (MC/17/2705). Works are currently under way for the additional flat within the roof space of the existing building.

This current application is for the detached building only. The building would be of a reduced size from that previously approved. This application as originally submitted included two bedrooms (one double and one single). However concerns were raised with regard to the lack of outdoor amenity space to serve the dwelling, providing inadequate occupier amenity to what could potentially be family living accommodation for up to three occupants. Therefore the applicants were advised to amend the proposal to include only one bedroom to provide more internal floor space for a maximum of two occupants. Amended plans were subsequently submitted and a re-consultation was issued.

### *Principle*

The application site lies within an urban, mixed area of Chatham as defined by the Local Plan. The application site is located within a Local Shopping Centre where retail uses are protected as outlined in Policy R10 of the Local Plan. Above the commercial units there is existing residential accommodation. 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. Subject to compliance with detailed matters considered in the 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 local area is of a mixed use comprising commercial and residential buildings which are of a varying character and appearance. This includes terraces of commercial units with flats above, two storey semi-detached, terraced dwellings and bungalows, with dormers to front and rear seen throughout the streetscene. The previously approved detached building was proposed to measure approx. 9.7m in width, approx. 8.5m in depth and approx. 8.7m to the ridge. The building was to be located approx. 0.3m forward of the existing building line and approx. 0.3m higher than the existing building.

This proposal would include a reduction in the size and scale of the proposed detached building to provide one 1-bedroom dwelling. The proposed dwelling would be approx. 7.2m in width, approx. 7.9m in depth, approx. 8.5m to the ridge and approx. 5.5m to the eaves. It would be set back from the public footpath by approx. 3m, in line with the existing building, No. 5 Shirley Avenue and slightly lower than the existing ridge height. The overall design of the proposed dwelling would remain the same as the previously approved scheme. The ground floor of the new detached two storey building would be allocated for parking for up to 3 vehicles with an open front and sides with supporting posts to allow vehicles to enter. The walls would be rendered and painted white, the windows and doors would be grey aluminium and the roof would be covered with artificial slates, there would be 4 roof lights to the front and a box dormer to the rear similar to what was previously approved. The existing fire escape to 5 Shirley Avenue would remain the same. The existing access track is proposed to remain. The proposed building has been designed to reflect the building line, scale and massing of the adjoining terrace block, the proposed external materials are reflective of neighbouring properties. It is considered that the proposal is in accordance with Policies BNE1 and H4 of the Local Plan and paragraphs 70, 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. Policies BNE2 and H4 of the Local Plan and Paragraphs 70 and 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 regarding the loss of light and privacy to the occupiers of No. 4 Shirley Avenue. However as this application is for a reduction in the overall size and scale of the

proposed building approved under MC/17/2705, it is not considered that there would be an increased impact on loss of light or privacy to No. 4 Shirley Avenue over and above what was previously approved. The proposal is in accordance with Policies BNE2 and H4 of the Local Plan and Paragraph 127f of the NPPF.

#### 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 84.7m<sup>2</sup> gross internal floor area (GIA) would exceed the minimum standard of a 1 bedroom, 2 person dwelling over two storeys GIA of 58m<sup>2</sup>. The double bedroom would meet the national standard area and width requirements and all habitable rooms would be provided with adequate outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that dwellings should be provided with private gardens measuring 10m in depth and 7m when constraints exist. However it is not possible to provide any outdoor amenity space within the confines of the application site. This proposal is providing a one-bedroom unit only and it is unlikely to serve as family accommodation, it is also significantly over the minimum space standards by approx. 26.7m<sup>2</sup>. On balance it is considered that as the dwelling is for a maximum of two occupants over two floors and that there ample internal habitable space, there is less of a need for external amenity space in this case and the proposal is acceptable in terms of Policies BNE2 and H4 of the Local Plan and Paragraph 127f of the NPPF.

#### *Highways*

The existing access to the north of the application site would be retained to allow access to the garages and rear of the existing buildings on Shirley Avenue and Greenway. The existing crossover onto Greenway would be extended across the width of the proposed dwelling to match what was previously approved under MC/17/2705. This proposal would provide three off-road vehicle parking spaces in the undercroft of the new dwelling to serve the new 1 bed dwelling and the previously approved flats. Given that the highways works were approved under MC/17/2705 and that the application site is in a sustainable location within Shirley Avenue Local Centre near bus routes and local facilities, it is considered that the proposal meets the Medway Council Parking Standards and therefore it is in accordance with Policies H4, T1 and T13 of the Local Plan and Paragraph 109 of the NPPF.

#### *Bird Mitigation*

The bird mitigation contribution was dealt with as part of the previous application and this application does not result in any dwellings additional to what was previously approved. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and Paragraphs 175 and 176 of the NPPF.

## **Conclusions and Reasons for Approval**

The application site lies within an urban area of Chatham as defined by the Local Plan. Residential development in the form of infilling in such area areas is acceptable. It is considered that the proposed development would respect the character and appearance of the area, it would not detrimentally impact neighbouring residential amenities or highways safety and would provide acceptable living conditions for future occupiers. The proposal is in accordance with Policies BNE1, BNE2, BNE35, H4, S1, T1, and T13 of the Local Plan and Paragraphs 109, 124, 127, 127f, 175 and 176 of the NPPF.

The 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.

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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/>