

MC/19/0885

Date Received: 3 April 2019

Location: 25 William Street Rainham Gillingham Kent

Proposal: Construction of a 3-bedroom detached chalet bungalow with associated parking

Applicant: Mr Graham Budge

Ward: Rainham North Ward

Case Officer: Mary Smith

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 26th June 2019.

Recommendation - Refusal

- 1 The proposed development, by reason of its backland, rear garden location and lack of street frontage, would be poorly related to other dwellings nearby, harmful to the character and appearance of the locality. The positioning and design, close to the side site boundaries and including first floor bedroom windows, would also harm the amenities of neighbours by reason of perceived overlooking. Such development would be contrary to Policies H9 and BNE2 of the Medway Local Plan 2003 and to the objectives of paragraph 127 of the National Planning Policy Framework 2019.
- 2 The proposed development would reduce the off-street parking space for the existing dwelling, 25 William Street, and does not demonstrate that adequate parking to serve both the existing and proposed dwellings would be provided. This is likely to result in increased competition for the limited on street parking available, leading to an adverse impact on highway safety and efficiency and on neighbouring residential amenity, contrary Policies BNE2, T1 and T13 of the Medway Local Plan 2003 and to the objectives of paragraphs 109 and 127 (f) of the National Planning Policy Framework 2019.

Recommendation

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

Proposal

It is proposed to erect a chalet bungalow in the rear garden of an existing semi-detached house. It would be positioned approx. 28.6m to the rear of the existing house, no. 25, approx. 6m from the rear site boundary and set off the northwest side boundary by approx. 2m and the southeast side boundary by approx. 1m. The proposed dwelling would be approx. 6m wide by approx. 17.5m in depth with a ridge height of approx. 6m and would accommodate three bedrooms, two being within the roofspace. It is stated that the appearance is intended to give the impression of a wood barn or large shed, with recycled black slate roof tiles and timber clad walls. The design incorporates glazing to the front gable with rooflights and a dormer to the side. Two parking spaces are shown to the side of the rear of the existing house, for use by both the existing and proposed dwellings.

Site Area/Density

Site Area: 0.063 hectares (0.155 acres)

Site Density: 31.7 dph (6.45 dpa)

Representations

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

52 letters of support (4 of which are from William Street, the others being from further afield including some from other towns) have been received raising the following matters:

- Help improve the area/ street scene, little impact, mixed area with rear outbuildings already;
- Good design;
- Can easily fit two properties;
- Neighbours would still have privacy;
- No overshadowing due to orientation;
- Noise from one house would not be an issue;
- There would be a drive for parking;
- Contributes to sustainability, would not damage flora, would enhance;
- All points of concern have been addressed;
- Provide more suitable and affordable housing for the applicants family;
- Could unlock unrecognised potential in the area; and
- Housing shortage with unaffordable prices.

9 letters of objection from 7 addresses in William Street and Tilbury Road together with a petition from 10 properties in Tilbury Road (including 2 properties which also sent individual letters) have been received raising the following matters:

- Intrusive
- Out of keeping (including design)/precedent for more;

- Overdevelopment;
- Loss of privacy, vegetation (which could be removed) and fencing would not prevent this;
- Loss of light;
- Noise in peaceful rear garden area;
- Loss of trees;
- Properties to the rear would be less secure;
- Poor access for loading/unloading during construction;
- Proposed parking would prevent emergency access to the site and would be insufficient for two dwellings;
- Already insufficient parking in the area and parking on pathways on a bus route, cannot walk along whole footpath;
- What would happen to the existing house, if it is left it would not enhance the area?
- Plenty of new housing being built in the area

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 (the NPPF) and are considered to conform.

Planning Appraisal

Principle

The site is located within a residential urban area. Whilst Policy H4 of the Local Plan is generally supportive of housing in urban areas Policy H9 is of most relevance, referring to backland and tandem development. Policy H9 says that tandem development, one house immediately behind another sharing the same access, will not be permitted as it generally causes disturbance and loss of privacy to the house at the front. In the current case the development would be in a tandem formation, however it is still considered relevant to consider the assessment criteria for backland development, to clarify the likely impact further (see detailed assessment below). Paragraph 70 of the NPPF refers to the case for such local plan policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Design

William Street consists of a mix of dwelling designs, both single and two storey. However it is characterised by frontage development with lengthy rear gardens which provide a spacious environment. The proposed dwelling would be at odds with this existing character, being within the rear garden and with no street frontage. Although the design has been selected in an attempt to integrate it within this setting, with some barn style features, it is considered that a new dwelling in this rear garden location would appear

out of character and harmful to its surroundings. This would be contrary to Policy H9 of the Local Plan and paragraph 127 of the NPPF.

Amenity

There are two main amenity considerations, the impact on neighbours and the level of amenity which would be experienced by potential future occupants of the site itself.

Neighbouring Residential Amenity

With regard to neighbours it is recognised that the proposed dwelling has been positioned in an attempt to avoid harm to their living conditions. It would be some 28m from the rear of no. 25 and some 22m from the rear of the dwellings in Tilbury Road behind. The design avoids first floor windows to the rear, where the house would only be approximately 6m from the boundary with the rear garden of its neighbour. To the first floor sides the dormer and two of the roof lights would serve a bathroom and walkway, such that they could be obscure glazed. However the double roof light serving proposed bedroom 3 would result in views of neighbouring gardens at close range (the dwelling would be set off this side boundary by approx. 1m). Even though this would be near to the rear of these long gardens this situation would be far from ideal. Similarly the large glazed area to the first floor front of the dwelling would be likely to appear intrusive to neighbours using their rear gardens, particularly as the proposed dwelling would be close to the side site boundaries (approx. 2m and 1m from either side) even though it would be a reasonable distance from the backs of neighbouring houses.

This positioning close to the side site boundaries would also result in some loss of light and feeling of overbearing impact for neighbours using the adjacent areas of their gardens, although due to the design of the dwelling, with its roof sloping upwards away from the boundaries and its position away from existing dwellings it is considered that there would be limited harm in these respects. It is recognised that vegetation and trees could help to mitigate such impacts and also that boundary fencing could prevent a loss of privacy from ground floor windows (where necessary new fencing could be secured by condition).

As well as the physical presence of the proposed building consideration also needs to be given to potential noise and disturbance from the development. The proposed parking would be to the side of the rear of no. 25, such that occupants/visitors would have to walk the remaining 25m to the front of the proposed dwelling. As the development would not introduce parking and traffic movements into the current rear garden area it is considered unlikely that the additional noise and disturbance in this rear garden area would be at harmful levels.

Amenity of Future Occupiers

With regard to the level of amenity which would be experienced by occupants of the site itself the proposals have been assessed against the minimum space standards set out in

the technical housing standards – nationally described space standard (the national standard). There are no objections with regard to these standards, which would be exceeded. The Medway Housing Design Standards (MHDS) (interim) 2011 provide advice on private amenity space. Although the main garden area for the proposed dwelling would be to its front rather than rear, there would be sufficient space between the existing and proposed dwellings to provide at least a 10m deep garden for both dwellings to accord with these Standards.

In summary, the rear garden location of the proposed dwelling and the inclusion of first floor accommodation means that, whilst an acceptable living environment could be created for potential occupants, the impact of this on the living conditions of neighbours is not ideal, including with regard to the advice given in Policy BNE2 of the Local Plan and paragraph 127 of the NPPF.

Highways

There is an approx. 4.5m between no. 25 and the side boundary wall, this area currently being used for parking by no. 25. The proposals show this area to provide access through to two parking spaces, one for the existing and one for the proposed dwellings. The adopted parking standards require a minimum of 2 spaces for each dwelling. There is a single yellow line outside the site, with permit holders only Monday to Friday, 8am to 10am on the opposite side of the road.

The proposed development would mean that neither the existing nor the proposed dwelling would have sufficient parking to comply with adopted standards, whereas at present the existing house does have sufficient space. It would appear that the limited parking spaces on the street are already well used and in these circumstances concern is raised as the development may result in an adverse impact on highway safety and efficiency. The increased competition for limited on street spaces would also be likely to be detrimental to residential amenity. Concern is therefore raised with regard to Policies BNE2, T1 and T13 of the Local Plan and paragraphs 109 and 127 of the NPPF.

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 paid this tariff accompanied by a SAMMs mitigation contribution agreement. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Other Matters

A tree survey/arboricultural assessment has been submitted with the application. This says that due to the proposed use of a screw pile foundation and the position of the trees there would be no effect on the trees other than the loss of one *Leylandii* (tree 18) which could be relocated/replaced. It is recognised that there is lots of vegetation, including trees, in the vicinity of the site. This is beneficial as general greenery although it is not considered that there are any specimens of particular individual merit. If permission were to be granted the use of conditions to protect, where possible, and replace planting could be imposed.

In reaching the view above consideration has been given to other applications/development nearby. It is noted that planning permission was granted for two new dwellings at 1 William Street however this situation was different due to the historic siting of no. 1 in the far rear corner of the plot (the most recent application being MC/07/1499). More recently an appeal against the refusal of permission for a detached bungalow in the rear garden of 41 William Street was dismissed (MC/11/1907), the Inspector finding that the dwelling 'would be particularly poorly related to other dwellings due to its backland location with no street frontage'. He found that the character and appearance of the area would be harmed and also that the living conditions of neighbours would be harmed due to unacceptable noise and disturbance in a relatively peaceful rear garden environment (the parking was to be positioned by the proposed bungalow in the existing rear garden).

It is also recognised that although work is underway on a new local plan the Council cannot currently demonstrate a five year land supply for housing. Paragraph 11 of the NPPF says that in such circumstances there should be a presumption in favour of sustainable development. However this does not mean that applications should automatically be approved, still needing to be assessed with regard to the other advice in the NPPF and relevant local plan policies. In the current case, for the reasons given above, it is considered that the development would result in harm to its surroundings and therefore that permission should not be granted on this basis.

The applicant has given personal reasons for this development, including the possibility for self-build, that it would be cheaper than extending the existing property which does not meet their needs, and with reference to their overarching criteria being not to negatively affect anyone and to enhance the neighbourhood. However it is not considered that these reasons overcome the harm identified as resulting from the proposed scheme.

Local Finance Considerations

There are no relevant local finance considerations.

Conclusions and Reasons for Refusal

In summary it is considered that this tandem backland development would be poorly related to other nearby dwellings due to its rear garden location with no street frontage and that this would be harmful to the character and appearance of its surroundings. Although the proposed dwelling would provide acceptable living conditions for potential residents the design and siting in this rear garden location, close to the boundaries with neighbouring rear gardens, would result in some harm to the amenities of neighbours. The development would also reduce the parking available for the existing frontage house, meaning that neither the existing nor the proposed dwelling would have sufficient parking to comply with adopted standards resulting in increased competition for the limited on street spaces. In the circumstances refusal is recommended, including with regard to Policies H9, BNE2, T1 and T13 of the Local Plan and paragraphs 109 and 127 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.

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/>