

MC/19/0519

Date Received: 25 February 2019

Location: 8 Oakhurst Close Walderslade Chatham Kent

Proposal: Retrospective application for the increase in land levels to facilitate construction of a detached outbuilding to rear of garden; and erection of 2m high boundary treatment

Applicant Mr David Sandhu

Ward: Walderslade 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 26th June 2019.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers 0001 and 0002 received 13 May 2019.

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

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) and/or Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) the outbuilding shall not be used for the purposes of habitable accommodation 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.

- 3 The outbuilding herein approved shall not be brought into use until boundary treatment at a minimum height of 2m as shown on drawing numbers 0001 and

0002 received 15 May 2019 has been erected to the north west and south east side boundaries of the application site. The boundary treatment shall be shall thereafter be retained.

Reason: To protect privacy for the neighbouring property, in accordance with Policy 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

This is an application for the retrospective increase in land levels to facilitate the construction of a detached outbuilding to rear of the garden; and erection of 2m high boundary treatment.

The outbuilding measures approx. 2.4m from ground level to eaves, approx. 3.2m to the ridge, approx. 4m in depth and approx. 5m in width.

Representations

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

4 letters were received objecting for the following reasons:

- Size and scale
- Prominent
- Out of character
- Loss of outlook
- Visual amenity
- Encroachment

Amended plans were submitted to the Council on 15 May 2019 and a further 2 letters were received from 2 of the original objectors reiterating the objections above, with the exception of encroachment.

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

Design

The proposed outbuilding to the rear is not visible from the street scene, however it is visible from neighbouring properties to the sides of application site. The outbuilding measures approx. 5m in width, approx.4m in depth, and approx. 2.4m to the eaves and approx. 3.2m to the ridge height. It has a dual pitched roof with gable ends at the front and rear and is constructed from timber panels and has been painted black. Whilst the outbuilding is of a fairly large size and scale, it is located to the rear of the garden and aligned towards the middle of the plot and is not considered to appear to dominate the rear garden area. The occupiers of the dwelling still benefit from a rear garden of approx. 10m in depth. It is considered that the proposal is in accordance with Policy BNE1 of the Local Plan and Paragraph 127 of the NPPF.

Amenity

Sited to the rear of the application site and taking into consideration the path of the sun and the size and scale of the proposal, it is considered that the proposal would not detrimentally impact neighbouring residential amenities in terms of overbearing, loss of sunlight, daylight or outlook. As the proposal includes slight raising of land levels to accommodate the outbuilding, it has also been proposed to increase boundary treatments on the side boundaries to 2m in height to prevent loss of privacy by way of overlooking. A condition would be attached to any forthcoming permission with this regard. The proposal is in accordance with Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

In the interests of protecting residential amenity, a condition is recommended preventing the outbuilding being converted to any habitable accommodation at a later date.

Highways

The proposal would have no detrimental impact on highways and therefore is in accordance with Policy T13 of the Local Plan and Paragraph 109 of the NPPF.

Conclusions and Reasons for Approval

The proposed outbuilding would be of acceptable design and would not detrimentally impact neighbouring residential amenities in terms of overbearing, loss of sunlight, daylight, outlook or privacy. The proposal is in accordance with Policies BNE1, BNE2 and T13 of the Local Plan and Paragraphs 105, 127 and 127f of the NPPF.

The application would normally be determined under delegated powers but is being referred to Planning Committee for 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/>