

MC/19/1022

Date Received: 18 April 2019

Location: 142 Snodhurst Avenue Horsted Chatham Kent

Proposal: Engineering works to facilitate the construction of a 3 bedroom dwelling with integral garage; associated parking and amenity space - demolition of detached out building to the rear

Applicant Mr Tony Smith

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Ward: Rochester South & Horsted Ward

Case Officer: Paul Ives

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 July 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 boundary would also harm the amenities of neighbours by reason of an overbearing and dominant form of development when seen from the garden of 144 Snodhurst Avenue. The development would be contrary to Policies BNE1, H9 and BNE2 of the Medway Local Plan 2003 and the objectives of paragraphs 70, 124 and 127(f) of the National Planning Policy Framework 2019.
- 2 The proposal would result in an unacceptable level of outlook to the single bedroom proposed at first floor level due to the use of a high level window only to serve that room. This would be in conflict with the objectives of Policy BNE2 of the

Medway Local Plan 2003 and paragraph 127(f) of the National Planning Policy Framework 2019.

- 3 The proposal fails to consider the impact of the development on existing trees. There are a number of trees on the application site as well as in the gardens of adjoining properties at 140 and 144 Snodhurst Avenue. The development fails to meet the objectives of Policies BNE2 and BNE43 of the Medway Local Plan 2003 and paragraph 127(f) of the National Planning Policy Framework 2019 in terms of impact on the health and stability of existing trees and amenity for future occupiers of the property.

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

Proposal

This application proposes the erection of a detached 3-bedroom dwelling incorporating double garage to the rear of the property with provision of additional parking and private garden for the future occupants. The development would require engineering works to facilitate the development within the sloping rear garden of the site with retaining walls constructed where appropriate. Access to the new dwelling would be between 140 and 142 Snodhurst Avenue with a single hardstanding formed alongside both dwellings. The existing garden of 142 Snodhurst Avenue would be reduced in size.

The layout is dictated by the sloping level change with the first floor on higher ground and the ground floor cut in part into the garden landscape. The accommodation would be arranged as lounge, family room, cloakroom, utility room, kitchen and dining area on the ground floor (lower level), and three bedrooms (two with en suite bathroom), family bathroom, coats closet and a gym room on the first floor (ground level). A large double garage is also provided on this level.

The overall length of the proposed house (including garage) is approx. 24.4m and the width (at the widest point) is 12.0m. The height of the garage at the front is 2.48m above ground level with the overall height of the house being 5.85m on the rear. Excavation works is proposed to accommodate the varying heights of the building and also accommodate the difference in land levels on this backland site.

The house has been designed in a modern style with flat roof incorporating a green roof, casement windows, bi-fold doors and glazed Juliet balconies. The site has a steep slope and this has been used to advantage with the siting of the building. It has been partially recessed into the sloping ground to minimise the effect of its volume upon its surroundings. The green flat roof will reduce the impact of the building further when seen from higher up the slope of the ground (from the front).

The materials would consist of weatherboarding, render and aluminium casement triple glazed windows and timber doors. Solar or thermodynamic panels (not specified) are

proposed to be installed on the roof. Rainwater harvesting is proposed to manage storm water to provide a source of water for plants and landscape irrigation.

Site Area/Density

Site Area: 0.19 hectares (0.46 acres)

Site Density: 5.2 dph (2.1 dpa)

Representations

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

One letter of representation has been received objecting on the following grounds:

- Loss of privacy;
- Overbearing development with poor outlook for neighbours;
- The proposed green roof is also of concern as typically these become dry and weed filled the impact of the property will not be reduced particularly with the use of PV or solar panels as proposed;
- It is not completely clear how the additional surface water run-off will be dealt with both from the proposed property and the driveway;
- The scheme has not been thought through with enough detail;
- The proposed construction works will impact on the mature trees both in their Garden and that of 142 and 144 which are very much part of the character of the area. The design information does not make any attempt to address the impact on these trees both during and after construction;
- The property would be very out of keeping with the character of the adjacent properties and will negatively impact the area;
- The driveway will negatively impact on the neighbouring amenity from disturbance;
- Access during construction works, and the construction works themselves will also negatively impact on the quiet enjoyment of neighbouring property;
- This proposal represents over development of the area which is out of
- Character and not in keeping with other adjacent properties.

Cllr Turpin has written in support of the application and considers that due to the size of the plot and the back garden, and the extensive slope, considers the site big enough to absorb another dwelling without impinging on the enjoyment of the neighbouring properties. There is also precedent of a number of houses being built into the very large back gardens of Snodhurst Avenue so many properties were done along a new road called Hook Close some years ago, which ran behind Snodhurst Avenue.

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

Principle

The site is located within a residential urban area. Snodhurst Avenue is characterised by frontage development with lengthy rear gardens which provide a spacious environment. These gardens slope steeply to the rear boundary.

Policy H4 of the Local Plan is generally supportive of housing in urban areas. However, Policy H9 is of most relevance in relation to potential backland and tandem development. The development is proposed to the rear of 142 Snodhurst Avenue with its own access between existing properties where the overriding character is of properties having a street frontage with large rear gardens behind. The proposed dwelling would be at odds with this existing character, being within the rear garden of an existing property, with no street frontage. Whilst there would be sufficient garden space retained, the character of the area would be prejudiced. On the basis of this and potentially losing natural features on the boundary, the proposal would conflict with the objectives of Policy H9. Paragraph 70 of the NPPF also seeks to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. In this instance in consideration of the principle concerns and the amenity issues raised (see later in the report), the development would conflict with this objective.

Objection is raised to the principle of new house development within the rear garden of the property. It is considered that any new dwelling would appear out of character and harmful to its surroundings. This would be contrary to Policies BNE1 and H9 of the Local Plan and paragraph 70 of the NPPF.

Design

Snodhurst Avenue consists of a mix of predominantly pitched roof dwellings of both single and two storey form. The proposed predominantly flat roof design combined with the extent of depth and mass, would fail to respect the character and appearance of this setting and would appear out of character and harmful to this local area. This would be contrary to Policies BNE1 of the Local Plan and paragraph 70, 124 and 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

The current situation is that there is a degree of overlooking of gardens to varying degrees from the rear decked area of the host property (142 Snodhurst Avenue) but most

noticeably there is no direct overlooking into the private amenity space of the garden to the north due to the existence of planting, boundary treatment and garden levels.

Impact on 140 Snodhurst Avenue

At present to the north, overlooking from the applicants rear raised decked area is mitigated by the extent of projection; height of boundary treatment and angle of view into the neighbours private amenity space behind the dwelling in their garden. Due to the design and orientation of the proposed property, any potential outlook would be towards the mid to rear end of kind to the existing situation. On this basis, the proposal would not be considered detrimental to amenity from loss of privacy where the amenity space to the rear of this property would not be directly overlooked. Due to siting, orientation, and the path of the sun, there would be no adverse impact from loss of sunlight or daylight. Due to the distance of the building to that boundary, the proposal would not cause harm to amenity having regard to mass and scale.

Impact on 144 Snodhurst Avenue

To the southern side, there is currently overlooking into this neighbours rear garden from a rear raised balcony but not into habitable rooms of the main property. The high-level designed windows to the proposed property would mitigate potential additional harm from proposed habitable rooms into the private amenity space and this may have been managed by condition. In terms of visual impact, the positioning of the building as a whole, notwithstanding the drop in land levels to the rear, would give a feeling of overbearing impact from this side due to the position of the building alongside the boundary. This is a concern despite the plots being relatively large. Due to siting orientation and the path of the sun, there would be no adverse impact from loss of sunlight or daylight.

Impact on 142 Snodhurst Avenue

Due to siting, distance, and scale, the proposal would have no adverse impact on the amenity of the future occupiers of this property in terms of privacy, outlook sunlight and daylight considerations. Sufficient garden space and outlook would be retained for this property.

Activity levels and disturbance

The proposed dwelling would be accessed between 140 and 142 with its own access formed from the current ingress/egress serving 142 Snodhurst Avenue. This would raise levels of activity using this side access but as the proposal is for a single dwelling, it is not considered that levels generated would cause any harmful impact on the neighbours amenity.

Amenity of Future Occupiers

With regard to the level of amenity which would be provided for future occupants of the site, the set standard by the technical housing standards – nationally described space standard (the national standard) for a 3 bedroom dwelling is 84m². The proposed dwelling would have a gross internal floor area of 198m² and this exceeds the standard as set out. However, in terms of arrangement of the living accommodation, the proposal would

provide unacceptably poor levels of outlook from the proposed single bedroom which will be served by a high level window only. All other habitable rooms are appropriately served by full height windows where high level windows are secondary.

The Medway Housing Design Standards (MHDS) (interim) 2011 provide advice on private amenity space. Although the main garden area for the existing dwelling would be reduced, there would be sufficient space between the existing and proposed dwellings and for the proposed dwelling to provide at least a 10m deep garden for the existing to accord with these Standards.

In summary, the impact on the living conditions of the future occupier is not considered acceptable due to the poor restricted outlook to the single bedroom served by a high level window only at first floor level on the southern side. The proposed development is considered to conflict with the objectives of Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF.

Trees

No arboricultural report has been submitted with the application to assess the impact on existing trees within, or bounding, the site and also address the impact from the future occupation. The proposed garden to serve the dwelling proposed appears in shade from existing trees for long period of the day. In view of this, the proposal would result in unacceptable levels of shade cast into the garden of the proposed dwelling detrimental to the amenity of the future occupants of the proposed dwelling or pressure to have the tree felled.

There are a number of trees growing on the application site as well as in the gardens of adjoining properties at 140 and 144 Snodhurst Avenue. The potential effect of development on trees, whether statutorily protected (e.g. by a tree preservation order or by their inclusion within a conservation area) or not, is a material consideration that is taken into account when determining planning applications. In spite of requests for information, that complies with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations, none has been supplied to support the application.

In the absence of tree related information it has not been possible to undertake a realistic assessment of the probable impact of the proposed development on the trees and vice versa. Also, it is unclear which trees may be retained for amenity purposes between gardens. The development fails to meet the objectives of Policy BNE43 of the Medway Local Plan 2003.

Highways

The proposed development would provide a minimum of three parking spaces to serve the development that would accord with the objectives of the Medway Interim Parking standards and Policy T13 of the Local Plan. In addition, the access for vehicles would

utilise an existing (ingress egress access) with the remaining access retained for frontage parking for the existing dwelling (3 spaces minimum). On this basis, the application is considered to be acceptable in respect of the transport and parking policies T1, T2 and T13 of the Medway Local Plan 2003 and paragraph 109 of National Planning Policy Framework 2019.

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 and submitted a SAMMs agreement. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Environmental Protection

The Environmental Health issues raised by this application are noise, dust and working hours for example during construction. Due to the location of the site there is potential for noise and dust from the construction phase to have a negative impact on the surrounding properties. This may have been managed by condition if planning permission were granted.

Local Finance Considerations

None

Conclusions and Reasons for Refusal

The proposed development would result in a form of backland development harmful to the character and appearance of the area. The positioning and design, close to the southern boundary would also result in an overbearing and dominant form of development when seen from the garden of 144 Snodhurst Avenue contrary to Policies BNE1, H9 and BNE2 of the Medway Local Plan 2003 and to the objectives of paragraph 70, 124 and 127(f) of the National Planning Policy Framework 2019.

The proposal would result in an unacceptably poor level of outlook from the single bedroom proposed at first floor level due to the use of a high level window only to serve that room. This would be in conflict with the objectives of Policy BNE2 of the Medway Local Plan 2003 and paragraph 127(f) of the National Planning Policy Framework 2019.

The proposal fails to consider the impact of the development on existing trees. There are a number of trees growing on the application site as well as in the gardens of adjoining properties at 140 and 144 Snodhurst Avenue. The development fails to meet the objectives of Policies BNE2 and BNE43 of the Medway Local Plan 2003 and paragraph 127(f) of the National Planning Policy Framework 2019 in terms of impact on the health and stability of existing trees and amenity for future occupiers of the property.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of Councillor R Turpin, in support of the application contrary to officers recommendation, on grounds that he considers that due to the size of the plot and character of the area, the site big enough to absorb another dwelling without impinging on the enjoyment of the neighbouring properties. He also views that a precedent has been set in terms of a number of houses being built into the very large back gardens of Snodhurst Avenue in the past.

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/>