

MC/19/1746

Date Received: 28 June 2019

Location: Land East Of Oakhurst Close Walderslade Kent ME5 9AN

Proposal: Construction of a 5 bedrooomed detached chalet bungalow with associated parking, landscaping and new access off of Oakhurst Close

Applicant Mr A Punter

Agent DHA Planning
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Ward: Walderslade Ward

Case Officer: Wendy Simpson

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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 15th January 2020.

Recommendation - Refusal

- 1 Without evidence to the contrary, the submission has not demonstrated that a no-dig access construction can be achieved to the site, without which there would result harm to the health and vitality of mature trees on the highway verge to the front of the site. These trees have significant amenity values that contribute positively to the character and appearance of this residential area and, any harm or loss to these trees would be to the detriment of this character. The proposal is contrary to Policies BNE1 and BNE43 of the Medway Local Plan 2003.

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

Proposal

This application is for construction of a 5 bedroom chalet bungalow on a site that has been formed historically from the bottom section of the rear gardens on three properties on Chestnut Avenue. The site has been segregated for some years. The proposed access to the site would be from Oakhurst Close and the proposed house would face onto Oakhurst Close.

Between the carriageway of Oakhurst Close and the frontage of the application site is a green verge area with mature woodland trees and although in a private ownership forms part of the highway land. Historically the lack of an acceptable access to the site across this green space, without damaging the trees, has been the reason for refusal and dismissal of historic applications. This proposal seeks to provide a no-dig construction access across the space and between the trees.

The proposed detached chalet bungalow is of a sizeable scale with a floor area of about 220smq. The house would comprise at ground floor level a kitchen/dining room, utility room, cloak room, snug, study and lounge. At first floor level would be provided five bedrooms, two ensuite bathrooms and a family bathroom. The external materials used would be brick and hanging wall tiles with a plain roof tile.

The proposal also proposes the provision of two separate parking spaces with additional tandem parking then available for visitors.

Site Area/Density

Site Area: 0.07hectares (0.17 acres)

Site Density: 14.29 dph (5.88 dpa)

Relevant Planning History

MC/10/2152	Land Rear Of 41-45 Chestnut Avenue Fronting Oakhurst Close Construction of a detached chalet bungalow Decision: Refused Decided: 27 July 2010
MC2003/2432	Land Rear Of 43-45 Chestnut Avenue Construction of two detached 3-bedroomed houses each with integral garage Decision: Refused Decided: 9 January 2004
93/0761	Land Rear Of 41-45 Chestnut Avenue Outline application for the erection of 2no. detached 4-bedroomed houses.

Decision: Refused
Decided: 1996 (Appeal dismissed)

Representations

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

EDF Energy, Southern Water, Southern Gas Networks have also been consulted.

Six letters have been received raising the following objections:

- The design and scale of the proposed dwelling is out of character to the area;
- Harm the mature trees from the proposed access by compaction of the ground and damage to the roots
- Loss of privacy to 41 Chestnut Avenue
- Overshadowing of the garden on 41 Chestnut Avenue
- The proposed garden is too small for the scale of the house proposed
- Insufficient parking provision for the scale of the house proposed
- No provision has been made in the proposal how heavy construction traffic will access the site without damaging the tree roots

One of the above objectors has also written in support of the application with no dig solutions in place.

Southern Gas have provided a standard response with records of their utilities presence in the area.

UK Power Networks have provided a standard response with records of their utilities presence in the area.

Southern Water have provided a standard response with records of their utilities presence 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 and are considered to conform.

Planning Appraisal

Background

There have been a number of applications on this site.

In the 1996 appeal against the refusal of planning application 93/0761 the Planning Inspector considered that as a direct result of the construction there were doubts about the long term survival of the woodland trees on the Council highway land to the front of the site. The Inspector felt that there would be significant pressure from future residents to remove the tree. The Inspector also commented that the proposal would erode the feeling of spaciousness, created by the deep gardens of Oakhurst Close, which is an important characteristic that provides identity to this part of Walderslade. The Inspector concluded that the appeal scheme would cause an unacceptable harm to the character and appearance of this part of Walderslade.

The most recent being the application refused in 2010 for the following reason:

“The proposed development would be out of context with its surroundings and would result in significant erosion of the feel and sense of spaciousness in this locality, unacceptably harm the character and appearance of this part of Walderslade and would severely impact on the trees adjacent to the site contrary to the aims of the Policies BNE1, H4 and BNE43 of the adopted Local Plan”.

No appeal against this decision was undertaken.

Principle

The site is within the urban area and strategic policies and guidance seek that new housing development firstly be directed to urban areas. Policy H4 of the Local Plan allows for the redevelopment of site in existing residential areas and infilling in such area (providing that a clear improvement in the local environment will result). The principle theme of the NPPF is the support of sustainable development. In this case the site is considered to be a sustainable location being within the established residential urban area and close to bus routes. There are local amenities within a short walk from the site.

No objection is raised to the principle of the proposed development under Policy H4 of the Local Plan.

Design

The Government attaches great importance to the design of the built environment. Good design is considered a key aspect of sustainable development and is indivisible from good planning. Section 12 of the NPPF concerns “Achieving well designed places”. Paragraph 127 is key to the achieving well designed places and requires that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting.

In accordance with the NPPF, Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment.

It is taken into consideration that the previous application that was refused planning permission in 2010 (MC/10/2152) was for a single chalet bungalow and in part the refusal was related to design. This decision pre-dates the National Planning Policy Framework which presumes favour in sustainable development. Whilst it is accepted that the design of the proposed house is not the same as other dwellings in Oakhurst Close both Oakhurst Close and Chestnut Avenue demonstrate a very mixed housing type and design. The proposed house would be of a brick build as is the common material in the area and the scale of the proposed house is similar to the pairs of semi-detached dwellings seen in the vicinity of the application site. The proposed dwelling itself is of a pleasing design.

Whilst it is seen that the proposed house would be set back from its immediate neighbour, 41 Oakhurst Close, this is necessary due to the mature trees to the front of the site and is not so different so as to be unacceptable.

Overall, whilst the proposed house is different to the existing dwellings within Oakhurst Close that difference is not considered to be harmful as to warrant the refusal of the planning application. A condition can be used to control the external materials.

No objection is raised in respect to the design of the proposed house or its impact on the character of the area under Policy BNE1 of the Local Plan.

Amenity

Policy BNE2 of the Local Plan and paragraph 127 of the NPPF require the amenities of both neighbours and future occupiers of these units be taken into account.

Future Occupiers

The proposed dwelling size and room sizes meet with the National Technical Housing Standards and also the garden exceeds the minimum outdoor private garden space under the Medway housing Standards.

As such the proposed house meets will provide an acceptable living condition for the intended number of occupiers.

Neighbours' Amenities

In terms of privacy there is already mutual overlooking of gardens in this area as all the properties have two storeys. No new situation of overlooking will result from this proposal. Due to the relative location and scale of the proposed and existing dwellings and the

orientation of the plots, the proposed development would not result in harm to the neighbours' amenities in terms of loss of outlook, daylight or overshadowing.

In respect to noise and disturbance for neighbours during the construction period a condition can be used to require the agreement of a Construction Environmental Management Plan (CEMP).

No objection is raised in relation to amenity matters under Policy BNE2 of the Local Plan.

Impact on Trees

Policy BNE43 relates to trees on development sites and states that development should seek to retain trees that provide a valuable contribution to local character, as the mature trees on the highway land are considered to be.

The trees that are within the highway verge to the front of the site are not the subject of a Tree Preservation Order due to being located on land that is under the control of the council, and therefore a Tree Preservation Order not necessary.

The proposed access into the site is proposed to be constructed in part of a Cellular Confinement System (eg. 'CellWeb') and in part of a metal grid system that is supported on metal beams and secured into the place using 1.5m long ground screws.

However, the area in which the metal grid system is proposed is an area that also has some utilities running within the grass verge and under the public footway. The exact location of the services are not known without on-site investigation. Whilst the applicant's methodology proposes that if the location of the underground services (to be located using ground penetrating radar) conflicts with the intended position of a ground screw then the ground screw will be moved along, the manufacturer of the metal grid system advise that the required location of the ground screws are fixed depending on the grid layout and cannot be moved as intended by the applicant. Furthermore it is recognised that the utility companies may not allow the use of ground screws in close proximity to their services. There are also secondary questions remaining regarding the percentage infringement into the root protection areas of the trees as the applicant is seen to have moved the second parking space in the most recent proposed layout plan and also a query in respect to the final surfacing of the metal grid system and the final level of the surface in relation to the footpath is not understood.

Fundamentally, it has not been demonstrated that the proposed no-dig construction method for the access can be achieved to the site, without which it cannot be concluded that no harm will occur to the mature trees to the front of the site.

Consequently, the proposal is considered to be contrary to Policy BNE43 of the Local Plan.

Highways

Policy T13 of the MLP2003 relates to vehicle parking standards, cars and cycles. Policy T1 relates to the impact of development on the highway network.

In this case the proposal includes the provision of two separate on-site parking spaces and the site has sufficient driveway space to allow for tandem parking for visitors. Subject to the provision of a suitable access onto the site no objection is raised in relation to vehicle parking or highway safety under Policies T1 and T13 of the Local Plan.

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Refusal

The proposed development is considered to be of a pleasing design and is acceptable as an addition to this street scene and without detriment to the character of this mixed residential area.

However and without evidence to the contrary, the ability to form a suitable no-dig construction of the access to the site would be challenging and at this time the proposed method is not considered to robustly demonstrate that it is achievable. Without an acceptable no-dig construction method for the access the development would result in harm to the health and vitality of the mature trees on the highway verge, which are a significant amenity feature that positively contribute to the character and appearance of this residential area.

The proposal therefore is considered to be contrary to Policies BNE1 and BNE43 of the Medway Local Plan 2003.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of Councillor Gulvin.

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/>