

MC/19/3125

Date Received: 28 November 2019

Location: Land Between 5 -11 Tennyson Avenue Cliffe Woods Rochester

Proposal: Application for approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to planning permission MC/17/4068 (outline application with all matters reserved for construction of a pair of semi-detached houses with associated parking)

Applicant Mr C KING

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Ward: Strood Rural Ward

Case Officer: Katherine Parkin

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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 1st April 2020.**

**Recommendation - Approval with Conditions**

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

Drawing numbers: 002 and 005 received on 28 November 2019; 001, 003, 007, 008 and 009 received on 3 January 2020; and 004 and 006 received on 6 March 2020.

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

- 2 The first floor windows on the flank elevations shall be fitted with obscure glass and apart from any top-hung light that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work

shall be completed before the room it serves is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A, B, C and E of that Order 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 visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 4 The areas shown on the approved plans for soft landscaping shall be kept available as such 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.

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.

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

## **Proposal**

This is an application for the approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline permission MC/17/4068 (outline application with all matters reserved for construction of a pair of semi-detached houses with associated parking).

The submitted block plan shows a pair of semi-detached houses with front bay windows set back from the front of the site to allow for off-street parking (2 spaces per dwelling), and set in from each flank boundary by approximately 1m. The main front walls would be in line with the bungalow to the east (No. 11) and slightly forward of No. 5 to the west. The rear walls would be set just over half a metre beyond the rear wall of No. 11. Rear gardens will be approximately 11m deep.

The entrance to the houses would be on the side elevations. On the ground floor there would be a kitchen/diner at the front of each house, the hall, stairs and WC in the centre, and a living room at the back with direct access to a private rear garden. On the first floor there

would be a master bedroom with ensuite and dressing room at the front, the bathroom in the middle and a double and single bedroom at the back.

There are only two small windows to each side elevation at first floor level, which serve the ensuite and bathroom for each house.

The houses are to be brick (Ibstock Chailey multi-stock) with cladding (taupe Eurocell Coastline composite cladding) at first floor level on the front elevation. The roof is hipped and will be tiled with Redland Mini Stonewold concrete tiles in slate grey. The windows and doors, soffits and fascias would be white uPVC, and the rainwater goods would be black plastic.

The front parking area would be gravelled using gravel grids. The side access and rear patio would be laid in brindle block paving. There would be an area for planting across the front of each house. The evergreen planting would consist of a mix of Hypericum and Hebe at 0.75–0.9m high. Boundary treatment would comprise 1.8m high closeboard fencing along the rear boundary, between the rear gardens and along the western side, with a 0.9m high fence between the front gardens and immediately adjacent the gate to the Community Association hall.

### **Site Area/Density**

Site Area: 0.0429 hectares (1.06 acres)

Site Density: 46.62 dph (1.89 dpa)

### **Relevant Planning History**

MC/17/4068            Outline application with all matters reserved for construction of a pair of semi-detached houses with associated parking  
Decision: Approval with conditions  
Decided: 17.04.2018

### **Representations**

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

**Cliffe and Cliffe Woods Parish Council** have also been consulted.

**Four letters from neighbouring properties** have been received with the following objections:

- Overshadowing to No. 11, and right to light
- Overlooking of neighbouring property
- Loss of privacy
- Design is out of character with the majority of chalet bungalows and large plots on the road and is therefore inappropriate in this area

- Inadequate size of dwellings for families creating poor standards of living
- Inadequacy of parking provision
- Road congestion and safety implications due to increase in on-street parking.
- Adjacent driveway provides regular access for large commercial vehicles
- Trees on the site keep being cut down, which affects wildlife, as well as leading to loss of shade and increasing surface water.

**Cliffe Woods Community Association** has commented that the proposed 0.9m high flank fence at the front of the new house that would sit alongside the access to the rear of the Community Association hall would compromise the security of the hall/gardens/equipment. They have requested that a 1.8m high fence be continued along the whole flank boundary to the pavement. They have also commented that the Planning and Design Statement is incorrect as the land was owned by the Community Association and not the social club.

**Cliffe and Cliffe Woods Parish Council** has noted the outline approval and has no objection. However they did raise a concern about the density of the development.

In response to the objections raised, the agent has set out the following comments:

- Traffic generation has already been taken into account and accepted at the outline stage.
- There is sufficient separation between the proposed new building and No. 11 such that there will be no material impact on amenity that would make the development unacceptable.
- 'Right to light' is not a planning consideration.
- There are a wide variety of styles of housing in the area and consequently no distinct style or pattern of development that the new proposal needs to fit in with.
- It is not accepted the development is out of scale or character.
- The proposal seeks to provide good quality accommodation and meets the relevant space standards.
- There will be no direct overlooking of windows or loss of privacy.
- If Cliffe Woods Community Association required a 2m high fence this should have been stipulated when the land was sold.
- It should not be necessary to require parking in excess of the Council's standards.
- Access arrangements and visibility were considered acceptable at outline stage.

## **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 (NPPF) and are considered to conform.

## Planning Appraisal

### *Principle*

The principle of the development has been accepted with the grant of outline planning permission. The issues for consideration arising from this application are the access, appearance, landscaping, layout and scale of the proposed houses and the effect of the proposal on neighbouring properties in terms of light, privacy and outlook.

### *Design*

Development Plan policy places considerable emphasis on the importance of achieving high quality buildings and places. Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 127 adds that developments should add to the overall quality of the area, be visually attractive, and sympathetic to local character, including the surrounding built environment and landscape setting.

Policy BNE1 of the Local Plan seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area. Policy H4 has the proviso that a clear improvement in the local environment must result from infilling.

As recommended in the outline planning permission, the scale of the proposed houses has been reduced from the indicative outline plans; the depth and height has been decreased by approximately 4m and 0.8m respectively. Much of the bulk has been removed with the omission of front gables. The plans also show the proposed dwellings would be positioned largely in line with the building lines of the adjacent houses either side. The rear gardens have been increased in size and are approximately 11m deep, and the houses would be set in approximately 1m from the side boundaries of the site. The flank wall of the bungalow at No. 11 is a further 2.6m from the boundary. There would be a wider space retained to the side of the property adjacent No. 5 Tennyson Avenue to the west, due to the retention of the access to the rear of the Community Centre/Social Club at the rear of the site.

The submitted Planning Statement recognises the surrounding area consists of residential properties of various sizes, forms and finishes. There are two storey houses adjacent bungalows along the road, and it is considered the reduced scale of the proposed building would respect the appearance of the surrounding buildings, spaces and visual amenity of the area.

In terms of the appearance of the dwellings, there would be a small projecting bay window at ground floor level and cladding to the first floor of the front elevation, which would provide visual interest to the street elevation. The proposed materials for the external finish of the new dwellings will be good quality and will complement the site and surrounding street scene in general.

The proposed front gardens show two parking spaces to the front each of the semi-detached dwellings. Whilst it is not ideal to have front gardens largely turned over to parking, there will be some evergreen planting to the front of the properties, and the proposed gravel finish to the driveways will help soften their appearance. There are a few largely hard-landscaped

front gardens on the road, and therefore the proposed frontage treatment is not considered to be out of character.

Overall, the design and impact of the proposed scheme upon the character and appearance of the area is considered to be acceptable and in accordance with the NPPF and Policy BNE1 of the Local Plan.

### *Amenity*

Paragraph 127(f) of the NPPF asserts that achieving well-designed places should include creating a high standard of amenity for existing and future users. According to Local Plan Policy BNE2, all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

With regard to the impact on neighbours from the reserved matters plans, the main properties affected would be Nos. 5 and 11 to the west and east respectively.

The flank wall of No. 5 would be approximately 8m away from the flank of the proposed dwellings. There are existing windows within the flank wall of No. 5, but the two proposed small flank windows facing No. 5 will serve bathrooms and are shown as obscured, which would sufficiently protect the privacy of No. 5. Due to the distance of the proposed dwellings from No. 5, daylight and sunlight levels to this property are also unlikely to be significantly affected.

No. 11 is a bungalow and would be located approximately 3.6m away from the flank wall of the proposed dwellings. The properties on the road do not all have large spaces between them, and the proposed spacing is considered to be in keeping with this. There are bungalows adjacent two storey dwellings on the road, such as opposite at Nos. 16 and 18, and the proposed relationship between the neighbouring and proposed dwellings will be similar. The proposed plans show windows on the flank wall of the proposed dwelling facing No. 11, the same as the attached dwelling. As obscured bathroom windows, these are unlikely to create any direct overlooking issues. The ground floor windows to both neighbouring properties would be protected by virtue of the existing boundary treatment, and at No. 11, these are also covered over with a carport roof that extends from the flank wall of the property up to the boundary.

There is likely to be overlooking across neighbouring rear gardens but this is to be expected in such residential areas with houses in close proximity to each other.

It is considered that levelling the rear building lines and reducing the height of the proposed building will have lessened the likely impact on daylight and sunlight levels to No. 11. In addition, the north-south orientation of the site and the position of the proposed building to the west of No. 11 is likely to mean that light levels to the main front and rear aspects of No. 11 are unlikely to be significantly affected by the proposal.

Nevertheless, it is considered appropriate to remove permitted development rights for extensions and outbuildings, under Classes A, B, C and E of the GPDO, due to the potential impact on amenities.

It is also necessary to consider whether adequate habitable space would be provided for the future occupiers of the proposed houses in compliance with the Technical Housing Standards - Nationally Described Space Standards (March 2015).

The table below shows the minimum gross internal floor area expected against the proposed dwelling floor area:

	Number of bedrooms	Number of bed spaces (person)	2 storey dwellings (m2)
Standard	3b	5p	93
Proposed	3b	5p	124

Overall, the proposal is considered to be acceptable in terms of the proposed floor areas and room sizes of the proposed dwellings. The rear gardens are also satisfactory.

With regards to refuse storage, there would be space for bins within the proposed outside space. It is also considered that the relationship between the new houses and neighbouring properties is such that the future occupiers will experience acceptable levels of privacy, outlook and light.

On the whole, it is considered that the proposed houses will offer an acceptable level of accommodation and amenity for future occupiers, and also will not harm the amenities of neighbouring properties to any significant degree. Therefore, the proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 127 of the NPPF.

### *Highways*

There is already an access serving the rear of the community centre; the development will involve extending this access. There is likely to be little additional traffic using the driveways to access the proposed two houses. The proposal would not therefore significantly increase the risk to pedestrian, cyclist or highway safety. The plans demonstrate that an appropriate level of parking for the proposed dwellings can be accommodated on the site and would meet the minimum parking standard requirements (2 spaces for 3 bedrooms and above). There would also be space for cycle storage.

Accordingly, there is no objection in transport terms with regard to paragraph 109 of the NPPF, and Policies T1 and T13 of the Local Plan, as the proposal is unlikely to have a significant impact on parking or highway safety in the immediate area.

### *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.

The North Kent Strategic Access Management and Monitoring Strategy (SAMMS) sets out a strategy to resolve disturbance issues to wintering birds on the North Kent Marshes, focusing on the European Protected Sites and Ramsar Sites and their internationally important bird interest features. Elements within the strategy are:

- Rangers to provide wardening and visitor engagement
- A North Kent Coast dog project to promote responsible dog ownership and encourage walking on lead in sensitive areas
- Codes of conduct developed in partnership with local groups and clubs to raise awareness of recreational disturbance in a variety of activities both on and off of the water
- Interpretation and signage
- New and/or enhanced infrastructure
- Enforcement and Monitoring

The suite of strategic mitigation measures are being delivered through the Bird Wise project, a partnership of local authorities and conservation organisations in North Kent, to ensure that development, considered in-combination, does not have an adverse effect on the integrity of the European sites.

Natural England has worked with the north Kent Local Planning Authorities to support them in preparing the SAMMS and the underpinning evidence base. Natural England agree that the mitigation measures to ensure additional impacts from recreational disturbance to the SPAs and Ramsar Sites are ecologically sound.

A per-dwelling tariff has been calculated using the total cost of delivering the mitigation measures in-perpetuity and the planned number of additional dwellings expected to be built in North Kent. The baseline tariff set at £245.56 per new dwelling in 2019, is index linked and subject to annual increase. (This excludes any legal and monitoring officer's costs, which separately total £550.)

A unilateral undertaking was completed under the outline application, which ensures the payment of the tariff on the commencement of development. No objection is therefore raised under paragraphs 170 and 175 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *Climate Change*

The development will include the following:

- 100% energy efficient light fittings;
- All windows and doors to be double glazed, to achieve a u-value of 1.4;
- Boilers will be low Nox condensing combination boilers;
- All hardstanding will be self-drawing, with porous parking area to front of properties;
- Electric vehicle charging points to be provided;



- Cycle storage in the rear gardens if necessary;
- The close proximity of amenities to the proposed development, including public transport, public park, leisure facilities, business and shopping facilities, will mean the length of journeys is minimal, promoting walking and making it not essential to own a car. Overall, the development offers the opportunity for a sustainable transport solution.

### *Local Finance Considerations*

There are no local finance considerations.

### **Conclusions and Reasons for Approval**

It is considered that the proposed development is acceptable in relation to the design and impact on the street scene, and that there are likely to be no adverse effects on amenities, or on parking or highway safety. As such the proposal is considered to be in accordance with the provisions set out in paragraphs 109, 124, 127, 170 and 175 of the National Planning Policy Framework, and the Medway Local Plan 2003, including Policies BNE1, BNE2, H4, T1 and T13. Therefore the application is recommended for approval subject to conditions.

This application would normally fall to be determined under delegated powers but has been referred to Committee due to the Committee determination of the previous outline application and the number of representations received expressing views contrary to the Officers 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/>