

MC/20/0753

Date Received: 24 March 2020

Location: Plots 69 And 70 Bakersfield Land At Station Road Rainham Gillingham

Proposal: Construction of 2 two-storey three bed houses with associated parking

Applicant McCulloch Homes,
McCulloch Homes

Agent Ubique Architects
Mr Hughes Ubique Architects
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Case Officer: Majid Harouni

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 27th May 2020.

Recommendation - Approval with Conditions

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

Drawing numbers 666_221 Rev B, 666_301 Rev P1 and 666_302 RevA,

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

- 2 Prior to the first occupation of the properties the landing window of plot 70 and the bathroom windows of both plots 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. The windows shall thereafter be retained as such.

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) all dwelling houses herein approved shall remain in use as a dwelling house falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out 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.

- 4 The dwellings herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use 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 or in such a position as to preclude vehicular access to this reserved parking space and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 5 Prior to the occupation of the dwellings hereby permitted an electric charging point per dwelling shall be installed and made operational. The electric charging point shall be retained at all time.

Reason: In the interests of residential amenities and retention of air quality in the area and in compliance with policy BNE2 and BNE24 of the Local Plan.

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

Proposal

This is a retrospective application for the retention of the alterations carried out to the internal layout, roof design and elevations of the pair of semi-detached houses on plots 69 and 70 as approved under ref MC/17/1820.

The changes carried out comprise:

- Replacement of the pitched roof design with mono-pitch/butterfly roof type.
- Rearrangement of the internal layout at the ground and first-floor level.
- Alteration to the position of the fenestration of the units and deletion of a first-floor bedroom window on the western elevation of plot 70.
- Rearrangement of the front door access path and back access arrangement.

Relevant Planning History

- MC/20/0377** Application for non-material amendment to planning permission MC/17/1820 for alterations to approved dwellings as listed on drawing schedule.
Approved 20/03/2020
- MC/20/0369** Details pursuant to conditions 5 (boundary treatment), 16 (refuse), 17 (charging points) and 19 (play equipment) on planning permission MC/17/1820 for approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to condition 1 of MC/14/0285 (APP/A2280/W/15/3002877) for outline planning permission with all matters reserved for future consideration, ref Outline application with all matters reserved for residential development comprising 90 dwellings
To be determined
- MC/19/2862** Application for non-material amendment to planning permission MC/17/1820 for various works comprising of a schedule of materials, proposed site plan, street elevation section, typical construction details and all elevations, as amended by letter dated 29/11/2019 and email dated 20/2019
Withdrawn
- MC/19/0769** Submission of details of conditions no 14 Lighting of the reserved matters planning permission granted under ref MC/17/1820 pursuant to the Outline application with all matters reserved for residential development comprising 90 dwellings
Approved 16/09/2019
- MC/18/3622** Details of conditions no 6, (bird boxes), 7 (details of slab levels, eaves, ridge, verge, dormers, entrance, recess, soffits and window cill) and 8 (traffic Calming measures) of the reserved matters planning permission granted under ref MC/17/1820 pursuant to the Outline application with all matters reserved for residential development comprising 90 dwellings
Approved 04 Jan 2019
- MC/17/1820** Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to condition 1 of MC/14/0285 (APP/A2280/W/15/3002877) for outline planning permission with all matters reserved for future consideration, ref Outline application with all matters reserved for residential development comprising 90 dwellings
Approved 27 September 2017
- MC/17/1106** Details pursuant to conditions 8 and 9 on planning permission MC/14/0285 for outline application with all matters reserved for residential development comprising approx. 90 dwellings
Decision Decided

- MC/16/5098** Details pursuant to condition 7 on appeal reference APP/A2280/W/15/3002877 for outline application with all matters reserved for residential development comprising approx. 90 dwellings
Decision Discharge of Conditions
Decided 13/02/2017
- MC/16/2336** Details pursuant to condition 12 of planning permission MC/14/0285
Outline application with all matters reserved for residential development comprising approx. 90 dwellings
Decision Discharge of Conditions
Decided 01/07/2016
- MC/14/0285** Outline application with all matters reserved for residential development comprising approx 90 dwellings
Decision Refusal
Decided 18/07/2014
Appeal Allowed with Conditions
Decided 07/12/2015

Application relating to 21 Finwell Road

- MC/20/0098** Construction of single-storey side extension with pitched roof to facilitate habitable accommodation within the roof space and demolition of the existing single garage.
Approved 20/03/2020

Representations

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

One representation has been received from the occupiers of the neighbouring property most affected by his application making the following summarised points:

- The proposed description is confusing as the houses have already been built but not in compliance with the approved plans and this application is an attempt to regularise what has been built, particularly in relation to the roof design.
- The existing houses directly loom over my bungalow and directly affect me in a very negative way.
- The Development overlooks the front of my property and should be a minimum of 20m away.
- The distance from my home is less than 20m. It is approximately 15m.
- The car park alongside the properties, Plots 69 and 70, is laid out and positioned completely differently from the plans.
- The border fencing alongside my property does not reflect the previous and current Party Wall Act Agreements between the developer and myself and my husband.

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

The application site is situated to the southeastern part of Bakersfield site adjacent to 21 Finwell Road. The upper section of the houses on the southeastern part of the Bakersfield site can be seen from the northern end section of Finwell Road col-de-sac.

The Reserved Matters application (MC/17/1820) approved the drawing 666_221 REV A for plot 69 and 70. This drawing showed a pitched roof and handed internal floor layout for these two houses.

The applicant advises:

“The existing buildings (plots 69 -70) currently under construction, are being built to adhere to the original design intent to the rest of the site. Unfortunately the approved reserved matters application contained an old design relating to plot 69 + 70 which showed a conventional shaped roof rather than the inverted butterfly roof that was intended and apparent on units 27 & 28, 29 & 30, 32 & 33, 34 & 35, 43 & 44, 45 & 46, 66, 67 & 68, 54 & 55, 62 & 63. There are no units on the entire site proposed as plots 69 and 70 have been approved.”

The applicants advise that they intended to submit revision drawing 666_221 Rev B for approval at the reserved matters application, but due to an oversight on their part, this did not happen. However, notwithstanding the approved drawing the applicant proceeded to build the houses on plot 69 and 70 in accordance with the Revision B version of the house design for these two plots.

In addition, the applicant and the occupier of no 21 Finwell Road have been working towards resolving a boundary issue and future of a tree that is located between the two properties. Resolution of any boundary dispute is a civil matter and not a planning issue.

Principle

The principle of construction of a pair of semi-detached two-storey houses on this corner of the Bakersfield site has already been established by the virtue of the outline planning permission allow on appeal and the reserved matters application approved by this committee. Therefore the key issues to consider are:

- The change to the roof design and its impact on the character of the wider Bakersfield development housing scheme.
- Impact of the proposed butterfly roof design on the street scene, outlook and amenities of the surrounding residents.
- Impact of the changes proposed to the internal floor layout, corresponding changes to the external appearance of the houses and associated fenestration on the amenities of the future occupiers and the occupiers of surrounding residential properties.

Design

The roof design of the houses in the Bakersfield development contains a mix of pitched, mono-pitched and butterfly roof types, as such pitched roof design was considered acceptable in the context of wider Bakersfield site house design and architecture.

The butterfly roof design has already been approved for over 21% of the dwellings across the Bakers Field development including plots 67 and 68 that are close to the application site. Indeed in terms of its immediate setting and relationship with adjacent development on the Bakersfield site, the proposal would better sit in that setting and in street scene terms is more appropriate. The proposal therefore reflects the objectives for good design in the NPPF and the requirements of Policy BNE1 of the Local Plan.

In terms of the design and scale relationship with existing properties in Finwell Road (bungalows) the buildings have intentionally been set with a finished floor level a whole storey lower than the existing neighbour at 21 Finwell Road. This creates a bungalow to bungalow relationship with a 1.8m high close boarded fence between. The ridge, or height, of the proposed roof, will be approximately the same height as the existing neighbouring buildings both in Bakersfield and Finwell Road to ensure there is no dominance over the neighbouring buildings.

The overall height of the butterfly roof would not be any taller than already approved pitched roof for these houses.

The material used for the construction of the houses and the roofs conforms with the wider site and are acceptable.

The proposal therefore conforms with the design aspirations set out in the NPPF and the provisions of Policy BNE1 of the Local Plan

Amenity

The consideration here is whether the as built changes to the approved scheme cause unacceptable harm to the amenities of the occupiers of the neighbouring property such that if originally proposed the application would have been refused. The objections also contend that the windows of the properties are less than 20m from their property. In this respect the following considerations are pertinent:

- The properties are sited in the same location as the approved dwellings and will not project any closer to 21 Finwell Road
- The buildings have intentionally been set with a finished floor level a whole storey lower than the existing neighbour at 21 Finwell Road. This creates a bungalow to bungalow relationship with a 1.8m high close boarded fence between.
- 20m is the usual requirement for back to back distance from properties 2 storey's or above. In this instance the back of the properties face the side of 21 Finwell Road, albeit that there is a primary window serving a bedroom in the side elevation and a conservatory window facing the site. However, these windows are separated by a driveway and impact is further minimised by the existing garage and the fact that the proposed dwellings are set at a lower level such that the relationship is the equivalent of bungalow to bungalow.

- It is not considered that the alteration to the roof design will cause any greater loss of outlook than that of the approved scheme
- The owner of the 21 Finwell Road has approval for the construction of a side extension with room in the roof space to provide utility/kitchen, undercover parking at ground level and additional accommodation in the roof space involving gable window to replace their existing garage to the side which will further reduce the perception of impact on amenity.
- The approved drawing showed two windows on the eastern flank elevation of plot 70 that would serve a bedroom and bathroom. The proposed revised layout would result in the creation of a single obscure landing window instead which should assist in overcoming any perceived overlooking by the adjoining neighbours and an appropriate condition is recommended.

It is considered that the proposed development would accord with Policy BNE2 of the Medway Local Plan and is acceptable.

Highways

The proposal would not increase the number of dwellings or bedrooms and as such would not impact on the car parking provision already approved for these two houses or wider site. The application therefore, has no highway policy implication and would conform with policies T1 and T13 of Medway Local Plan 2003 and paragraph 109 of NPPF 2019.

Bird Mitigation and S106 contributions

The proposal forms part of wider Bakersfield development where bird mitigation contributions together with other section 106 contribution have already been secured. As the proposal will not increase the number of dwellings no further contributions are required.

Local Finance Considerations

None

Conclusions and Reasons for Approval

The proposed revised roof and internal layout would relate well with the wider Bakersfield development and would not appear visually out of character or incongruous when viewed from the wider surrounding.

The proposed changes to the internal layout and associated fenestration would not cause harm to the amenities of the future occupiers of these houses or surrounding properties.

As the number of houses and bedrooms remain the same as previously approved, no new highway issue will arise in this case.

The proposal is therefore considered acceptable and in accordance with the relevant paragraphs of the NPPF and Policies BNE1, BNE2 and T13 of the Local Plan. The application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of the ward councillors who consider that the

assessment of the changes from the approved plans on the amenities of the neighbour most affected are most appropriately undertaken by the Committee.

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/>