

MC/20/0696

Date Received: 17 March 2020

Location: Land Adjacent To 11 Honeysuckle Close Hempstead Gillingham
Medway

Proposal: Construction of a five bed detached dwelling house with attached
garage and associated parking together with a new access road

Applicant Mr D Boast

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Ward: Hempstead And Wigmore Ward

Case Officer: Nick Roberts

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 begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawing numbers BO/20/109.04 and BO/20/109.05 received 17 March 2020 and BO/20/109.02A and BO/20/109.03 received 27 April 2020

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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.

- 5 No development shall take place above slab level until details of the provision of 1 electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 6 The first floor windows on the north facing side elevation of the dwelling 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.

- 7 The dwelling shall not be occupied, until the area shown on the submitted layout (drawing number BO/20/109.02A received 27 April 2020) as vehicle parking space/garaging has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. 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 (as amended) (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 or garage.

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.

- 8 The areas shown on the proposed block plan (drawing number BO/20/109.02A received 27 April 2020) for soft landscaping forward of the principal elevation of the dwelling and the garage 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.

- 9 The dwelling shall not be occupied until a plan indicating the position, design, materials and type of boundary treatment to be erected between the new access and existing private road serving 1-7 Claridge Court has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the dwelling is occupied and shall thereafter be retained.

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.

- 10 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.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification), the dwelling herein approved shall remain in use as a single family dwellinghouse 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 to C4 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

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

Proposal

Construction of a five bed detached dwellinghouse with attached garage and associated parking together with a new access road.

The house would be approx. 12.9m in depth, approx. 18.5m in width (including the garage) and approx. 8.5m in height. It would consist of a gabled end roof, with two storey gabled ended projecting feature to the front with a hipped roof garage to the side and hipped roof single storey projection to the rear. The dwelling would be finished with a traditional stock brick with brick plinth, red/brown plain tiles, with wall hung tiles on the front gable and UPVC casement windows.

The house would comprise an entrance hall, dining room/study, lounge, open plan kitchen/diner, WC and utility on the ground floor and five bedrooms (one en-suite) and family bathroom on the first floor. When measured from the rear elevation of the proposed house the rear garden would range from approx. 8-11m in depth and off road parking would be provided in the form of a double garage and driveway to the front.

Site Area/Density

Site Area: 0.09 (0.222 acres)

Site Density: 11 dph (4 dpa)

Representations

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

Eight letters of representation were received objecting to the application on the following grounds:

- Dwelling is overbearing and out of character with properties on Claridge Court
- Overdevelopment of the site
- Loss of light and overshadowing
- Loss of privacy by way of overlooking

- Noise and disturbance from construction
- Inadequate parking/ turning head
- Access is inappropriate
- Highway Safety

All of the matters listed below are not considered material planning considerations and therefore cannot be taken into consideration when determining this application;

- Right to pass and re-pass
- Charges that effect the land
- Deeds and restrictive covenants regarding utilities

Southern Water have advised that a formal application for a connection to the public foul sewer would need be made by the applicant. In the event that there are no public surface water sewers in the area to serve this development, they have confirmed that an alternative means of draining surface water from the development would be required.

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 application site currently forms part of the residential garden of 11 Honeysuckle Close and would have its own access via Claridge Court. The site is located within the urban area as defined on the proposal map to the Local Plan and in a predominantly residential area characterised by mainly single family dwellings. Policy H4 of the Local Plan states that residential development in the form of redevelopment of existing residential areas and previously developed land is acceptable providing that a clear improvement in the local environment will result. Paragraph 11 of the NPPF states that decisions should also apply a presumption in favour of sustainable development. Due to the siting of the proposed dwelling the development would be classed as backland development to which Policy H9 of the Local Plan also applies. The policy states that backland development will only be permitted, where there is acceptable vehicle access, where the character and amenity of the area is maintained, and subject to neighbouring and occupier amenity considerations. In the context of Policy H4 of the Local Plan and the site being within an urban area, no objection would therefore be raised in principle to a residential use on this site. Further consideration of whether there is an improvement in the local environment and Policy H9 of the Local Plan is set out below as it is subject to an assessment of the design and amenity considerations.

Design

Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area and Paragraphs 124 and 127 of the NPPF emphasises the importance of good design.

The character of the area comprises larger detached properties of a mixed design with large gardens to the east that front Hempstead Road, and a more diverse mix of detached and semi-detached properties with smaller gardens to the north and west sited along a main central road (Lamplighters Close) with houses grouped along cul-de-sacs. This formed part of a comprehensive residential development of Hempstead approved in the 1970's.

Although the plots of Hempstead Road are noticeably more spacious and generous the proposed dwelling would front Claridge Court. In this regard the pattern of development to the west is more uniformed in appearance with a strong building line and houses of a more uniformed design and appearance that stand on smaller plots. Although neighbour representation letters received have suggested the dwelling would be out of character and represent an overdevelopment of the plot, when comparing the size of the gardens and footprint of the dwelling to the detached properties on Honeysuckle Close, Claridge Court and Lamplighters Close respectively this development would not be of a dissimilar size and it would also benefit from a more generous provision of private amenity space. Although it is noted that the addition of the attached garage accentuates its size the garage is single storey and has been purposely set back from the principal elevation by approx. 3.5m to reduce its prominence within in the streetscene. It is therefore considered that the proposal would sit comfortably within the plot with sufficient space around it to maintain adequate visual separation with the adjacent buildings on Honeysuckle Close, Claridge Court and Hempstead Road.

Furthermore its layout, positioning and design would complement the properties located to the north and west, its orientation and siting set back from the highway would mirror that of the neighbouring property at 11 Honeysuckle Close and the materials used in its construction would reflect the materials used on the houses within the local area. The dwelling has also been designed to follow a similar ridge height of the adjacent properties to maintain uniformity.

In view of the above, although large, it is considered that the dwelling would be sympathetic to the surrounding properties, and would be of an appropriate size and design that would not have a harmful impact on the character or appearance of the area. Subject to a condition requiring the submission of details and samples of the materials to be used externally the proposal is in accordance with Policies BNE1 and H4 of the Local Plan and Paragraphs 124 and 127 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Due to the relationship of the proposed dwelling to the neighbouring properties to the north (Honeysuckle Close) and in view of the neighbour representations letters received raising concerns regarding possible overshadowing of the properties to the east (Hempstead Road) and to the west (Claridge Court) an overshadowing assessment has been carried out. Whilst there would be some additional overshadowing to the front garden of 5 Claridge Court first thing in the morning, and overshadowing of the rear gardens of 296 and 298 Hempstead Road later in the afternoon there would be adequate sunlight to serve these gardens throughout the day. Therefore, there would not be a detrimental impact on neighbour's amenities in terms of loss sunlight when taking into account the extent and amount of time the shadow would be cast throughout the day.

With respect to outlook and daylight whilst the proposed development would clearly have a presence when seen from the properties on both Honeysuckle Close, Hempstead Road and Claridge Court, a separation distance ranging from approx. 23-28m has been retained between the rear elevation of the proposed dwelling and the rear elevation windows of 296 – 306 Hempstead Road. In addition a separation distance ranging from approx. 20-27m has been retained between the front elevation of the proposed dwelling and the front elevation windows of 1-7 Claridge Court. As the properties on Claridge Court would stand closer to the proposed dwelling than those on Hempstead Road a 25° daylight assessment was completed to assess the impact of the proposal on the windows on the front elevation of the properties on Claridge Court and there was found to be no detrimental impact. By virtue of the distance between the proposed dwelling and the habitable room windows of the neighbouring properties there would also be no detrimental impact with regards to loss of outlook.

Similarly by virtue of the distance of the dwelling from the habitable windows of the neighbouring properties on Claridge Court and the size of the gardens of the properties on Hempstead Road the proposed development would not be considered overbearing. Whilst it is noted that the dwelling would be approx. 1m from the boundary of the rear garden of 306 Hempstead Road, this garden is in excess of approx. 42m long as such the siting of the proposed dwelling in relation to this property would be acceptable. With regards to 11 Honeysuckle Close, although there are windows located on the south facing elevation of this property by virtue of the siting of the proposed dwelling and its orientation in relation to this property there would be no detrimental impact with regards to loss of outlook, daylight or sunlight. Furthermore the habitable rooms affected also benefit from alternative outlook to the rear.

With regards to overlooking and loss of privacy, although the presence of a new dwelling in this location has raised concerns amongst local residents regarding potential overlooking, as guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that a visual separation distance of approx. 20m between the private rear facades is acceptable. Although this guidance relates to new housing developments, the visual separation distance between the rear facade of the proposed dwelling and rear facade of the properties on Hempstead Road would range from approx. 23-28m and as such would be considered an adequate distance to maintain privacy. Additionally the windows to front of the proposed dwelling would only overlook the front parking areas and front gardens of the properties on Claridge Court and therefore as this is not used as private amenity space would not be considered detrimental. The first floor windows located on the north facing elevation of the proposed dwelling can also be obscured glazed to prevent any direct overlooking of 11 Honeysuckle Close.

It is considered appropriate to impose a condition requiring the submission of a Construction Environment Management Plan due to the nature of the proposal and the impact that the construction period could have on the amenities of local residents.

Amenity of Future Occupiers

The proposed dwelling has been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). The proposed dwelling would have a gross internal floor area (GIA) of approx. 226m². Whilst there is no set standard for a five bedroom, nine person, two storey dwelling within the national standard, a five bed, eight person, two storey dwelling requires a minimum GIA of 128m². The dwelling also has 4m² of built storage and as such is compliant with the national standard.

All bedrooms would also meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook. As guidance, the MHDS states that gardens should be 10m in depth and 7m when constraints exist. The depth of the proposed garden would range between approx. 8-11m when measured from the rear elevation of the house and as such would be considered acceptable. In view of the above the proposal is therefore in accordance with Policies BNE2, H4 and H9 of the Local Plan and Paragraph 127f of the NPPF.

In these circumstances it is necessary to remove permitted development rights with regards to extensions, roof extensions and outbuildings within the curtilage of the dwelling. This restriction is justified in this case due to the size of the rear garden and to ensure the dwelling maintains the character and protects the amenity of occupiers of the properties on Claridge Court and Honeysuckle Close. There is also potential for the dwelling to be converted to a small house in multiple occupation (HMO) in the future, which in turn may result in a harmful impact to the amenity of neighbouring residents. It is therefore recommended that permitted development rights also be removed with regard to the change of use between use class C3 and C4.

Highways

The adopted Interim Residential Parking Standards require the provision of a minimum of two parking spaces for a five bedroom property. The plans include the provision for four off road parking spaces and as such would exceed this standard. The appearance of the off street parking area will also be softened by the addition of soft landscaping to the north and south of the site and a small grassed area to the front which will improve the visual amenity, this will be secured by condition.

Although neighbour representation letters received have raised concerns regarding highway safety, and the access to the proposed dwelling, when taking into account the new access and crossover will only serve a single dwelling and that Claridge Court is a cul-de-sac and as such would only be used by homeowners and visitors who live there it is not considered that this proposal would result in any adverse highways impacts. Furthermore the provision of the driveway and turning area to the front of the proposed dwelling will allow vehicles to enter and exit the site in a forward gear. The proposed block plan also indicates the access would be approx. 3.5m in width and therefore would be wide enough to accommodate a vehicle.

It should be noted that the NPPF has put sustainable development as a central core and Paragraph 110E outlines that development should provide electric charging facilities, therefore a condition has been recommended to fulfil this objective. A condition would also be required to ensure the parking area and double garage are provided prior to occupation and retained thereafter. In view of the above the application is considered to be in accordance with Policies T1 and T13 of the Local Plan and Paragraphs 109 and 110E of the NPPF.

Climate Change and Energy Efficiency

The Planning Agent has submitted an Energy Efficiency and Sustainable Construction Statement which is summarised as follows:

- The Building Regulations part L1A will only be used as a minimum requirement and improvements over and above its standards will be actively sought regarding the fabric, heating system, solar gain and natural shading.
- Glazing will be thermally insulated gas filled with solar control glass to reduce overheating of the dwelling.
- The proposed dwelling is to be constructed using traditional methods and materials with the purpose that it can be built using local suppliers and sources.
- All materials are to be sourced responsibly from suppliers who are environmentally accredited (ISO14001, BES6001 or similar);
- All timber used onsite and in construction shall be sourced from accredited suppliers and sources.
- Materials with an Environmental Product Declaration (EPD) shall be chosen.
- Only blown insulants that have a Global Warming Potential (GWP) of less than 5 will be utilised.

- The area has mains gas and the primary source of heat will be a Class 5 Boiler to BS EN 297:1994. A 98% efficient gas combination boiler the heating system using underfloor heating system will be used
- The SAP calculation will show a Dwelling Emission Rate increase on current Building Regulations of approximately 10%.
- Kingspan or similar PIR insulation will be used under the floor and it is hoped to take advantage of the supplier's new scheme to collect off cuts in suitable bags for reprocessing and re-use to prevent it being put in skips and sent to landfill.
- All potential cold bridge joints and abutments will be constructed to Accredited Construction Details reducing the long term energy losses from the fabric of the building.
- All internal light fittings will be 100% LED lighting throughout.
- External security and space lighting will have day/night and movement sensors, have time cut off and be of 150W maximum with low energy fittings.
- All white goods appliances to be installed will be A rated.

Trees

A Tree Preservation Order (TPO) check has been completed as part of this application and there no protected trees on or around the property.

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 £250.39 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 applicant has submitted a SAMMs Mitigation Contribution Agreement and payment and therefore no objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

None relevant to this application

Conclusions and Reasons for Approval

It is considered that the scale, mass and design of the dwelling would be in keeping with the existing streetscene and there would be no detrimental impact on the amenities of future occupiers, neighbouring residential amenities or highways safety. The application is therefore in accordance with Policies BNE1, BNE2, BNE35, H4, H9, S6, T1 and T13 of the Local Plan and the advice set out in paragraphs 109, 110E, 124, 127, 127f, 175 and 176 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to the officer's recommendation.

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/>