

MC/21/0692

Date Received: 11 March 2021

Location: 266 Hempstead Road Hempstead
Gillingham Medway

Proposal: Proposed alterations of an existing bungalow to form new access from The Paddock and construction a new 4bed/5person detached house in the front garden. All with associated vehicular parking areas.

Applicant Seymour Rogers Associates

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Ward: Hempstead And Wigmore Ward

Case Officer: Madeline Mead

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 23rd June 2021.

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 WD/03/266/21, WD/04/266/21 and WD/05/266/21 received on 24 May 2021 and WD/06/266/21 received on 7 June 2021.
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) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required prior to commencement to enable the Local Planning Authority to manage such development in the interests of neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 No development above slab level shall take place in relation to the construction of the new dwelling herein approved 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. All materials used externally in relation to the works to 266 Hempstead Road shall match those of the existing building.

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 ground floor slab level until details of the provision of one electric vehicle charging point per dwelling 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 in working order.

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

- 6 The proposed dwelling shall not be occupied, until the area shown on the submitted layout as vehicle parking space 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 (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.

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

- 7 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by The Local Planning Authority. The boundary treatment shall be provided in accordance with the approved details before any 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 neighbouring residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 The areas shown to the front of each dwelling on the proposed block plan of approved drawing number WD/03/266/21 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.

- 9 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) the 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.

- 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 The bedroom windows at first floor level of the south and north facing elevations shall be high level windows such that the cill height is not less than 1.7 metres above the internal finished floor level of the room it serves. 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.

Application Number: MC/21/0692

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

Proposal

This application seeks planning permission for the construction of a detached 4-bedroom chalet bungalow, to the front of the existing bungalow, fronting onto Hempstead Road. Alterations to the existing bungalow are proposed so that this property has a new frontage and access onto The Paddocks to the rear of the site.

It is proposed for the conservatory to be removed from the existing bungalow and a porch to be constructed on the side elevation of the building to form the new entrance. The porch would measure 1.8m in width, have a depth of approx. 1.2m and have a height of approx. 2.15m. A new vehicular access would be formed from The Paddocks and a hardstanding area constructed for parking for two vehicles.

The proposed dwelling would be up to approx. 6.8m in width (including single storey side projection), up to approx. 14.4m in depth (including single storey rear projection and bay window) and approx. 6.3m in height to the ridge. To the front of the dwelling at ground floor level a bay window with a pitched roof is proposed and two small dormer windows with pitched roofs within the roof slope. To the side and rear are single storey elements. The accommodation would comprise at ground floor level lounge/dining, kitchen, bathroom and two bedrooms and within the roof space two further bedrooms with en-suites. Two car parking spaces would be provided to the front of the dwelling.

Both of the rear gardens would have a minimum depth of approx. 7m.

Site Area/Density

Site Area: 0.065 hectares (0.16 acres)

Site Density: 15.3 dph (6.25 dpa)

Representations

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

Five letters of representation have been received with the following objections:

- Loss of sunlight
- Loss of views
- Loss of privacy
- Overdevelopment
- Loss of green space
- Development not in keeping with surrounding area
- Loss of outlook
- Loss of privacy/overlooking from existing properties to proposed dwelling
- Visually overpowering to neighbouring property
- Highway safety
- Concern over ownership of boundary fence and unstable chimney.

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 the urban area of Gillingham. The proposed development would create a new dwelling fronting onto Hempstead Road and the existing bungalow which is located to the rear of the plot would be reorientated to front onto The Paddocks. Policy H9 of the Local Plan relates to backland and tandem development and states that tandem development will not be permitted and that backland development would be permitted subject to certain criteria being met. As the existing and proposed properties would have their own individual accesses via either The Paddocks or Hempstead Road and that the proposal involves the reorientation of the existing property so that the arrangement of the properties would be back-to-back and not one in front of the other, it is not considered that the proposed development represents backland or tandem development and therefore Policy H9 is not relevant.

Policy H4 of the Local Plan states that the use of vacant land or change of use of buildings no longer required for non-residential use will be permitted for residential development subject to clear improvement in the local environment. Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Subject to compliance with the detailed matters of these policies which are subject to assessment below, the principle of the site for residential development is considered acceptable given the residential character of the area.

Design

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and 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.

The property would be visible within the street scene, which consists of a mix of dwelling types and individually designed dwellings. The existing bungalow and the bungalow attached to it, sit deep within the plot, nearly in line with the built form within The Paddocks. As such this semi-detached pair do not address the street scene of Hempstead Road in a similar way to the existing surrounding dwellings but instead have long front gardens. The proposed new dwelling would be situated to follow the building line of the existing dwellings within Hempstead Road and therefore address what is a gap in the street scene.

The proposed dwelling would be a chalet bungalow with a barn hipped roof to the main part of the building with two small, pitched roof dormers to the front. To the side is a small single storey projection also with a pitched roof and to the rear a single storey projection that has a hipped roof. The dwelling would sit off of each side boundary by approx. 1m and this is not dissimilar to other dwellings and their relationship to side boundaries within the area.

To the front of the proposed new dwelling would be a hardstanding area and a small area of landscaping. Again, this is not dissimilar to other hardstanding areas within the vicinity.

The existing bungalow to the rear of the plot would have the conservatory removed to help reorientate the dwelling more so that it presents more of a front elevation rather than a rear elevation to The Paddocks. A small porch is also proposed to the southern side elevation of the property to provide an entrance. The Paddocks has areas of soft landscaping that line the road and it is proposed to remove a small amount of this landscaping and provide a vehicle hardstanding area to serve the dwelling.

The proposed dwelling is considered to be of a scale, design and siting that would be acceptable within the street-scene and the alterations to the existing bungalow considered acceptable to provide a new frontage onto The Paddocks.

Subject to a condition to secure the materials, the proposal would be in accordance with Policy BNE1 of the Local Plan and the objectives of paragraphs 124 and 127 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself.

Neighbouring Residential Amenity

The proposed dwelling would sit slightly behind the front building line of the adjacent property to the south (no. 268). Due to the siting of the proposed dwelling and orientation of the sun, it is not considered that the proposed dwelling would have a significant detrimental impact on this neighbouring property in terms of loss of daylight, sunlight, outlook or privacy.

To the north is the front garden of no. 264. No. 264 is the other half of the semi-detached pair of which the existing application dwelling is attached and is proposed to be reorientated. The proposed new dwelling, however, would be constructed forward of the front elevation of no.264 and would have its frontage onto Hempstead Road following a similar building line to most other existing dwellings within the area.

This neighbouring property of no. 264 also sits well behind the rear elevation of its neighbouring dwelling at no. 262 Hempstead Road to the north and already has an approx. 2m high close boarded fence that runs along the side boundary line with this property.

The proposed new dwelling and reorientation of the existing dwelling proposed under this application would create rear gardens forward of the front elevation of no. 264. It is proposed for these gardens to be enclosed by 1.8m fencing. Although this is not ideal it is acknowledged that this fencing is required for the privacy of the existing and proposed dwelling and is not considered any more harmful than the existing situation given the arrangements of dwellings within the locality. It is also acknowledged that a 2m high fence could be erected in this location under permitted development rights.

A high-level window is proposed at roof level within each of the side elevations of the proposed new house. These high-level windows would be a secondary window to each of the bedrooms. As high-level windows, they would have a detrimental impact on neighbouring amenity in terms of loss of privacy/overlooking. A condition is recommended to ensure they are set at the appropriate height of 1.7m floor to cill level to ensure they are installed as high level.

Overall, it is considered that the proposed dwelling and reorientation of the existing bungalow would not have a significantly detrimental impact on neighbouring amenity in terms of loss of outlook, sunlight, daylight and privacy.

Amenity of Future Occupiers

With regard to the amenities of the future occupiers, the proposed dwelling has been considered against the Technical housing standards - nationally described space standard dated March 2015.

The proposed dwelling would be a 4B5P two storey dwelling with an overall floor area of approx.103m². The nationally described space standards require a gross internal floor area of 97m² for a 4B5P. A double bedroom should have a floor area of 11.5m² and be at least 2.55m wide, with subsequent double bedrooms 2.55m wide. A single bedroom should have a floor area of 7.5m² and be at least 2.15m wide. The proposed dwelling would meet the requirements of the space standards and is considered to provide adequately sized living accommodation for future occupants of the dwelling.

The application proposes a distance of approx. 18m, from the main rear elevations of the existing reorientated dwelling and the proposed dwelling. The proposed dwelling would also only have one roof light at roof level serving a stairway so would not overlook the existing dwelling. The existing dwelling does have a dormer at first floor level serving a habitable room, however given the separation distance and as there would be no direct window to window arrangement the proposal is considered acceptable.

The Medway Housing Design Standards requires a depth of 10m for private amenity space or 7m on constrained sites. Both gardens would have a minimum depth of 7m and in some place's depths would be over 7m.

It is recommended that given the garden depths and the siting of the properties, permitted development rights be removed with regard to extensions, roof extensions and alterations and outbuildings to ensure that any future development is considered with regard to the impact on neighbouring residential amenity.

With regard to refuse storage, it is deemed that there is adequate storage space for refuse within the curtilage of the proposed dwelling and existing dwelling.

In order to ensure the new dwelling remains in single family occupancy, a condition removing the permitted development rights for the dwelling to be used as a small HMO is recommended. This condition is necessary in the interest of amenity and due to the site not being in a predominantly mixed-use character area.

The construction of the development itself could lead to noise and nuisance dust emissions to nearby residential properties and therefore a condition is recommended requiring the submission of a Construction Environmental Management Plan would be recommended.

Overall, with the above recommended conditions imposed, the proposal would be in accordance with Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF.

Highways

In terms of impact to the highway, given that the application proposes a single dwelling, no objection would be raised to this aspect. Regarding parking, the adopted Interim Residential Parking Standards require the provision of a minimum of 2 parking spaces for a 3+ bedroom property, the site plan indicates that sufficient parking can be

accommodated on site to serve the existing and proposed dwelling and therefore in compliance with the parking standards. The existing bungalow would require a new vehicular access from The Paddocks and it is not considered that this proposed crossover would cause a significant or severe impact to highway network and is therefore considered to be acceptable. 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 is recommended to secure electric charging facilities for both dwellings.

With the abovementioned recommended condition secured, the application is considered to comply with Policies T1, T2 and T13 of the Local Plan and paragraphs 109 and 110E of NPPF.

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 applicants have submitted a SAMMs mitigation contribution agreement and paid this tariff for the additional dwelling. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

Climate Change and Energy Efficiency

The applicant has indicated that all materials will be used to exceed the requirements of the latest building regulations and in particular Part L (Energy Use) and will utilise

materials that meet the BRE Green Guide A+ rating. (Materials which have the lowest overall environmental impact over the lifecycle of a product as calculated by BRE Environmental Assessment Method).

All new windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation.

The close proximity of amenities including public transport and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Secured bike storage can be provided within the secured rear private garden, as such the development offers the opportunity for a sustainable transport solution.

Conclusions and Reasons for Approval

The scheme under this current proposal is considered to be acceptable and would comply with Policies BNE1, BNE2, BNE35, H4, S6, T1, T2 and T13 of the Medway Local Plan 2003 and the objectives of paragraphs 109, 124, 127, 110E, 175 and 176 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee for determination due to the numbers of representation received expressing a view contrary to officer's recommendation and by the request of Councillor Rodney Chambers.

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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>