

**MC/21/2134**

Date Received: 19 July 2021  
Location: 16 The Everglades Hempstead  
Gillingham Medway  
Proposal: Construction of a detached dwelling with associated parking  
Applicant: Mr Duncan Webb  
Agent: Private  
Mr Keith Jeffery  
36 Birch Drive Lordswood  
Chatham  
ME5 8YU  
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 13th October 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:

Received on the 17 September 2021:

DW/02/21 REV B Proposed Floor Plans and Elevations

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

- 3 No development shall take place until tree protection measures in line with BS5837:2012 have been implemented to protect the adjacent trees to the north of the site. The tree protection measures shall thereafter remain in place throughout the construction phase.

Reason: Required to ensure no irreversible detrimental harm to the existing trees and in accordance with Policy BNE43 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.

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 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 112E of National Planning Policy Framework 2021.

- 6 The 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 The dwelling shall not 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 Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 8 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change Statement received on 17 July 2021. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 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 dwellinghouse herein approved shall remain in use as a 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 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.

**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 3-bedroom two storey dwelling, to the front of the existing dwelling.

The proposed dwelling would be up to approx. 8m in width, up to approx. 7.8m in depth (including the porch) and approx. 6.8m in height to the ridge. The main front elevation of the building would face towards The Everglades. The accommodation would comprise at ground floor level porch with WC, lounge and kitchen/dining and at first floor level three bedrooms (one with en-suite) and a bathroom. Two car parking spaces would be provided to the side of the dwelling.

The private garden space would be to the side of the dwelling.

## **Site Area/Density**

Site Area: 0.027 hectares (0.066 acres)

Site Density: 37 dph (15 dpa)

## Relevant Planning History

MC/04/1517            Outline application for the construction of a detached bungalow  
Decision: Refusal  
Decided: 26 August 2004  
Appeal dismissed 31 May 2005

## Representations

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

**Seven** letters of representation have been received (two from the same household) with the following objections:

- Loss of trees
- Loss of wildlife habitat
- Loss of green space
- Loss of views
- Loss of privacy
- Loss of light
- Dwelling is not in keeping with surrounding properties
- Increase in vehicular traffic
- Loss of on street parking
- Loss of spaciousness
- Increase in noise pollution
- Deterioration in air quality.

**Southern Water** have written in advising of an existing water distribution main in the immediate vicinity of the development site and that a sewer now deemed to be public could be crossing the development site.

## 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 2021 and are considered to conform.

## Planning Appraisal

### *Background*

In 2004 planning permission was refused for an outline application for a detached bungalow on the application site. This was also dismissed at appeal. The Inspector considered the main issues in relation to the appeal to be the impact of the proposed bungalow and garage on the character and appearance of The Everglades and whether the proposal would provide acceptable living conditions for the future occupiers of the proposed bungalow, with particular regard to privacy and daylight.

In relation to the character and appearance, the Inspector concluded that they were not satisfied that there was sufficient space to provide a landscaped area between the front building line of the proposed bungalow and the adjacent turning area in a similar manner to that which exists elsewhere on the estate and in such a prominent location would be detrimental to the sense of spaciousness. The Inspector also concluded that a detached bungalow and garage on the site would not be in keeping with the scale and character of the surrounding area.

In relation to living conditions for the future occupiers, the Inspector concluded, that the proposal would fail to provide acceptable living conditions for future occupants, in terms of satisfactory outlook, adequate daylight and loss of privacy. However, the Inspector was satisfied that there was sufficient separation between the appeal site and the windows of the neighbouring houses to safeguard the future occupants of the bungalow from a loss of privacy arising from overlooking.

### *Principle*

The site is located within the urban area of Gillingham. The proposed development would create a new dwelling at the end of the cul-de-sac of The Everglades. 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 126 and 130 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 application site currently forms part of a landscaped open space, which is in the ownership of three different people. The landscaped area that forms part of this application has a hardstanding area within the middle that currently has a shed on it. The areas to the north and the east are outside of the application site and ownership.

The dwelling would be visible within the street scene, which consists of a mix of dwelling and roof types. The proposed dwelling would sit in a prominent position at the head of the cul-de-sac and therefore the design of the dwelling would need to be in keeping with the surrounding built form with the street.

The dwelling is proposed to be mock Tudor at first floor level on the front elevation, to remain in keeping with the surrounding dwellings and would have a hipped roof. To the front of the property would be a porch with sloped roof. Two car parking spaces are proposed to the north side of the dwelling.

To the front of the property is a small, landscaped area that belongs to another resident of the close. Fencing to enclose the property to establish boundaries and privacy, would need careful consideration, so as not to create a harsh form of boundary treatment on the site and therefore a condition is recommended for details of boundary treatment and landscaping to be submitted.

The proposed dwelling is considered to be of a scale, design and siting that would be in character with the existing street-scene. Subject to the abovementioned condition and a condition to secure the materials, the proposal would be in accordance with Policy BNE1 of the Local Plan and the objectives of paragraphs 126 and 130 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 to the front of number 16 The Everglades. A separation distance of approx. 24m, from the front elevation of number 16 to the side elevation of the proposed dwelling would be retained. To the north of the site is number 20 The Everglades. A separation distance of approx. 20m, from the front elevation of number 20 to the side elevation of the proposed dwelling would be retained. The separation distances between the existing and proposed, is considered acceptable in terms of prominence and retention of privacy.

Number 14 The Everglades has a window within its flank wall at first floor level. It is not clear what room this window would serve; however, the proposed dwelling has three windows on the front elevation at first floor level which serve non habitable room windows and would retain a distance, front elevation to flank elevation of approx. 14m and therefore it is considered that these windows would not cause a significantly detrimental impact on this neighbouring property in terms of overlooking.

Due to the height and siting of the proposed building, it is not considered that the proposed dwelling would have a detrimental impact on existing neighbouring amenity in terms of loss of daylight, sunlight, outlook 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 3B4P two storey dwelling with an overall floor area of approx. 87m<sup>2</sup>. The nationally described space standards require a gross internal floor area of 84m<sup>2</sup> for a 3B4P. A double bedroom should have a floor area of 11.5m<sup>2</sup> and be at least 2.55m wide and a single bedroom should have a floor area of 7.5m<sup>2</sup> 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 Medway Housing Design Standards requires a depth of 10m for private amenity space or 7m on constrained sites. The garden would have a depth of approx. 11m.

A distance of approx. 13m would be retained from the front elevation of number 16 The Everglades and the private garden area of the proposed dwelling and it is therefore considered that the proposed dwelling would not be subjected to a significantly detrimental loss of privacy.

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.

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 and the potential for increased parking pressure and noise and disturbance from increased comings and goings for individuals sharing a dwelling.

With the above recommended conditions imposed, the proposal would be in accordance with Policy BNE2 of the Local Plan and paragraph 130(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 proposed dwelling and therefore in compliance with the parking standards. With regard to the proposed vehicular access/crossover it is not considered that the dwelling being served from the crossover would cause a significant or severe impact to highway safety and is therefore considered to be acceptable.

It should be noted that the NPPF has put sustainable development as a central core and paragraph 112E outlines that development should provide electric charging facilities, therefore a condition is recommended to secure electric charging facilities.

With the abovementioned recommended condition secured, the application is considered to comply with Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112E 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 £253.83 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 180 and 181 of the NPPF.



## *Climate Change and Energy Efficiency*

The applicant has indicated that the following would be incorporated into the proposed scheme:

- Energy efficient lighting.
- Radiators will be fitted with individual thermostatic valves.
- Rainwater will be collected in water butts before discharge to the soakaways.
- Individual waste disposal bins will be provided for different and recyclable wastes.
- Electric car charging point will be provided.

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 11, 111, 112E, 126, 130, 180 and 181 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.

---

### **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/>