

**MC/21/2279**

Date Received: 1 August 2021  
Location: 63 Duncan Road Gillingham  
Medway ME7 4LA  
Proposal: Construction of a 2 bedroom detached bungalow  
Applicant: Mrs Anne Oneill  
Agent: Coteq Ltd  
Mr Tony Hawkins  
187 Edwin Road  
Gillingham  
ME8 0AH  
Ward: Gillingham South Ward  
Case Officer: Nick Roberts  
Contact Number: 01634 331700

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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 10th November 2021.**

**Recommendation: Approval subject to:**

A. The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure:

i. £253.83 towards Designated Habitats Mitigation.

B. And the following 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 21 August 2021

Layout ID 01 - Proposed Site Plan

Layout ID 02 - Proposed Floor Plan and Elevations

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

3 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.

- 4 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, access for construction traffic into the site 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.

- 5 No development shall take place above slab level until details of the provision of 1 electric vehicle charging points 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 112E of the NPPF.

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

- 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 completed in accordance with the approved details before any dwelling and/or building 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 and BNE2 of the Medway Local Plan 2003.

- 8 The areas shown on the proposed site plan (drawing number Layout ID 01 received 21 August 2021) for soft landscaping/planting forward of the principal elevation of the dwelling 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) no development shall be carried out within Schedule 2, Part 1, Classes A, AA, B, C, E and G 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 and occupier amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 10 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.

- 11 The development shall be implemented in accordance with the measures to address energy efficiency and climate change as set out within the Climate Change Statement received 2 August 2021. Prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been undertaken and will thereafter be maintained.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 152 the National Planning Policy Framework 2021.

**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 2 bedroom detached bungalow with associated parking. The dwelling would be approx. 4m in height measured to the ridge, approx. 2.4m to the eaves, approx. 16.5m in length and approx. 5.2m in depth. It would consist of a hipped roof and would be finished with facing brickwork, concrete interlocking tiles and UPVC double glazed casement windows.

The proposed layout includes an entrance hall, open plan lounge/kitchen/dining area, two bedrooms and a bathroom. The proposal also includes off road parking for one vehicle and a private garden area.

## **Site Area/Density**

Site Area: 0.019 hectares (0.05 acres)

Site Density: 52 dph (21 dpa)

## **Relevant Planning History**

MC/16/2459	Construction of two 1-bedroomed detached chalet bungalows with associated parking Decision: Refusal Decided: 3 August 2016
MC/15/1038	Construction of a pair of semi-detached bungalows with associated off road parking and waste storage Decision: Approval with conditions Decided: 26 June 2015
MC/03/1146	Demolition of existing houses and construction of fourteen 3-bedroomed houses and twelve 1-bedroom flats Decision: Approval with Conditions Decided: 6 September 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 objection have been received raising the following concerns.

- Height of the bungalow and its proximity to the boundary
- Loss of daylight, outlook and privacy
- Overshadowing
- Increased noise and disturbance during construction
- Impact with respect to parking

**Southern Water** have advised that it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. They have also advised that the proposed development would lie within a Source Protection Zone

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

### **Planning Appraisal**

#### *Principle*

The site has been subject to a previous application for the construction of two 1 bedroomed detached houses in 2016 under MC/16/2459. The application was refused as it was considered an overdevelopment of the site. In addition, it was considered that the proposal would cause harm to the amenities of the occupiers of adjoining properties and a potential highway safety concern due to the siting of the dwellings. This application seeks to address the previous refusal reasons by reducing the scale, mass and density of the proposal through a reduction in the number of units to allow for an improvement in the layout, which in turn seeks to address highway safety concerns. The current proposal is also single storey whereas the previous application had first floor accommodation.

#### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy H4 of the Local Plan states that development in the form of the redevelopment of existing residential areas 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. The site is located within the urban area as defined on the proposal maps to the Local Plan and in a predominantly residential area characterised by mainly single-family dwellings.

In the context of the policies above no objections would therefore be raised in principle to a new dwelling in this location, however the impact of the dwelling in terms of design, its character and appearance on the street scene as well as its impact on residential amenity needs to be considered further.

### *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 126 and 130 of the NPPF emphasises the importance of good design.

The application site comprises a parcel of land to the rear of 63 Duncan Road which formed part of the rear garden of this property but is now overgrown and has been enclosed on all sides by a combination of close boarded and heras fencing. Overall, the site is detracting from the appearance of the area and development may help to improve the situation. Access to the land is via Merlin Way. The surrounding area is characterised by residential properties and a block of flats with mixed architectural styles. The flat block opposite was constructed between 2005-2006 as part of a wider residential development. Immediately adjacent to the site there is also a pair of semi-detached bungalows which were approved under MC/15/1038.

Although the site is relatively constrained in terms of its size, and the proposed bungalow would span the depth of the plot, the spatial pattern of development in the immediately surrounding area is characterised by residential development where the building footprint occupies a large proportion of their respective plots. Of particular relevance in this regard is 3-11 Merlin Way, and perhaps more significantly 1A and 1B Merlin Way which was a development of two semi-detached bungalows immediately to the east on a plot of land smaller in width than the site subject to this current application. Whilst this pair of semi-detached bungalows are sited further away from neighbouring properties, they do occupy a significant proportion of the site with very limited private outdoor space. In acknowledging that this development was approved in 2016, this is a material consideration. Furthermore, in granting approval the case officer concluded that the site was of a size that could accommodate the proposed development, and being single storey were considered appropriate within the mixed street scene.

In terms of its design, and in recognising the relationship between the site and the properties to the north (18-24 Franklin Road), the eaves height of the proposed dwelling has been kept to a minimum 2.4m. Incidentally, this would be lower than the permitted height for an outbuilding within 2m of the boundary under the Town and Country Planning (General Permitted Development) (England) Order 2015 which is 2.5m. Although the ridge height would extend to approx. 4m the roof would hip away from the boundary of the properties on Franklin Road, which would further reduce its prominence. On balance, and when taking into account the planning approval under MC/15/1038, it is therefore considered that the design and scale of the proposal would not be harmful to the character or appearance of the existing streetscene, as to warrant refusal of the application.

Accordingly, and subject to a condition to cover the submission of external materials, the development is considered to be in accordance with Policies H4 and BNE1 of the Local Plan and paragraph 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. Policy BNE2 of the Local Plan and paragraph 130 of the NPPF relates to the protection of these amenities.

### Neighbouring Residential Amenity

Due to the location of the proposed new dwelling the main consideration would be the impact on the amenity of the residential properties directly to the north, most notably 12-26 Franklin Road.

Due to the orientation of the dwelling in relation to these properties an overshadowing assessment has been undertaken. Although the building would cast a shadow over the rear gardens of 14-24 Franklin Road, in recognising the presence of the alleyway that separates the site from these gardens, and the height of the dwelling, the shadow would only extend approx. 2-3m into the bottom ends of these gardens. This would not be materially different from the shadow that would be cast by a 2m high boundary treatment.

In addition, although it is accepted that the dwelling will have a visual presence as the site is currently undeveloped, the eaves height of the dwelling is only 2.4m, which as previously mentioned, and as a comparison, would be lower than the permitted height for an outbuilding within 2m of the boundary under the GPDO. The ridge height would also hip away from the northern boundary, and therefore at its highest point would be approx. 4m from the boundary of the neighbouring gardens at 16-22 Franklin. Furthermore, the rear gardens of 16 – 26 Franklin Road range from approx. 8-12m in depth, and therefore, and when taking into account the dwelling is limited to a single storey, it is not considered that there would be any detrimental impact with respect to a loss of outlook or daylight from the rear facing habitable rooms of these properties. A daylight assessment has been completed to demonstrate this relationship. In addition, and for the same reason it would not be considered overbearing. A different conclusion would have been reached had this proposal been for a dwelling with habitable accommodation at first floor level.

In this regard, permitted development rights relating to alterations to the roof would be removed by condition, to prevent upward extensions. Moreover, a condition would also be imposed requiring the submission of a Construction Environment Management Plan (CEMP) to ensure the proposal would not result in harm with regard to neighbour's amenities in terms of noise and nuisance during the construction phase.

Given the separation distance between the proposed dwelling and the properties on Merlin Way and Duncan Road respectively, there would not be a detrimental impact on the amenity of the occupiers of these properties.

Accordingly, and subject to the above-mentioned conditions the development is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

### 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 gross internal floor area (GIA) would measure approx. 70m<sup>2</sup>. This would meet the minimum standard for a 2 bedroom, 4 person, one storey dwelling which requires a minimum GIA of 70m<sup>2</sup>. The bedrooms would also meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The depth of the garden would measure approx. 9m, and therefore would be considered acceptable.

In addition, given the size of the development and in the interest of neighbouring amenity, it is necessary to control future enlargement to the property as such a condition to remove permitted development right for enlargement under A, AA, B, C, E and G is recommended.

It is also necessary to remove permitted development right for small HMO and a condition is also recommended, in order to maintain the amenity of the neighbouring occupiers.

Subject to the above conditions, the proposal is considered to be in accordance with Policies BNE2 and H4 of the Local Plan and paragraph 130 of the NPPF.

### *Highways*

The plans include the provision for one off-road parking space to serve the proposed dwelling. Whilst the adopted Interim Residential Parking Standards require the provision of a minimum of 1.5 parking spaces for a 2 bedroom property, it is not considered that a material impact would arise from this under provision when taking into account the sites sustainable location. Furthermore, the proposed access/crossover would not cause a significant or severe impact to highway safety and therefore is 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 suitably worded condition has been attached to fulfil this objective.

Accordingly, it is not considered that the proposal would result in any adverse highways impacts and the development is considered acceptable with regard to Policies T1 and T13 of the Local Plan and paragraph 111 and 112E of the NPPF.

### *Climate Change and Energy Efficiency*



The Planning Agent has submitted a Climate Changes and Energy Efficiency Sustainable which is summarised as follows:

- Non-renewable energy use will be minimised by adoption of high thermal standards of the Building Regulations.
- Materials will be selected based on environmentally friendly fabrication with a preference to being recyclable.
- All surface water will be taken to on site soakaways.
- Construction will accord with high thermal requirements of the building regulations. Giving an energy efficient dwelling. This will apply to both installed insulation and heating and lighting controls. All lights will be of low voltage design.
- Water use will comply with the stringent requirements of the Building Regulations.
- An electric car charging point will be installed.
- The site is in a sustainable location and will promote more sustainable modes of transport.

### *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 confirmed in writing their agreement to pay this tariff should a resolution to approve be agreed. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF, on the basis that this contribution can be secured before a decision is issued if a resolution to approve the application is made.

## **Conclusions and Reason 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 Medway Local Plan 2003 and the objectives set out in paragraphs 11, 111, 112E, 126, 130, 180 and 181 of the NPPF.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the number of representations received raising 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/>