

MC/21/3171

Date Received: 1 November 2021
Location: 19 Kennington Close Twydall
Gillingham Medway
Proposal: Construction of a two-storey extension to rear and detached outbuilding.
Applicant Agent: Adeyeye Shittu
ArchiTechnology.Design
Mr Dan Butler
179 Edwin Road
Rainham
ME8 0AH
Ward: Twydall Ward
Case Officer: Sam Pilbeam
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 9th March 2022.

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 4 January 2022:

01 REV 01-WIP - Site Plans
02 - Proposed and Existing Elevations
02.1 - Proposed and Existing Floor Plans

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

- 3 All materials used externally 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.

- 4 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 extension herein approved shall remain in use with the rest of the house 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

- 5 The outbuilding hereby permitted shall only be used for purposes incidental to the enjoyment of the main dwelling house, 19 Kennington Close, and shall not be occupied as a separate dwelling and no trade or business shall be carried out therefrom.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 The side window identified in drawing number 02 received 4 January 2022 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.

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 a two-storey rear extension, the revised proposal measures approx. 4.m in depth by 7.3m in width and will be married to the existing roof via a twin peaked hipped roof design with an eave's height of approx. 6m and ridge height of approx. 7m. The proposed extension would facilitate a kitchen/diner at ground floor level and two bedrooms, one with an ensuite, at first floor level.

The proposed outbuilding would measure approx. 4m in depth by 6m in width, supporting a flat roof measuring approx. 3m in height – this was not altered.

Relevant Planning History

None

Representations

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

The initial application received **six** objections from adjoining neighbouring properties on the grounds of:

- Overlooking and subsequent loss of privacy
- Loss of light
- Overshadowing
- Lack of parking provisions
- Overbearing/increase sense of enclosure
- Out of character
- Objections relating to building methodology & party wall issues
- Concerns with regard to the proposed use of the outbuilding
- Numerous non-material considerations

In addition, **six** further objections were received from numerous unrelated areas of Medway and from outside of Medway's boundaries, raising similar concerns.

One letter of support was received.

Following receipt of amended plans in response to the objections, further consultation was undertaken. **Two** objections were received raising the following:

- Overlooking
- Loss of light
- Out of character
- Lack of parking provisions
- Objections relating to building methodology & party wall issues

Four were received from unrelated addresses/areas of Medway or outside of its boundaries.

All concerns raised are addressed under the Amenity section of the report.

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

The initial application sought approval for a similarly designed two-storey rear extension measuring 4.5m in depth by 7.3m in width supporting an identical twin pitched hipped roof and outbuilding. Following the objections and officer's concerns, the agent revised the scheme to reduce the projection to 4m thus matching that approved at 16 Kennington Close under ref: MC/16/0932. Neighbour consultation was undertaken on the amended plans.

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, this is further supported by paragraph 130 of the NPPF which emphasises the importance of good design.

No objections would be raised to the design of the proposal as it would not detract from the applicant's property or its locality. The outbuilding is of a modest size and scale which reflects that of numerous other outbuildings located within the wider area. Similarly, the proposed two-storey rear extension would closely resemble that of case reference number MC/16/0932, which can be considered as having set a precedent within the area. Particularly given that both properties are located on similarly sized plots, within the end of the close, formed of matching terraced properties. Therefore, is considered to accord with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

The impact on neighbouring properties is considered with regard to privacy protection, visual dominance, loss of outlook, loss of daylight, overshadowing and loss of sunlight. Policy BNE2 of the Local Plan and Paragraphs 130 and 130f of the NPPF relates to the protection of these amenities.

In regard to loss of privacy it is not considered the two-storey rear extension would go above and beyond what is considered an acceptable degree of mutual overlooking within a residential area. Due to the inset from the boundary between 20 Kennington Close and the proposed extension, views would not be afforded directly into the adjoining neighbours' property. The side window serves an ensuite and would be conditioned to be finished in obscure glazing as to ensure that no overlooking would result from said window. Objections have been received as to a loss of privacy relating to properties along Northbourne Road, when measuring the distance between the properties 11 and 7 Northbourne Road from the proposed extension they measure approx. 30m and 34m respectively. In light of this, it is not viewed that the proposal would result in an unacceptable degree of overlooking or loss of privacy.

As aforementioned the proposal is inset from 20 Kennington Close, as such, it would not impinge 45-degree field of vision, BRE 45-degree rule, from the rear first floor bedroom. Likewise, due to its distance from the boundary would not encroach or result in an overbearing form of development. Particularly, when considering case reference number MC/16/0932, was built up to the boundary.

Objections have been raised in regard to overshadowing and loss of light, in response to this a sunlight daylight survey has been undertaken. The findings of which illustrate that the proposal would not introduce an unacceptable quantity of overshadowing, particularly when considering the existing impact of the property on the dwellings of Northbourne Road. In relation to 20 Kennington Close, the two-storey rear extension would result in limited overshadowing for a short period of the day, given the orientation of the sun relative to the extension.

Concerns have also been raised as to the proposed use of the outbuilding, however the use of the building can be restricted by condition to ensure it remains incidental to the enjoyment of the main dwellinghouse. Thereby, alleviating any concerns as to its future use.

For the reasons set out above, and subject to conditions, including that to remove permitted development for small HMO due to the increase in the size of the accommodation, the proposal would accord with Policy BNE2 of the Local Plan and paragraphs 130 and 130f of the NPPF

Highways

The proposal would meet the Medway Councils parking standards; accordingly, no objections would be raised to the provisions of Policy T13 of the Local Plan and paragraph 111 of the NPPF.

Other matters

Comments have highlighted concerns involving the building process, specifically pressures on highways and dust. With regards to the highways, it is considered a build of this scale will not significantly increase pressures upon highways infrastructure. In addition, neighbours can contact the Councils Environmental Protection which operates out of hours nuisance enforcement if the construction process results in noise disturbances at unsociable hours.

Likewise, concerns relating to structural damage, strains and building methodology are not relevant to the planning application, however, will be addressed by building regulations. Any other matters, not considered by planning or building regulations, are regarded as a civil matter and should be settled between the applicant and concerned parties.

In relation to objections concerning the disregard for the tree located on the boundary of 22 and 19 Kennington Close. The impact has been taken into account; officers have arrived at the conclusion that the extension will not deteriorate its condition.

Conclusions and Reasons for Approval

The proposed development would not detract from the character or appearance of the street scene or the host property. Likewise, it would not have a detrimental impact upon neighbouring amenities or highways safety. Therefore, would accord with

Policies BNE1, BNE2 and T13 of the Medway Local Plan 2003 and paragraphs 111, 126, 130 and 130f 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 views contrary to officers 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/>