

## **MC/21/2996**

Date Received: 14 October 2021  
Location: 109 Marshall Road Rainham  
Gillingham Medway  
Proposal: Demolition of existing bungalow and construction of a 6-bedroom detached house with associated parking  
Applicant: Mr T BULL  
Agent: Synergy  
Mr J Bolton Synergy  
The Office  
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ME3 7NQ  
Ward: Rainham Central Ward  
Case Officer: Abdi Dirir  
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 6th April 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 15 November 2021:

21/341/01/A- Proposed Plans 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 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 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.

- 5 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 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 of the Medway Local Plan 2003.

- 6 No development shall take place above ground floor 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 112E of the NPPF.

- 7 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) all dwellinghouses 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.

- 8 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 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.

- 9 The areas shown on drawing number 21/341/01 Rev A for soft landscaping to the front of the principal elevation 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.

## **Recommendation**

**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 demolition of the existing bungalow and the construction of a 6-bedroom detached house with associated parking.

The site is currently occupied by a detached bungalow located on the eastern side of Marshall near the bend with the junction of The Goldings Rd.

The proposal would be a two-storey detached dwelling with two small dormers windows in the front roof-slope and another two identical dormer windows in the rear roof-slope. A roof light for the front and rear roof slopes are being proposed. The ground floor layout would consist of a lounge, dining room, WC, utility room and open plan kitchen with a family room. The ground floor would measure 104.62sqm. The first-floor plan layout would consist of 4 bedrooms, two with ensuites and a shared bathroom. The proposed first floor would measure 103sqm. The proposed second floor in the loft space, there would be two large bedrooms, with one having an- ensuite. The proposed second floor would measure 68.74sqm and the total floor plan of the proposed detached dwelling would measure 276.36sqm. The height of the proposed dwelling including the eaves would be 9.8m.

The property would be accessed via an existing path to the front. There is an existing vehicular access fronting Marshall Rd and would be retained as part of this planning application. Two car parking spaces are being proposed to the front and outside amenity space would be provided to the rear of the property.

## **Planning history**

There is no relevant planning history.

## **Representations**

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

**Four** letters of objections were received, and the concerns raised are summarised as follow:

- Concerned about the size of the proposed two storey dwelling with accommodation in the loft in comparison to the demolished detached bungalow.
- Concerned about possible overshadowing and loss of privacy through the proposed windows in the loft.
- Concerned about the parking situation in and around the site and the flow of traffic around this stretch of the road which bends to the right.

This would be addressed in the main report below.

## **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**

### *Principle*

The site is located in the urban, residential area of Rainham in Gillingham. The development of this plot is considered to be a replacement of an existing detached bungalow with a detached two-storey dwelling with accommodation in the loft. Policy H4 of the Local Plan is also relevant which seeks to permit development that would result in the most effective and efficient re-use of land and where a 'clear improvement to the local environment' would result. Paragraph 11 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

In this case the site is considered to be in a sustainable location being within the established urban area and close to bus routes for various destinations and walking distance to Rainham station and Rainham town centre.

The existing bungalow is a two-bedroom house in an area mainly suited for larger family occupation with easy access to local schools. The proposal to replace it with a 6 bedroom dwelling is considered to be an efficient use of the land by providing a large dwelling house suitable for growing families in the area.

The proposed development is acceptable in principle.

### *Design*

Paragraphs 126 and 130 of the NPPF emphasise 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 street scene of Marshall Road is residential with varying style of architectural design, size, scale, and it is noted that, there is no uniformity among the established dwellings along Marshall Road. In particular, the properties to the north and south are two storeys with loft space. The current situation with the bungalow set between these two houses could be considered an anomaly and the proposal would mean that the new development corresponds to its neighbours.

In addition, the building itself would be set back from the road matching the building lines of the adjoining properties and as such would not result in an alien feature within the street scene. Apart from the scale being relatable to adjoining properties, the design with gable end roof profile, front dormers and bay windows to the ground floor are features

found on properties on Marshall Road and this design would not be alien to this street scene.

Consequently, it is considered that design, of the proposed dwelling is acceptable and would not impact negatively on the appearance of the street scene. Whilst the size, scale and height would be appropriate to the site and character of the area. The proposal is acceptable in regard to the design objectives of Policy BNE1 of the Local Plan and 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. Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF relates to the protection of these amenities.

#### Neighbouring Residential Amenity

By virtue of the proposed dwelling nature as, its size and scale and in relation to neighbouring properties and their habitable windows it would not have a detrimental impact on neighbouring amenities in terms of sunlight, daylight, privacy or outlook. The properties around the proposed dwellings are large, detached dwellings with separations, and as such the proposal would not overshadow them nor will it produce an overbearing effect on those dwellings. The proposed front parking provision is acceptable and reflects others in the street and would not have a detrimental impact to neighbours regarding noise.

To ensure the amenity of neighbouring occupiers is maintained, it is necessary to remove permitted development rights for future enlargement to the dwelling under Classes A and E of the GDPO, in addition to removing permitted development rights for conversion to small HMO. The property has a sizeable rear garden and is vital the Local Authority has control over any future developments in the plot.

#### 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) and the approx. 276 sqm gross internal floor area (GIA) exceeds the minimum of 129 sqm set out for a six-bedroom plus, seven-persons plus over two storeys. All bedrooms are double bedrooms and meet the national minimum room sizes and the width requirements, while all habitable rooms are provided with suitable outlook.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that private gardens should 10m in depth and 7m when constraints exist. The dwelling would have a sizeable rear garden of more than 20m in depth. The proposed outside amenity space is considered sufficient and therefore acceptable.

Subject to the above-mentioned conditions, the proposed dwelling is considered to comply with Policies H4 and BNE2 of the Local Plan and paragraph 130f of the NPPF.

### *Highways*

In terms of impact to the highways, given that this application is for a replacement dwelling, no objection would be raised. 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 the proposal would be confirm in this regard.

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 fulfil this objective.

The application is considered to be acceptable in respect of the highway and parking Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112E of the NPPF.

### *Bird Mitigation*

The application replaces an existing dwelling and as such, there is no requirement for mitigation for wintering birds.

### *Climate change and energy efficiency*

The proposed dwelling is a replacement of an existing dwelling house. The use of modern materials and requirement for electric charging would contribute to climate efficiency. In addition, the close proximity of amenities including public transport and shopping facilities mean the length of journey is minimal promoting walking and making it not essential to rely on private car journeys.

### *Local Finance Considerations*

There are no local finance considerations.

## **Conclusions and Reasons for Approval**

The proposal is considered acceptable in terms of design, amenity and highway aspects. The proposal accords with the provisions of Policies H4, BNE1, BNE2, T1 and T13 of the Medway Local Plan 2003 and paragraphs 11, 111, 112E, 126, 130, and 130f of the NPPF. Accordingly, the application is recommended for approval subject to conditions.

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