

MC/22/0519

Date Received: 28 February 2022
Location: Land Adj To Hoath Lodge Chattenden Lane
Chattenden Rochester
Proposal: Construction of 4x bedroom detached dwelling with associated parking and detached outbuilding to rear
Applicant: Mr George Gadd
Ward: Strood Rural 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 1st June 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 28 February 2022:

1663/CLC/02 - Proposed Mixed Plans Sheet 1
1663/CLC/03 - Proposed Mixed Plans Sheet 2

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 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 the 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 visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 5 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 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 electric charging point detail contained in the Solo Smart Charger Domestic brochure received 28 February 2022, shall be provided in accordance with the detail contained in the document prior to the occupation of the dwelling and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 112E of the NPPF.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting 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.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Class[es] A, B 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.

- 10 The development shall be implemented in accordance with the measures to address energy efficiency and climate change contained in the Design and Access Statement received 28 February 2022 and prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to the Local Planning Authority confirming that all the agreed 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 154 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

The application seeks to the construction of a four-bedroom detached dwelling with associated parking and vehicle access, together with a detached outbuilding to the rear.

The principal elevation of the dwelling would be in line with the front of existing property at Hoath Lodge, with a slight forward projection which matches front line of no. 52. The building would measure approx. 8m in width and 12.2m in depth, essentially extending similar depth as no. 52 Chattenden Lane, thereby sharing similar rear building line. The new dwelling would be of a design reflective of neighbouring dwellings with a hipped roof, front bay window and double height gable projection. Internally, the property would comprise of a study, lounge, kitchen/diner, utility room and W.C on the ground floor, and four bedrooms (one with an ensuite), and family bathroom at first floor level.

The proposed shed/outbuilding would measure 3m in width by 2.4m in depth and height of 2.7m.

Relevant Planning History

MC/21/0300

Construction of 3x bedroom detached dwelling with associated parking and detached outbuilding to rear
Decision: Approval with conditions

Decided: 9 April 2021

Planning history for Hoath Lodge

- | | |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MC/22/0360 | Construction of two dormers to front as part of partial loft conversion; entrance canopy to front; formation of front garden driveway with vehicle crossover onto a classified road with turning facilities and two car parking spaces together with associated works - demolition of lean-to to rear and single storey side elements.
Decision: Approval with conditions
Decided: 8 April 2022 |
| MC/07/0748 | Construction of barn type building comprising 1-bedroomed apartment at first floor level with vehicle and cycle parking below (part of Hoath Farm development)
Decision: Approval with conditions
Decided: 14 June 2007 |
| MC/06/1366 | Residential re-development of site to provide 2 terrace of four dwellings one pair of semi-detached dwellings and two detached dwellings with associated garaging and parking (demolition of existing buildings)
Decision: Approval with conditions
Decided: 29 September 2006 |
| MC/06/0509 | Construction of three detached, three pairs of semi-detached and a terrace of three houses together with associated garaging and parking
Decision: Refusal
Decided: 13 June 2006 |
| MC/05/0595 | Formation of replacement access and section of farm track
Decision: Approval with conditions
Decided: 8 June 2005 |
| MC/04/1659 | Outline application for the construction of 7 dwellings with garages and access (demolition of existing agricultural buildings)
Decision: Approval with conditions
Decided: 22 December 2004 |

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. **The Hoo St Werburgh Parish Council** and the **Dickens Society** have been consulted.

One letter of representation has been received, objections raised are summarised as follow:

- Land boundary misappropriation resulting in their land being exposed.
- Impact on amenity from building orientation.
- Overdevelopment of land.

Hoo St Werburgh Parish Council raises objection to the application on grounds that it represents overdevelopment of the site. The Parish Council also note that there is a neighbour boundary dispute.

Dickens Society note that consent was granted for a three-bedroom house on the site and recommend, that if consent is granted for this application, conditions be imposed to remove permitted development rights.

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

Planning permission was granted in April 2021 under ref: MC/21/0300, for a detached two-storey dwelling house with internal arrangement indicating a three bed house. This current proposal seeks to increase the width of the property by approx. 1m and increase the number of bedrooms to four. In addition, some design feature such as front bay and front gable projection giving a stepped appearance to the front.

Overall, the proposal would not significantly defer from the approved scheme in terms of design, scale and height. Essentially, the proposed dwelling would increase in width by 1m, front projection of 1.2m and alterations to the bay window to facilitate an additional bedroom at first floor level and study at ground floor level.

Principle

The principle of a residential dwelling on this land has been established by the planning permission under case reference number MC/21/0300. Since that approval both local and national policy plans have not changed.

Consequently, it would be unreasonable to object to the principle of a residential development on the land under this application. The proposed development as such is acceptable in principle.

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, likewise, paragraphs 126 and 130 of the NPPF emphasises the importance of good design.

The surrounding area has a mix of housing styles and types, the design of the proposed house will fit into the area and is wholly in keeping with the appearance of the streetscene.

The current dwelling has included some features such as front projecting gable and front bay, which are not uncharacteristic of the area. Consequently, it is not considered that the alterations to the design would detract significantly from the character or appearance of the area to warrant a refusal.

It is noted that the proposed dwelling would increase in width by 1m. Based on the submitted plans, this would still maintain sufficient gap between the properties and as such would not compromise the open character or spaces between properties on the road.

The proposal would retain a sense of openness and would not appear cramped or contrived within the site. As such, no objection is raised with regard to 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 building on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Paragraph 130f of the NPPF and Policy BNE2 of the Local Plan relate to the protection of these amenities.

Residential Amenity

Due to the massing and footprint of the proposed dwelling and its siting, which maintained the front and back building line as the adjoining properties, there would be no unacceptable impact in regards to neighbouring amenity in terms of a loss of outlook, daylight, privacy or overshadowing.

The windows on the side elevations, in particular to the first floor, would serve two bathrooms and a hallway. However, given that the building would be in line with both adjoining properties, it is not considered that these windows would result in direct

overlooking or loss of privacy to neighbouring occupiers. Particularly as the adjoining properties do not have flank windows at first floor level. Furthermore, while there are proposed rear windows that would offer views into the rear garden of No. 52 that are of a closer extent than existing, it is not considered the views afforded by these windows would go above and beyond what is expected within a residential setting.

The windows in the flank wall of Hoath Lodge consist of a secondary living room window on the ground floor and a hall window in the roof space, as such it is considered that any loss of outlook is acceptable. The single storey side extension will be removed leaving a 3-bedroom chalet bungalow with an acceptably sized rear garden.

There would be some loss of sunlight to the host property due to the orientation of the site, however, due to the siting and the length of the gardens it is considered that this is acceptable.

The detached outbuilding by reason of its footprint, height and distance from the boundary, would not result in any adverse impacts upon neighbouring amenity. Notwithstanding, it is recommended that a condition restricting the use of the outbuilding be appended to ensure that the use remains incidental to the dwelling house.

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. 159.2m². Which exceeds that of the minimum standard required for four-bed-five-person-two-storey dwellinghouse, requiring a GIA of 97m². Furthermore, all bedrooms would meet the requirements in terms of area and width, whilst also providing suitable outlook for occupiers.

Likewise, the size of the proposed garden meets the requirements as set out in the guidance in Medway Housing Standards (interim) November 2011 (MHDS), which states that gardens should be 10m in depth and 7m when constraints exist.

Notwithstanding, it is considered that the size of the property as proposed would be acceptable in terms of its relationship to neighbouring properties, however, it is considered necessary to remove permitted development for enlargement which could result in amenity implications on neighbouring occupiers. It is recommended that the dwellings permitted development rights for enlargement be removed under Classes A, B and E.

Additionally, there is potential for the property to be converted to a small HMO in the future, which due to the predominantly residential character of the area being in single household occupation and lack available off-road parking, may result in a harmful impact to the amenity of neighbouring residents. It is therefore recommended that permitted development rights be removed with regard to the change of use between use class C3 and C4.

Subject to conditions, the proposed development would comply with Policies H4 and BNE2 of the Local Plan and paragraph 130f of the NPPF.

Air Quality

Although the site is not within an AQMA, it is close to the Four Elms Hill AQMA and as such, development related trips are likely to pass through the AQMA via Chattenden Lane that enters directly into the AQMA. An air quality assessment would not be required, however, it is recommended that standard air quality mitigation is followed in accordance with the Medway Air Quality Planning Guidance.

Highways

The adopted Interim Residential Parking Standards require a minimum of 1 parking space for a dwelling with 1-2 bedrooms and 2 parking spaces for a dwelling with 3 or more bedrooms. However, a departure from these standards may be accepted if the development is located within a sustainable area.

In this instance both dwellings would support 2 car parking spaces and therefore would meet the requirements of Medway Councils parking standards. Furthermore, the proposed access is not considered to cause significant or severe impact to highway network 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 would have been imposed to fulfil this objective.

In view of the above the application is considered to be acceptable with respect to Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112E of the NPPF.

Climate Change and Energy Efficiency

It should be noted that the NPPF has put sustainable development as a central core. The applicant has submitted a statement for Climate change which proposes how the dwelling would meet with the Council's Climate Change Action Plan. A condition requiring the measures to be implemented within the development prior to occupation and a verification certificate to be submitted is recommended. The proposal would be in accordance with paragraph 154 of the 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 £275.88 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.

In this instance the applicant has previously completed the SAMMS agreement and made payment, therefore no objections are raised under paragraphs 180 and 181 of the NPPF or Policies S6 and BNE35 of the Local Plan.

Contamination

Due to the demolition of an existing garage and the possibility of unreported incidents that may have caused contamination of the underlying soils, a condition relating to any potential contamination is recommended.

Other Matters

Objection has been received in relation to a boundary dispute between the applicant and adjoining neighbour, this has also been noted by the Parish Council. It should be noted that this is a civil matter and not material to the consideration of this application.

Conclusions and Reasons for Approval

The proposal is considered an acceptable form of development in the area. The proposal would not have a harmful impact on the character and appearance of the streetscene and would not cause harm to neighbouring amenity or highway. The proposed development, as such, would meet with the objectives of Policies BNE1, BNE2, BNE35, H4, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 111, 112E, 126, 130, 130f, 180 and 181 of the NPPF.

This application would normally be determined under delegated powers but is being referred to Members 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/>