

## **MC/22/2302**

**Date Received:** 26 September 2022  
**Location:** 254 Maidstone Road Rainham, Gillingham ME8 0HH  
**Proposal:** Construction of a detached dwelling to rear with access via Camellia Close  
**Applicant Agent:** Mr Tom Scott  
TBT Design Service  
Mr Richard Caine  
97 Primrose Drive  
Ditton  
Aylesford  
ME20 6EH  
**Ward:** Rainham Central Ward  
**Case Officer:** Chantelle Farrant-Smith  
**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 14th December 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 26 September 2022:

1180A PROPOSED ELEVATIONS Rev C  
1180A PROPOSED PLANS Rev B  
1180A PROPOSED SECTION AND STREETVIEW Rev C  
1180A PROPOSED FRONT SECTION Rev C  
1180A SIDE SECTION Rev C

Received 24 October 2022:

1180A PROPOSED BLOCK PLAN Rev D

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

- 3 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the

Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required before commencement in order to protect residential amenities in relation to Policy BNE2 of the Medway Local Plan 2003.

- 4 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.

- 5 The dwelling shall not be occupied, until the area shown on the submitted block plan as a 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.

- 6 No development shall take place above 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 in working order.

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

- 7 The window on the first floor rear elevation (serving bathroom) 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 dwelling 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.

- 8 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Design and Access Statement (under Climate Change) received 26 September 2022. 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 of the NPPF.

- 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 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 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.

- 11 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 of the Medway Local Plan 2003.

- 12 Prior to the occupation of the dwelling herein approved, full details of both hard and soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 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**

Construction of a detached dwelling to rear with access via Camellia Close.

### **Relevant Planning History**

MC/22/1430	Construction of a detached dwelling to rear with access via Camellia Close. Decision: Refused Decided: 25 August 2022
MC/22/1146	Raising of the roof height and formation of a gable end to facilitate the construction of a first floor incorporating two storey extension with provision of garage on lower level facilitated by engineering works to the front; roof lights to the sides; creation of hardstanding to the front - demolition of existing conservatory and existing roof/chimney stack Decision: Approval with Conditions Decided: 15 July 2022

### **Representations**

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

**9** (nine) letters received from **5** residents have been received raising concerns of:

- Removal of Trees
- Trees in neighbouring gardens
- Parking provisions
- Refuse Collections
- Appearance of streetscene
- Inconsistencies in plans

- Loss of views
- Newts

**One** further representation has been received commenting on the Tree Surveyors Report and how the content of the report was assessed during the site inspection, stating that they do not agree with the statement in the report on conifer hedge and fruit trees which provide positive amenity benefits, and that any remaining trees in the area of the proposed build are of high amenity to residents of Camellia Close, as they create a buffer from the noise and pollution from the busy Maidstone Road. They are also visually important as they enable privacy between residents.

## **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 application site lies within an urban area. Policy H4 of the Local Plan states that residential development in the form of infilling in such areas would be acceptable provided that a clear improvement in the local environment will result. Policy H9 of the Local Plan states that backland development may be acceptable subject to providing suitable access, adequate amenity and maintaining the character of the area. Paragraph 71 of the NPPF states that development in residential gardens should be resisted where it would cause harm to the local area.

The land subject of this application formed part of the rear garden of No. 254 Maidstone Road but has been sectioned off to create a new residential plot which is identical to the adjacent land to its north and adjoining land to its south, which face onto Camellia Close on the west.

Given the site characteristics and its similarities to adjoining and adjacent development on Camellia Close, as well as the proposed access on Camellia Close, the proposed redevelopment of the land for residential purpose would be acceptable in principle relating positively to the established residential development on the west on the Camellia Close estate. The proposal would as such be in line with the objectives of Policies H4 and H9 of the Local Plan and paragraph 71 of the NPPF, subject to all other material considerations being acceptable.

### *Design*

The site is a backland site and also represents an infill on Camellia Close, as such the design consideration should take account of the relationship of the proposed dwelling on that streetscene.

Camellia Close comprises of detached two storey and chalet style bungalows. The proposed development has taken its design approach from the adjoining development to its south as such proposes a chalet style bungalow with small dormers to the front, pitched roof with ridge matching the dwelling on the south (no. 16 Camellia Close). Taking this into account, it is considered that the design would complement the established development on Camellia Close and would relate positively to its immediate surrounding. However, to ensure the quality of the development to be delivered does not deviate from the quality of this residential estate, the details of the materials would be requested.

In terms of landscaping around the site, given this is a backland development it is important to ensure that the development relates positively to its environment. The proposal would retain some soft landscaping to front to ensure no unacceptable hardening of the streetscene, which would be in keeping with the established development in this residential estate. This will also need to be secured by condition.

Subject to the recommended conditions, the proposed dwelling would be acceptable in terms of its design and appearance corresponding positively with existing development. The proposal would be of a scale and height that would not detract from the character or appearance of the area and would not result in a development that appears cramped within the site, rather as an extension of the Camellia Close. As such, the proposal would be in accordance with Policies BNE1, H4 and H9 of the Local Plan and paragraphs 71, 126 and 130 of the NPPF.

### *Amenity*

Paragraph 130f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation. There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbouring amenity and secondly the living conditions which would be created for the potential occupants of the development itself.

### Neighbouring Amenity

There are neighbouring properties to the north and east (being the host dwelling) of the site. The side elevation of the proposed dwelling would be approx. 1m from the boundary of neighbouring property of 16 Camellia Close whilst the rear projection would be set approximately 2.3m from the boundary. There are no proposed side windows however there are windows to the rear which serve a bedroom and bathroom. Whilst the bedroom window located within the dormer roof slope would cause some overlooking the proposed dwelling would predominantly overlook the proposed garden and that of the host property. It is not considered that overlooking from one bedroom window which is served by two windows would result in an unacceptable level of harm to neighbouring amenity.

In respect of the property to the east, 254 Maidstone Road (host dwelling), the building would be approx. 27m to the rear of the host dwelling and the neighbouring properties in Maidstone Road as such taking into consideration the considerable distances, it is not expected that the proposal would cause harm by significantly reducing the amount of daylight or sunlight currently enjoyed by the occupiers of that property. Similarly, the properties to the northeast and southeast (Nos. 252 and 268), would not be adversely affected by this proposal. The land to the north of the site is currently the rear end garden for No. 252 Maidstone Road and as such there would no adverse impact on the continued use of this section of their garden. The land to the south, No. 16 Camellia Close, would not be adversely affected for the reason that the footprint of the dwelling including the front and rear building line would mirror that of the existing property at No. 16. In addition, there is a gap along the southern and northern boundaries of the site which allows the break between plots and carries on the open character on Camellia Close.

In terms of overlooking, all windows above ground level face east or west. The window to the east serving the bathroom can be conditioned to be fitted with obscure glass however the window on the elevation serving the bedroom cannot be obscure glazed due to it serving a habitable room and being the only window to that room. Notwithstanding, given the distances to the back of the properties on Maidstone Road, this will not result in unreasonable levels of overlooking to those properties or their rear gardens.

Given the size of the lot, however, it is necessary to remove permitted development rights for conversion to small HMO to ensure the single-family occupation which is a character of this area is maintained in the interest of amenity.

#### Amenity of Future Occupiers

It is also necessary to consider whether satisfactory environment would be provided for the future occupier of the proposed dwelling house in compliance with the Technical Housing Standards – Nationally described space standards March 2015. The table below shows the minimum gross internal floor area expected against the proposed dwelling.

	Number of Bedrooms	Number of bed spaces	2 storey dwellings
Standard	3	6p	102m <sup>2</sup>
Proposed	3	6p	124m <sup>2</sup> (approx.)

The development would also provide sufficient garden space for the proposed dwelling and the host dwelling or 254 Maidstone Road.

Notwithstanding the above, it is necessary to ensure that should the development be considered acceptable, it continues to maintain the character and appearance of the area as well as ensuring no detrimental impact on neighbouring residential amenity should further development occur within the site. It is therefore recommended that permitted development rights be removed for further alterations or enlargement of the dwelling in particular to development under Classes A and E of the GPDO.

A construction statement would be requested to ensure that the development does not cause harm to amenity during the construction process.

As such, subject to the recommended conditions, there are no objections with regard to amenity in compliance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### *Highways*

The proposed development would facilitate two parking spaces, one garage space and one space via hardstanding to front. Objections have been raised regarding the current use of the grass verge to the front of the proposed dwelling in which the vehicle crossover is proposed. It is noted that the grass verge currently is used for parking by neighbouring residents however as this is private land this parking could be removed without the need for planning permission. There has also been concerns raised regarding the collection of refuse and damage being cause to the grass verge adjacent to the proposal site. Information regarding the damage to the verge has been passed to the highways department.

As the proposal meets with Medway's Interim Parking Standards and that the proposal would not impact parking provisions of the existing dwelling accessed from Maidstone Road, no objection is raised on highways or parking grounds the proposal would 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 should the application be approved, a suitably worded condition would be attached to fulfil this objective.

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

### *Trees*

The previous application failed to take into consideration the impact on the trees on the verge to the front of the proposed property. The tree that would have been mainly affected was removed without permission from the Highways Authority, compensation may be sought for a replacement tree to be planted in this location. The proposed development does take into consideration the trees within the neighbouring garden and an Arboricultural report has been submitted. Should the application be approved, a suitable worded condition will be applied to ensure tree protection measures are carried out to protect the existing trees within the immediate area. Subject to condition the proposal would be in accordance with Policy BNE34 of the Local Plan.

### *Climate Change and Energy Efficiency*

A Climate Change Statement has been submitted stating that the intention is to build the new dwelling in accordance with future homes standards. The applicant states that photovoltaic panel (solar panels on roof slope) and source heat pumps of which are



not shown on the plans received and that rainwater will be managed by soakaway crates to reduce flow rate of water. Should the application be approved, a suitably worded condition would be attached to fulfil this objective. Other issues

### *Other Matters*

Concerns relating to discrepancies in plans. The applicant submitted amended plans to address these, and further public notification was undertaken to the amended plans.

Concerns have been raised over the potential disruption that may be caused to newts in a neighbouring garden pond 'within 250m' of the proposal site (no specific the location identified). Neither an ecological survey nor protected species survey have been submitted with the application. Policy BNE39 states that development would not normally be permitted if statutorily protected species and/or their habitat will be harmed.

The site is a residential garden which is maintained and used as such, taking into consideration that the garden is maintained and not overgrown, nor is there a pond within the subject site it is unlikely that there would be harm to protected species or ecology.

### *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.

The applicants paid this tariff. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

### **Conclusions and Reasons for Approval**

The proposed development would not detract from the appearance of the surrounding area, appearing as an extension to Camellia Close. The proposal would not result in significant impact to parking provisions, highway's function or neighbouring amenity. As such the proposal would be in accordance with Policies BNE1, BNE2, H4, H9, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 71, 111, 112E, 126, 130, 130f, 180 and 181 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 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 in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>