

**MC/23/0156**

**Date Received:** 23 January 2023

**Location:** Riverview Lodge Guest House, 88 Borstal Road, Rochester  
Medway

**Proposal:** Construction of a detached dwelling with associated parking,  
refuse and cycle store.

**Applicant  
Agent** Mr A Sheikh  
Cadscapes Ltd  
Mr Simon Blakemore  
40 Knowle Road  
Penenden Heath  
Maidstone  
ME14 2BB

**Ward:** Rochester West and Borstal Ward

**Case Officer:** Sam Pilbeam

**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 7th June 2023.**

**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 20 March 2023:

PA/21/06/001 REV A - Proposed Elevations and Floor Plans

Received 17 May 2023:

PA/21/06/002 REV A - Site Location, Block Plan and Mixed Proposed and Existing Plans

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 above ground floor slab level until details of the provision of one 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.

- 5 Prior to first occupation of the dwelling hereby approved the cycle and refuse storage detailed on drawing PA/21/106/002 rev A shall be provided and shall thereafter be retained on site.

Reason: to ensure satisfactory cycle and refuse storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 6 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.

- 7 The dwelling shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided. 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.

- 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 on either the existing property at 88 Borstal Road nor the proposed property 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 Notwithstanding the suggestions in the submitted design and access statement, prior to any development above ground floor slab level, details of measures to deal with climate change and energy efficiency, including consideration of pv solar panels and air or ground source heat pumps, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved measures to address energy efficiency and climate change 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.

- 11 The side windows in the lower ground floor windows (serving the utility, dining and living rooms); ground floor (serving the cloak room); and first floor (serving a bathroom) show on drawing number PA/21/06/001 REV A (received 25 February 2023) 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 first 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 the erection of four-bedroom dwelling. The land slopes from the front down to the rear and as a result the dwelling will appear as 2 storey to the front. In addition, accommodation will be provided within the roof space served by 2 small roof lights to the front elevation and a box dormer to the rear. As a consequence of the levels and box dormer, the property will appear almost 4 storeys to the rear. The proposed dwelling would measure approx. 8.9m in depth by 6.8m in width, supporting a gable ended roof design that would measure approx. 10m in height from the street scene to the ridge and 6m to the eaves.

Internally, the proposal would support a kitchen dining and living room at lower ground floor level; garage, store, sitting and cloak room at ground floor level; three bedrooms and bathroom at first floor level; and master bedroom with an ensuite within the roofspace. The proposal also makes provisions for cycle and refuse storage, alongside the introduction of a vehicle crossover to provide access to the proposed garage.

## **Relevant Planning History**

No relevant history.

## **Representations**

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

**Three** letters of objection have been submitted on the grounds the proposal would be:

- Out of character.
- Result in a loss of adjoining neighbouring amenity, specifically: outlook, privacy and that the development would be overbearing.
- Impact on the environment.
- Lack of infrastructure and additional pressures of housing on amenities.

**One** letter of support has been submitted.

## **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 generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

## **Planning Appraisal**

### *Principle*

The site is within the urban area and strategic policies and guidance seek that new housing development firstly be directed to urban areas. Policy H4 of the Local Plan allows for the redevelopment of sites in existing residential areas and infilling in such areas. The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Paragraphs 60, 69, 119 and 120 of the NPPF also encourage effective use of land, windfall sites, and the presumption in favour of sustainable development when a five-year land supply cannot be demonstrated. Medway Council can only demonstrate a 3.4year housing land supply.

### *Design*

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale, mass and should respect the visual amenity of the surrounding area.

The proposed dwelling would face onto and contribute towards the street scene of Borstal Road. The application side of Borstal Road is characterised by an attractive blend of semi-detached, link detached and detached two to three storey dwellinghouses, themselves characterised by a mix of well-maintained Victorian and mid-19th Century dwellinghouses. On the other, southern side of the highway, the site is characterised by raised bed of chalk and overgrowth that provides a sense of enclosure but also soft landscaping along the street scene.

The proposed design of the dwelling itself essentially encompasses elements of the varied character seen along the street scene, for instance: decorative panelling, lintels, cills, porch design and fenestration alignments. The proposal would reflect the massing, bulk and heights of surrounding properties, sitting well within the established building line seen along Borstal Road and retaining an inset from the proposed flank boundary lines. In order to ensure that the development is satisfactory in regard to its overall design and does not prejudice the visual amenity of the locality a condition is recommended to secure the details of all external materials.

In summary, the proposed design would not detract from the host property, nor would it diminish from the character or appearance of the street scene. The mass and scale are proportionate to that of the neighbouring properties and it would sit comfortably within the confines of its curtilage. Accordingly, subject to the condition, the proposal would be in compliance with Policies BNE1 and H4 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 130f of the NPPF relates to the protection of these amenities.

### *Neighbouring Residential*

Concerns have been raised that the proposal would result in detriment to adjoining neighbours' amenities, of particular relevance is 86 Borstal Road – the adjoining property. Firstly, to address concerns in regard to loss of light, the proposal would not extend beyond the rear of 86 Borstal Road, in fact excluding the bay window, the proposed dwelling would sit back approx. 1.9m from the rear of the adjoining property. Consequently, it is not considered the dwelling would have any significant impact upon the rear windows of 86 Borstal Road in relation to encroachment onto their outlook. 86 Borstal Road is served by three side windows facing towards the application site. However, these windows either serve landings or hallway, or are secondary windows to rooms with alternative outlook. Secondly, in regard to loss of privacy, it is noted the dwelling would introduce a degree of overlooking but would not introduce a form of overlooking that does not already exist with other properties within the surrounding grouping. For instance, the existing relationship between 86 and 84 Borstal Road. There are a number of side windows proposed to serve the property but these are all secondary or serving non habitable rooms and can be conditioned to be obscure glazed to protect from overlooking. Lastly, the proposal would not be considered overbearing by reason of the points outlined above; essentially, the proposal would not encroach upon or diminish the amenities of adjoining properties in a way that would be contrary to Policy BNE2 of the Local Plan or paragraph 130f of the NPPF.

### *Future Occupants*

The proposed dwellings have been considered against Technical Housing Standards – Nationally Described Space Standard 2015. The gross internal floor areas (GIA) proposed for each unit would meet the minimum standard – approx. 197m<sup>2</sup> for a four-bedroom, seven-person, three-storey dwelling which requires a minimum GIA of 121m<sup>2</sup>. The minimum space standards also dictate minimum width and floor space requirements for bedrooms. Again, all bedrooms would meet these standards exceeding the both the minimum width and space requirements accordingly. Consequently, no objections would be raised in this regard.

Furthermore, as guidance, Medway Housing Standards (interim) November 2011 (MHDS) sets out the minimum requirements garden space should measure: 10m in depth and 7m when constraints exist. The proposal would afford a garden that measures approx. 32m in depth, greatly exceeding these standards and reflective of what is seen across the street scene. While no objections would be raised to the proposed garden size, due to the subdivision of the land, the retained garden for Riverview Lodge Guest House and proposed dwelling would be smaller than the existing situation. Consequently, it is recommended that permitted development rights

for the enlargement to both the existing and new dwelling are removed under Classes A, B and E. This will give the council the power to control future extensions ensuring they do not result in prejudice to the character and amenity of the locality.

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 limited 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.

### *Highways*

The adopted Interim Residential Parking Standards require a minimum of two parking spaces for a dwelling with three or more bedrooms. However, a departure from these standards may be accepted if the development is located within a sustainable area. In this case, the proposal seeks to implement one off-street parking space, via a garage. The garage is of a size that meets the interim standards to be considered as a parking space. The garage doors will open outwards. Due to the nature of the road and relative availability of on-street parking it is not considered that the addition of a single dwelling would result in an unacceptable increase in demand for on-street parking that would be detrimental to the existing parking situation in the area. Moreover, the site itself is relatively well situated, being approx. 20-minute walk from Rochester High Street and within 10-minutes to a local bus stop. This is supported with the provision of the proposed cycle storage within the rear garden, that will be secured via condition.

In addition the applicant has undertaken a parking survey at various times of the day and night that concludes that there is sufficient on street parking available in the immediate vicinity to cater for any additional parking needs to serve the development.

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 and an appropriate condition is recommended.

In view of the above, the proposal is considered to be acceptable with respect to Policies T1, T2 and T13 of the Local Plan and paragraph 111 of the NPPF.

### *Climate Change and Energy Efficiency*

The NPPF has put sustainable development as a central core. The applicant has submitted a statement for Climate change which proposes how the dwelling could meet with the Council's Climate Change Emergency statement. The proposals set out are aspirational rather than specific and accordingly a condition is recommended

requiring further details to be provided and a verification certificate submitted 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. A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. There was therefore a need under the Conservation of Habitats and Species Regulations 2017 for an appropriate assessment to be carried out as part of this application.

As a result of the Appropriate Assessment 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 by way of mitigation for the adverse effects of the development. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by 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. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has submitted a SAMMS Mitigation Contribution Agreement and payment and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

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

The proposed dwelling is considered to be well designed in keeping with the overall character of the area, does not introduce harm to the amenities of neighbouring

occupants and provides for satisfactory parking in the location. As such the proposal is considered to comply with Policies BNE1, BNE2, BNE35, H4, S6, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 11, 111, 112E, 126, 130, 130f, 154, 180 and 181 of the NPPF. Therefore, is recommended for approval.

The application would normally be determined under delegated powers but is being referred to Committee for decision due to the extent of representation received contrary to the 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/>