

MC/22/1833

Date Received: 22 July 2022

Location: Craig House Wilson Avenue Rochester Medway  
Proposal: Loft alterations to accommodate one self-contained residential unit.

Applicant Mr. Ray Martin

Agent MZA Planning  
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Chiswick  
London  
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Ward: Fort Pitt Ward

Case Officer: Amanda Barnes

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 27th September 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 23 August 2023  
  
238-PROP-11 Rev B - Existing/Proposed Block Plan  
238-PROP-12 Rev B - Proposed Block Plan Refuse Area  
  
Received 22 July 2022  
  
Site Location Plan  
  
238-PROP-13 - Street Scene  
  
Received 10 July 2023  
  
238-PROP-06 - Proposed Ground and First Floor

238-PROP-07 - Proposed second floor plan and roof plan

238-PROP-08 - Proposed front and rear elevations

238-PROP-09 - Proposed side elevations

238-PROP-10 - Proposed section A-A

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 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm<sub>ax</sub>) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement to ensure there is no adverse impact on residential amenity in accordance with policy BNE2 of the Medway Local Plan 2003.

- 5 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change and Energy Efficiency Statement received 8 August 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 the National Planning Policy Framework 2021.

- 6 Notwithstanding the approved plans, a plan to show the bin storage facilities shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall then be built

in accordance with the approved plans with the bins provided prior to first occupation of the development hereby approved and thereafter maintained.

Reason: To ensure that the bin storage is provided in a suitable location 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**

The proposal seeks an extension to the height of the roof and the addition of dormer windows to facilitate the provision of a one-bedroom flat.

The roof height would increase by approx. 1.75m.

The application, as originally submitted was for the erection of an additional floor to accommodate 4 flats with associated alterations. Following negotiations, the proposal has been amended to increase the roof height to accommodate one flat.

## **Relevant Planning History**

MC/99/5374	Erection of a two-storey side extension to provide two one-bedroom flats. Decision Approval with Conditions Decided 29 September 1999
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## **Representations**

The application has been advertised on site and by letter sent to the adjoining neighbours.

As originally submitted for 4 additional flats, **19 letters were received** expressing the following concerns:

- Existing building has 8 existing flats not 10.
- Existing floor plans are wrong.
- Disruption during construction.
- Time scale of works impact on parking.
- No new parking provisions.
- Noise.
- Visual eyesore.
- Out of character.
- Loss of light and over shadowing to neighbouring garden.
- Loss of privacy.
- Structural issues and appearance.

**Southern Water** have written to advise of the approximate position of their existing foul sewer in the immediate vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Following receipt of amended plans to alter the number of flats from 4 to 1, **three letters** have been received with the following comments:

- Concern about impact on existing residents during construction.
- Disrupting 8 people for one flat is not fair.
- Plans refer to 10 existing flats not 8.
- Parking issues ongoing without added pressure.
- The gas meters are under the stairs so how is a new meter to be connected safely.
- How would water and raw sewerage pipes be sited and to what disruption over several months to residents.
- Storage of materials to be kept.
- Who will remedy the damage to rendering.

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

## **Planning Appraisal**

### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

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). Paragraph 60 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

Policy H4 of the Local Plan allows for residential development in urban areas including (ii) the redevelopment of existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result). The principle of a loft conversion to accommodate one self-contained residential unit is considered acceptable given that the host building is already in residential use and is located within the urban area in a predominantly residential area.

The application is considered to be in accordance with Policy H4 of the Local Plan and paragraph 11 of the NPPF subject to compliance with all other relevant development plan policies.

## *Design*

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design in development in improving local areas, 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 site is located in a prominent location on the corner of Wilson Avenue and Pattens Lane. The proposal aims to create one self-contained residential unit through increasing the height of the roof and the insertion of dormer windows. The increase in height of approx. 1.75m is not considered to be out of scale with the existing building and the dormers would break up the roof slope giving it some interest. The proposal is considered to accord with Policy BNE1 of the local plan and Paragraphs 126 and 130 of the NPPF.

## *Amenity*

Paragraph 130(f) of the NPPF asserts that achieving well-designed places should include creating a high standard of amenity for existing and future users. According to Local Plan Policy BNE2, all development should 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 alterations to provide an additional flat on neighbours and secondly the living conditions which would be created for the potential occupants of the development itself.

### *Neighbouring Residential Amenity*

Due to the siting and location of the Craig House to the north of the closest residential housing in Wilson Avenue it is considered that there would be no loss of sunlight or daylight to those residents.

The proposed dormer windows are situated in such a way that there will be no additional loss of privacy above that caused by the existing windows in the building serving the existing flats.

### *Amenity of Future Occupiers*

With regard to the amenities of the future occupiers, the proposed additional flat has been considered against the technical housing standards - nationally described space standard dated March 2015. The proposed unit would significantly exceed the 50sqm minimum floor space required for a 2-person 1-bed flat.

Due to the possibility of the flat to be affected by road traffic noise a condition is recommended for the submission of an acoustic assessment.

Currently the site has a 1100ltr communal recycling container, on site and with refuse collection, by kerbside black sacks. Due to the increase in the number of dwellings it is recommended that a 1100ltr refuse container is also available on site stored in a secure bin store, a condition to that effect is recommended on any approval.

Subject to the recommended conditions the proposal is considered to comply with Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF.

### *Highways*

Due to the location of the development in a sustainable location with easy access to public transport links and local amenities, zero parking for the new dwelling is considered acceptable.

The application is considered to be acceptable and in accordance with Policies T1 and T13 of the Local Plan and paragraph 111 of the NPPF.

### *Climate Change and Sustainability*

The applicants have advised that the development will have the following:

- Contain 100% LED lighting.
- Waste reduction and recycling measures will be included as per Medway Council's waste scheme.
- Where practical, materials will be locally sourced to minimise transport mileage and henceforth the impact on the environment.
- The new radiators will have thermostatically controlled valves and all pipe work will be fully insulated.
- The water usage will adhere to the restrictions set out by Building Regulations
- All new occupants will receive information packs detailing the maintenance systems and how to use all the appliances.
- The construction will include the provision of bat boxes to enhance biodiversity on the site.
- The new windows will be double glazed UPVC with minimum 16mm gas filled cavity between the glazing.
- Air pressure testing will be carried out upon completion of the works.

A condition is recommended to ensure the above measures are adhered to and, subject to this condition, the development is considered to 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 £314.05 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 paid the SAMMS Mitigation Contribution Agreement therefore no objection is therefore raised under Policies S6 and BNE35 of Local Plan.

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. This is included as a separate assessment form.

The applicant has agreed to pay the SAMMS Mitigation Contribution therefore no objection is raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

#### *Local finance consideration*

None.

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

The proposal for a 1-bedroom flat is considered to be in accordance with Policies H4 and S1 of the Local Plan and paragraphs 11 and 38 of the NPPF, being situated within the urban area of Rochester. The proposed height increase to the roof and insertion of dormer windows is considered to be acceptable within the street scene and would not cause demonstrable harm to the character of the local area, amenity or issues with regard to the highway network and as such is considered to be in accordance with Policies in the Local Plan and NPPF.

This application is referred to committee due to the number of objections contrary to the Officers 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/>