

**MC/23/1309**

Date Received: 4 July 2023  
Location: 1 Ripplewaters, St Mary's Island, Chatham, ME4 3BL  
Proposal: Retrospective application for construction of an outbuilding to rear to facilitate a garden office/playroom.  
Applicant: Mr Andrew Willis  
Agent: Mr Richard Weale  
Ward: St Mary's Island  
Case Officer: Jacky Olsen  
Contact Number: 01634 333056

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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 Wednesday 27 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 9 June 2023

AW-002 - Location Plan  
AW-001 - Block Plan  
AW-003 - Existing and Proposed Layout

Received 14 August 2023

AW - 004 Rev A - Proposed Elevations

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

- 3 The outbuilding hereby permitted shall only be used for purposes incidental to the enjoyment of the main dwellinghouse, 1 Ripplewaters, St Marys Island, Chatham, ME4 3BL and shall not be occupied as a separate dwelling and no trade or business shall be carried out therefrom.

Reason: To regulate and control the permitted development in the interests of amenity 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 is a retrospective application for an outbuilding within the rear garden of 1 Ripplewaters. It is a single storey outbuilding and measures approx. 5.5 X 3.5 metres with a height of 2.6 metres at the eaves and 2.7 metres at the pitch. It is set in from the boundary by 1 metre on two sides and 0.4 metre on one side.

## **Relevant Planning History**

None.

## **Representations**

The application has been advertised by individual neighbour notification to the owners and occupiers of neighbouring properties and to the Chatham Maritime Trust.

**Chatham Maritime Trust** has objected to the application raising the following comments:

- Negative effect on the street scene and overall visual aspect of the area.
- Diminish green spaces within the development.
- Area noted for sub-surface gas leaks and a structure this size increases gas build-up.
- Defies the restrictions of CMT regarding development and fact of permitted development rights being removed.
- No evidence of how surface water drainage will be accommodated.

**Five** letters of representation, including one on behalf of the St Mary's Island Residents Association have been received (two are anonymous) raising the following comments:

- Over development.
- Over-sized structure that is overbearing.
- Defies the restrictions of Chatham Maritime Trust regarding development and fact of permitted development rights being removed.

## **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 2012 and are considered to conform.

## **Planning Appraisal**

### *Design*

1 Ripplewaters is located in a relatively new residential area on St Mary's Island that lies adjacent to Chatham Maritime Marina and the River Medway. The street scene is comprised of modern, uniform, three and four storey terraced houses, many with balconies and garages on the ground floor. The Countryside show room is located opposite the application site to the northeast.

The outbuilding is located in the rear garden of the property. It is a single storey outbuilding measures 5.5 X 3.5 metres with a height of 2.6 metres at the eaves and 2.7 metres at the pitch. It is set in from the boundary by 1 metre on two sides and 0.4 metre on one side. Although the outbuilding has a footprint that spans nearly the whole width of the garden, it is not considered too large for the size of the curtilage, being less than 50% of the curtilage of the dwelling house excluding the dwelling itself.

The outbuilding cannot be seen from the street or public vantage points and so is considered acceptable as it would not detract from the overall character and appearance of the host dwelling and wider street scene. While other properties within the same block as the application dwelling can see the outbuilding from their rear windows, it is not considered that it is of a size that is harmful in terms of appreciation of the character of the rear gardens.

It is therefore considered that the proposal would be in accordance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

### *Amenity*

A sun on ground indicator test was conducted to assess the impact on the levels of light/shadowing for the adjacent neighbouring property at times of 8am, 10am, 12 noon, 2pm and 4pm on 21 March. The test results showed that, due to the natural path of the sun and orientation of the site, there was no significant impact on daylight and sunlight from the outbuilding over and above the existing impact from the boundary fence. The outbuilding resulted in slightly more loss of light/overshadowing for the neighbouring properties at 3 Ripplewaters at 8am and 2 Samphire Way at 4pm. However, this is not considered to have such a significant impact for it to warrant refusal.

Being the first development in the rear gardens of this residential block, the outbuilding does stand out. However, considering the proximity to the boundary and the height and scale of the outbuilding, it is not considered to have an overbearing impact on neighbours.

There were no unacceptable impacts in terms of loss of outlook and overlooking.

The proposal is therefore considered to be acceptable with regard to Policy BNE2 of the Local Plan (2003).

## *Highways*

As the proposal does not increase the number of bedrooms, it is not considered to impact highways safety and parking provisions. It would therefore be in accordance with Policies T1 and T13 of the Local Plan and paragraph 111 of the NPPF 2021.

## *Contamination*

Policy BNE23 sets out how appropriate measures to reduce, or eliminate, risk to building structures, services, and occupiers of the site and of adjoining sites must be agreed to prevent contaminated land presenting a harm to human health and the wider environment. Permitted development rights have been removed from the dwellings on St Mary's Island to ensure that any development does not damage the protective seal that prevents any escape of ground gas. Usually, a planning permission would include a condition to submit details of gas protection measures to be used before construction is begun.

In this instance, the outbuilding was erected without any prior approval. The agent has confirmed that the footings were 0.4 metres deep. Usually, a Radbar Amber 1 Gas Barrier Membrane in the foundations would satisfy the requirements in relation to the gas protection measures. The agent has confirmed that a membrane was laid down but there is no confirmation as to what type of membrane it is. Without this confirmation it cannot be proven whether the footings satisfy the requirements for gas protection measures which would normally be laid down by condition. However, as the outbuilding has already been erected, any contamination or gas build up would have already taken place, therefore, it is considered that undertaking remedial works retrospectively would not reduce or eliminate the risk. Additionally, it would be difficult to undertake these measures without removing the outbuilding and rebuilding it. Therefore, in this instance, it is considered that the outbuilding remain in situ in order to minimise any impact and conform to Policy BNE23.

## **Conclusions and Reasons for Approval**

The proposed scheme would not be detrimental to the character of the area or the street scene, and would not significantly impact on residential amenity, contamination or existing parking provisions or highways. Therefore, the proposal is in accordance with Policies BNE1, BNE2, BNE23, T1, T13 of the Medway Local Plan 2003 and paragraphs 111, 126, 130 and 130f of the NPPF 2021.

The application would normally be determined under delegated powers but is being referred to Planning Committee for determination due to the extent of representations received including objections from Chatham Maritime Trust and St Mary's Island Residents Association.

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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/>