

MC/23/1577

Date Received: 17 July 2023

Location: 1 Gladstone Road Chatham
Medway ME4 6DY

Proposal: Construction of a detached dwelling - demolition of existing garage

Applicant: Mr Ilyas Mohammed

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Ward: Fort Pitt

Case Officer: Chantelle Farrant-Smith

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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 25th October 2023.

Recommendation - Refusal

1 The proposal by virtue of its siting, design and scale would result in overdevelopment of a site that would appear awkward, cramped in its relationship with No.1 Gladstone Road and out-of-character with the street scene of Purbeck Road. The proposal would be contrary to Policies H4, H9 and BNE1 of the Medway Local Plan 2003 and Paragraphs 71, 126 and 130 of the National Planning Policy Framework 2021.

2 The proposal would result in the loss of off-street parking to serve the existing dwelling while providing no off-street parking to serve the proposed dwelling and as a result would lead to a detrimental impact on highway safety and existing local resident amenity due to the resulting competition for limited car parking. The proposal is therefore contrary to Policies H9, BNE2 and T13 of the Local Plan and paragraphs 111 and 130f of the NPPF.

3 The proposed development by virtue of the scale and siting of the proposal would result in an overbearing form of development and would result in an unacceptable level of overlooking into private amenity and private residential spaces resulting in a detrimental impact to neighbouring amenity of No.3 Gladstone Road. The proposal would fail to satisfy Policies H4, H9 and BNE2 of the Local Plan and paragraph 130f of the NPPF.

4 The proposed dwelling would result in poor living conditions for potential occupants of the that property due to the lack of adequate external amenity area for a family home while also resulting in unacceptable outlook and external amenity for the future occupiers of the existing property. The proposal is therefore contrary to Policies H4, H9 and BNE2 of the Medway Local Plan 2003 and paragraph 130f of the National Planning Policy Framework 2021.

For the reasons for this recommendation for Refusal please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The application seeks to demolish the existing garage to the rear of 1 Gladstone Road and to construct a new dwelling together with alterations to the host dwellinghouse No 1 Gladstone Road.

Changes to the existing property at No.1 include the removal of 3 windows to the southern (rear) elevation and to insert an additional window at first floor level within both the eastern side elevation and the western side elevation. The northern (front) elevation would remain the same.

The proposed new dwelling would be accessed from Purbeck Road and would measure approx. 9m to ridge (6.3m to the eaves), be approx. 5m in width and approx. 10m in depth.

The dwelling would be arranged as living room, shower room and kitchen/diner at ground floor, 2 bedrooms, an office and family bathroom at first floor together with master bedroom with ensuite at second floor.

A garden for refuse and cycle storage is to be provided to the front together with a garden/amenity area to the rear measuring (approx.) 3.86m in depth and 5m in width.

No parking is proposed with the scheme to either replace the existing parking or provide parking to serve the proposed property.

Relevant Planning History

MC/22/0607

Construction of a three-storey block of three studio flats together with external alterations to existing building

Decision: Refused

Decided: 20 June 2022

Representations

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

6 Letters of objection have been received raising concerns of:

- Lack of Parking
- Impact on Privacy
- Overdevelopment
- Overshadowing/Loss of Light

4 Letters of support have also been received.

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 2023 (NPPF) and are generally considered to conform.

Planning Appraisal

Principle

The application site lies within the urban area. Policy H4 of the Local Plan states that residential development in the form of infilling in such areas is acceptable providing that a clear improvement in the local environment will result. Paragraph 71 of the NPPF states that development in residential gardens should be resisted where it would cause harm to the local area.

Policy H9 of the Local Plan also states that backland development should provide a proper means of access, suitable provision for parking and sufficient space between the existing and proposed buildings to preserve the amenity of the area and avoid overlooking. Sensitive design and landscaping will also be required, including the retention of any valuable existing natural features.

In this case, the proposed development would be sited within the curtilage of an existing dwellinghouse, to the rear of the existing property and as such it is considered to be back land development, albeit that it has a frontage to Purbeck Road. As detailed in the report below, the proposal fails to meet the requirements of Policy H9 in terms of access, parking provisions, impact on neighbouring amenity and fails to meet Policy H4 of the Local Plan and paragraph 71 in relation to providing a clear improvement to the local environment. Therefore, as the proposed development does not meet the above objectives the principle of the development is deemed to be unacceptable.

Design

The host dwelling No. 1 Gladstone Road is a two-storey detached house on a corner plot of Gladstone Road and Purbeck Road. The site for the proposed dwelling is currently a double garage with associated hardstanding and could be used for off-road parking for approx. 4 cars. The proposed development would be accessed via Purbeck Road which comprises two storey, terrace housing. Opposite the site in Purbeck Road is the rear parking areas of properties in Maidstone Road (Chatham) in the form of a row of single storey garages and associated hardstanding.

The proposed dwelling would appear as a three-storey dwelling due to the inclusion of a large dormer within the front roof slope. Whilst the front elevation would include bay windows, which is a common feature within the neighbouring terrace, the dormer window would look out of character within the immediate street scene. Whilst it is acknowledged that No 2 Gladstone Road has a dormer window to the front, the proposed dwelling would relate to the character of Purbeck Road and in that context the front dormer which would appear awkward and out of character. The alignment of the dormer in conjunction with the windows at first and ground floor would appear contrived and result in a development which looks disjointed.

In addition to this, the proposed dwelling would be hard up against both the northern and southern boundaries resulting in a development that looks cramped within the plot demonstrating an overdevelopment of the site.

The proposal by virtue of its siting, contrived design and scale would result in overdevelopment of a site that would appear awkward and cramped within the plot and with its relationship with No.1 Gladstone Road and a development which is out-of-character with the street scene of Purbeck Road. The proposal would be contrary to Policies H4, H9 and BNE1 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.

Neighbour Amenity

In order to facilitate the proposed new dwelling, it is proposed to remove 3 of the existing windows to the rear of the property at No.1 and insert windows to the side elevations of which would serve two double bedrooms as shown on the existing floor plans. There would remain one window on the ground floor serving a bedroom which would face towards the proposed dwelling and would have inadequate outlook due to the limited separation distance. The proposed first floor window to the side facing 3 Gladstone Road would be the only outlook for the occupant of this bedroom and would result in overlooking into the existing rooflights which serves as a bedroom for the occupants of No.3.

Furthermore, the proposed new dwelling would be located only approx. 3.9m from the neighbouring boundary of No 3 Gladstone Road. Due to the orientation of the proposed dwelling, it would not result in additional overshadowing detrimental to neighbouring amenity, however taking into consideration the significant land level change between the proposal site and the neighbouring property, together with the close proximity to the boundary it is considered that the proposed development would have an overbearing impact on the small private garden of No.3 Gladstone Road.

It is acknowledged that within an urban setting a degree of overlooking into mutual private spaces would be expected, however, No 3 does not benefit from a large amenity space being approx. 3m in depth by 7m in width, and the proposed dwelling and the new proposed windows to side elevation on No 1 would result in a new level of overlooking currently not present. The proposed development, in particular the first-floor windows would also result in overlooking that would be detrimental to the enjoyment of the private garden of No 3.

Therefore, by virtue of scale and siting of the proposal would result in an overbearing form of development and would result in an unacceptable level of overlooking into private amenity and private residential spaces resulting in a detrimental impact to neighbouring amenity of No.3 Gladstone Road. The proposal would fail to satisfy Policies BNE2 and H9 of the Local Plan and paragraph 130f of the NPPF.

Occupant Amenity

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 proposed floor plans demonstrate the 3 bedrooms as double rooms however the design and access statement states that the proposed dwelling would be a 3-bedroom 3-person dwelling. As it is a requirement within the Technical Housing Standards that at least 1 bedroom should be a double bedroom the above calculations have been done based on a 3b4p occupation.

The table below shows the minimum gross internal floor area expected against the proposed dwelling.

	Number of Bedrooms	Number of bed spaces	3 storey dwellings
Standard	3	4p	90m ²
Proposed	3	4p	104m ²

It is considered that the proposed dwelling would meet with standards subject to it being occupied by up to 4 people.

In relation to amenity spaces, the proposed dwelling would facilitate a rear garden that measures only approx. 3.9m in depth x 5m in width. Medway Housing Standards states that garden spaces should be 10m in depth however within constrained sites a minimum depth of 7m would be acceptable. Taking into consideration the occupation of the dwelling as a 3bedroom property, it is likely to be occupied by a family. There are no amenity facilities within close proximity therefore the lack of a satisfactory garden space would be detrimental to prospective occupant amenity. Whilst it is acknowledged that the proposal would facilitate a front garden this area is proposed for bin and bike storage and will be overlooked from the public highway and would not provide adequate private amenity.

As such, it is considered that the proposed development would fail to satisfy the objectives of Policies BNE2 and H9 of the Local Plan and paragraph 130f of the NPPF.

Highways

The development would result in the removal of a double garage as well as a hardstanding that could provide off street parking for 4 parking spaces and would provide no parking for the new or existing residential units. The proposed drawings demonstrate 3 double bedrooms. Medway's Interim Parking standards state that a 3-bedroom dwelling should provide a minimum of 2 off-road parking spaces. The applicants have outlined that due to the site's sustainable location that no parking needs to be provided. It is not considered that the site is sufficiently close to Chatham Town Centre and facilities to substantiate no off-street parking, and on street parking pressures observed and referred to in the objections, backs up this conclusion.

Given the narrowness of the existing carriageway vehicles are bumping up the kerb to park and therefore extra vehicles are likely to add additional pressure to the detriment of pedestrians/vulnerable users of the footways.

The applicant has not undertaken any parking survey to counter the above conclusions.

As such taking into consideration existing parking pressures within the area, the cumulative effect of the loss of parking with no replacement off street parking and the lack of parking survey to demonstrate that this will not cause harm to the highways network, the proposal would fail to meet Policies BNE2, H9 and T13 of the Local Plan and paragraph 111 of the NPPF.

Climate Change and Energy Efficiency

The submitted Design and Access Statement includes a Sustainability and Environment section. The measures within the statement include the use of sustainable materials, water saving facilities and LED lighting.

Should the application be considered favourably these measures can be secured by use of a planning condition in accordance with paragraph 154 of the NPPF.

Contamination

Due to the former use as a garage, it is likely that some contamination has occurred. In order to fairly assess the contamination, additional information is required, however this could be secured by the imposition of a suitably worded condition and in itself is not a reason to refuse the application, therefore. Subject to such a condition the proposal would therefore comply with the objectives of Policy BNE23 of the Local Plan.

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. 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.

Conclusions and Reasons for Refusal

The proposal would result in a development that would represent an overdevelopment of the site, would be harmful to the appearance and character of the area, would result in unacceptable harm to the amenity of neighbouring residents, would provide a poor level of amenity for existing and prospective residents of the existing and proposed property and would have an unacceptable impact in relation to on street parking available in the area, which is already at a premium. The proposal is therefore contrary to the provisions of policies H4, H9, BNE1, BNE2 and T13 of the Local Plan and the relevant paragraphs of the NPPF 2023 referred to above. The application is accordingly recommended for refusal.

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 for refusal.

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/>