

**MC/23/2406**

**Date Received:** 30 October 2023  
**Location:** 152 Cedar Road, Strood, Rochester, Medway  
**Proposal:** Construction of a two-storey side extension and creation of an internal link stairwell to existing flats/maisonettes to facilitate creation of a 3-bedroom dwelling together with associated cycle parking and waste storage - demolition of detached garage (resubmission of MC/23/1013).  
**Applicant Agent:** Mr Dave Howard  
Bucknall Design Ltd  
Mr Thomas Bucknall  
1 Centaurs Court  
Dakota Drive  
Chatham  
ME4 6FU  
**Ward:** Strood West  
**Case Officer:** Mary 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 17th January 2024.**

**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 30 October 2023:

1035A(GA)01 Proposed Ground Floor Plan  
1035A(GA)02 Proposed First Floor Plan  
1035A(GA)03 Proposed Roof Plan  
1035A(GA)04 Proposed Elevations Front Elevation  
1035A(GA)05 Proposed Elevations Side Elevation  
1035A(GA)06 Rev A Proposed Elevations Rear Elevation  
1035A(GA)07 Proposed Elevations North East Facing Elevation  
1035A(GA)08 Sectional Elevation Looking Toward Maisonettes  
1035A(GA)09 Sectional Elevation Looking Toward House  
1035A(GA)100 Rev A Proposed Landscaping Plan

1035A(GA)200 Proposed Site Layout Plan

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, procedures for any spills/leakages, confirmation of no burning on-site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required prior to commencement of development in order to minimise the impact of the construction period on the amenities of local residents and the local highway network and with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

- 4 The dwelling hereby approved shall not be occupied until:
- a) details of the provision of one electric vehicle charging point for this new dwelling and one to serve the existing flats have been submitted to and approved in writing by the Local Planning Authority; and
  - b) the approved details have been implemented on site.

The submitted details shall include the location, charging type (power outage and charging speed) and associated infrastructure. Once provided, the charging point shall be maintained available for use in working order thereafter.

Reason: In the interests of sustainability in accordance with paragraph 116 of the National Planning Policy Framework 2023.

- 5 The dwelling hereby approved shall not be occupied until:
- a) details of secure covered cycle parking provision (a minimum size of 2m by 1m for each cycle) for both the existing and proposed dwellings have been submitted to and approved in writing by the Local Planning Authority; and
  - b) the approved details have been implemented on site.

The cycle parking provision shall be retained as approved, available for use at all times thereafter.

Reason: To ensure the provision and retention of suitable secure cycle parking provision with regard to Policies T4 and T13 of the Medway Local Plan 2003.

- 6 The development herein approved shall incorporate the measures to address energy efficiency and climate change set out within the Design and Access Statement. Prior to the first occupation of the dwelling hereby approved a

verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented on site.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 157 of the National Planning Policy Framework 2023.

- 7 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. The method statement must detail how this unsuspected contamination shall be dealt with and the works shall be undertaken in accordance with the approved details.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 The external materials of the addition hereby approved shall match those of the existing building at 152/154 Cedar Road.

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.

- 9 Prior to the first occupation of the dwelling hereby approved the area shown on the submitted layout as vehicle parking space for both the existing and proposed dwellings shall be provided, surfaced and drained in accordance with the details hereby approved. 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) (England) 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 detriment to amenity and in accordance with Policies BNE2 and T13 of the Medway Local Plan 2003.

- 10 The hard and soft landscape works 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.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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, AA, B or 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 and to prevent overdevelopment of this restricted site in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) the dwelling hereby 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.

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

### **Proposal**

This site currently contains two, two-bedroom flats, one on the ground floor and one on the first floor, both accessed from the side and having the appearance of half of a pair of semi-detached houses at the end of the cul-de-sac. It is proposed to demolish a single garage in the rear garden and to construct a large two storey side extension to provide a three-bedroom house. As part of this extension a communal entrance hall with stairs would be created for the existing flats, with an entrance door on the front elevation of the building together with a rear door to enable the first floor flat to access its garden. The rear garden would be set out to provide a garden for the ground floor flat immediately to its rear, with a garden for the first floor flat behind this. The proposed house would have garden areas to its rear and side. Bike storage lockers are shown in the rear area for each unit and four car parking spaces are shown on the site frontage, one for each flat and two in a tandem arrangement for the proposed house.

The proposed extension would be 6.8m wide at the front and 6m wide at the rear where it would project past the back of the existing building. It would be set back a minimum of 0.8m from the frontage of the adjacent part of the flats and would project 3.3m further to the rear. The roof would be a mix of hips, with a catslide roof above the communal entrance hall for the flats.

## Relevant Planning History

MC/23/1013	Construction of a two-storey side extension and creation of an internal link stairwell to existing flats/maisonettes to facilitate creation of 2 additional flats together with associated cycle parking and waste storage – demolition of detached garage. Refused 23 June 2023
MC/19/2994	Construction of a two storey side extension and creation of an internal link stairwell to existing flats to facilitate creation of an additional 2 bedroom maisonette together with associated parking and waste storage – demolition of detached garage (Resubmission of MC/17/3625). Approved with Conditions 17 April 2020
MC/17/3625	Construction of two storey front/side/rear extension, insertion of two dormer windows to rear, rooflights to front and rear, and creation of an internal link stairwell to existing flats to facilitate creation of additional two 1 bed roomed and two 2 bed roomed flats, together with associated parking and waste storage - demolition of detached garage. Refused 22 January 2018 Appeal Dismissed 21 November 2018

## Representations

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

**Four letters of objection (from three addresses)** have been received raising the following concerns:

- Cul-de-sac is already at bursting point/overcrowded and noisy.
- Previous reasons for refusal still stand.
- Parking is already at a premium, parking obstructs emergency vehicles, refuse lorries and delivery vehicles, is on the path, neighbours wall has already been hit, illegal drop kerb has knock-on of parking in front of other properties.
- Not enough new parking for the proposed properties.
- Unsightly buildings squeezed into confined area.
- Hope the trees will not be disturbed.
- Water pressure is already an issue.
- Long period of disruption during construction period.

## 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

December 2023 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

## **Planning Appraisal**

### *Background*

There have been three previous applications for extensions and the addition of residential units to this site.

Firstly, application MC/17/3625 was for a two-storey side extension up to the side boundary with large flat roof dormers in both the existing and proposed roof space, to provide four additional dwellings. This application was refused for two reasons, the first relating to the visual impact of the poor design and the second on the grounds of overdevelopment detrimental to residential amenity (increased traffic and activity and poor living conditions for future occupants). At appeal, the Inspector agreed with the first reason but conclude that the proposal would not have had an adverse effect on occupants, including existing occupiers in relation to activity levels and traffic generation.

Secondly, application MC/19/2994 was for a two-storey side extension with a slight setback from the current frontage of the building, set in from the side boundary, to provide one additional two-bedroom maisonette. This application was approved.

Thirdly, application MC/23/1013 was for a two-storey side extension to provide two two-bedroom flats, one on each floor. This was refused for three reasons, overdevelopment and out of character, unworkable/inadequate parking and the lack of a SAMMS Mitigation Contribution Agreement and payment.

The differences between these previous proposals and the current application will be discussed further below.

### *Principle*

There is no objection in principle to extensions and alterations to dwellings in urban areas and Policy H4 of the Local Plan supports infilling in existing residential areas (providing that a clear improvement in the local environment will result). The subsequent NPPF supports the development of windfall sites, giving great weight to the benefits of using suitable sites within existing settlements for homes (paragraph 70). Paragraph 11 of the NPPF also refers to the presumption in favour of sustainable development.

The principle of a 2 storey extension to provide 2 additional flats (1 maisonette) was accepted under approval reference MC/19/2994 and although dismissing the appeal in relation to MC/17/3625, the Inspector did not raise objections to the principle of development.

In principle the proposed extension and provision of additional dwellings in an urban setting is supported and the acceptability of the scheme will therefore depend on detailed matters.

### *Design*

As stated above, previous application MC/17/3625 was dismissed at appeal on the grounds of poor design, the Inspector finding that the combination of development up to the side site boundary and its substantial mass, would dominate the host property, unbalance the symmetrical appearance of the semi-detached building and also the symmetry of the angled pair of semi-detached buildings at this end of Cedar Road, such development being contrary to Policies BNE1 and H4 of the Local Plan and paragraph 127 of the (then) NPPF.

Subsequent application MC/19/2994 overcame this concern by a much reduced and more simply designed scheme, set away from the boundary, reducing the dominance and retaining more of a symmetrical feel in the wider setting.

Application MC/23/1013 was then for a more substantial development than that previously approved but was somewhat disjointed, a mix of forms in a relatively straightforward design setting, with little coherency with the existing building and the wider street scene and permission was refused on this ground (amongst others).

The addition now proposed would be 6.8m wide at the front and 7.9m wide behind this. As the existing side elevation is staggered this would result in a maximum width of 9m from the side of the front of the existing building. The existing building being approximately 8.25m wide at its widest point, although the proposed addition would be set back at the front by a minimum of 0.8m from the adjacent part of the existing building. The bulk of the current proposal is approximately 1m narrower than that refused under reference MC/23/1013 and the design has been simplified, with one rather than two staggers to the side and the removal of the rear bay. The window openings are also more reflective of the existing building, reading more as an extension to it rather than a separate addition. In addition, the communal stairway for the existing flats would now have a catslide roof rather than being a full two storey to the front, reducing its bulk.

This is a finely balanced case. The additions would still appear substantial to the side of the existing building and at the end of the cul-de-sac, although due to the orientation of building and the position at the side this impact would be lessened. However, the design is an improvement on the recently refused application, MC/23/1013, as well as that dismissed at appeal (MC/17/3625). Consideration has also been given to the previously approved scheme, MC/19/2994. There are some discrepancies in these previously approved plans such that the front elevation was shown approximately 1m wider than the floorplans, the current proposals being approximately halfway between the two. The design of the current proposal may be seen as an improvement on this previous design, which was functional.

In summary, on balance, the design and visual impact of the additions on the character and appearance of the site and its surroundings is considered acceptable, including with regard to Policies BNE1 and H4 of the Local Plan and paragraph 135 of the NPPF.

## *Amenity*

There are two main amenity considerations, firstly the impact of the proposed development on neighbours and secondly the living conditions which would be created for potential occupants of the development itself.

### Neighbouring Amenity

The proposed additions would be set in from the side site boundary and no windows are proposed on the side elevations. The plot is at an angle to houses behind to the west, with a 20m separation distance to the original properties in Chestnut Road. The relationship with neighbouring properties (including those in Cedar Road) is considered acceptable, including with regard to light and privacy. In respect of activity levels and traffic generation, it is noted that the appeal Inspector for application MC/17/3625, which was for a greater number of units, found that there would not be an adverse effect on existing occupiers due to these matters.

### Future Occupiers Amenity

With regard to the amenities of the future occupiers, the proposed dwelling has been considered with regard to the Technical housing standards - nationally described space standard, DCLG March 2015, and for matters not addressed by these with regard to the Medway Housing Standards (interim) November 2011. The proposed house would exceed the minimum floorspace for a 3-bedroom 5 person dwelling and its layout is acceptable. There is no objection to the provision of a shared communal hall for the existing flats, which would replace the existing external staircase for the first floor flat. Although the proposed addition would project further to the rear than the existing building, the relationship of this with the existing flats would be satisfactory in terms of the impact on the living conditions of occupants of the flats.

The two flats currently share the rear garden. Whilst the area available to each flat would be reduced, there would still be adequate provision for each unit. The garden for the proposed house would not be ideal, ranging from 5m to 13m in depth due to the shape of the plot, however on balance and as it would also have a further area to the side this is considered acceptable.

In summary the amenity impacts of the development are acceptable having regard to Policy BNE2 of the Local Plan and paragraph 135 of the NPPF.

## *Highways*

The proposed development would retain the two, two-bedroom units and add one, three-bedroom house. The adopted interim residential parking standards require a minimum provision of 1.5 car parking spaces for a two-bedroom dwelling and 2 spaces for a three-bedroom dwelling, although reductions will be considered in urban areas with good links to sustainable transport and where day-to-day facilities are within easy walking distance. The provision of one space per two-bedroom unit has previously been accepted as a suitable minimum level of provision for this location, both for approved application MC/19/2994 and at the previous appeal MC/17/3625.



The proposed plans show one space for each of the existing flats with two spaces in a tandem arrangement for the proposed house. This level of provision is considered acceptable with regard to the adopted standards and the site history. At the time of the last application, MC/23/1013, a tandem arrangement was also shown but the spaces were needed for different units, such that it was contrived and unworkable. However, use by occupants of the same dwelling as now proposed is not unreasonable and is common in many residential settings. It is recognised that competition for the limited on-street spaces in this cul-de-sac is already high, as illustrated by the objections from neighbours, however with adequate provision for the development on-site the refusal of permission on this basis could not reasonably be substantiated.

It is recognised that there would be disruption during the construction period if permission is granted. Whilst this cannot be entirely prevented, as with any significant building works, the agreement of a Construction Environmental Management Plan (CEMP) would be required by planning condition to help minimise the impacts during this temporary period.

In summary the car parking arrangement is now considered acceptable. An electric vehicle charging point would be required by condition for the new dwelling (one is shown for flat 1 but would also be needed for the proposed dwelling). Bike storage lockers are shown in the rear garden for all three units however these are undersized, so alternative detailed would also be required by condition. Subject to this and to a CEMP, the development is acceptable with regard to Policies T1, T2, T4, T13 and BNE2 of the Local Plan and paragraphs 114-116 and 135 of the NPPF.

#### *Climate Change and Energy Efficiency*

Anticipated climate change and energy efficiency measures are included in the submitted Design & Access Statement. If permission was to be granted a condition requiring implementation of suitable measures would be recommended, having regard to Policy BNE4 of the Local Plan and paragraphs 157 and 158 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. 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/>.

A SAMMS Mitigation Contribution Agreement and payment for one additional unit was made in connection with previously approved application MC/19/2994 and has been carried across to this current application, therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 186-188 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.

### *Other Matters*

Residents have raised concern regarding the impact of the development on trees. There is a tree by the southwest corner of the site although it is not considered to be worthy of a tree preservation order and the impact on trees has not been a ground for refusal of previous applications on the site. A landscaping scheme has been included with the application showing new hedge planting by the site boundaries and a condition would require implementation of this. Subject to this there are no objections with regard to Policy BNE43 of the Local Plan.

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

In summary, it is considered that the current scheme has overcome the reasons for refusal of the previous scheme by the alterations to the external design and the reduction from two to one additional dwelling. On balance the development would no longer be harmful to the character and appearance of the locality and subject to conditions the amenity impacts are acceptable. Adequate on-site parking can be provided for the existing and proposed dwellings and EV charging and secure cycle storage would be secured, as would new planting. Bird disturbance mitigation has been addressed. Approval is therefore recommended including with regard to Policies S6, H4, BNE1, BNE2, BNE4, BNE35, BNE43, T1, T2, T4 and T13 of the Local Plan and paragraphs 11, 70, 114-116, 135, 157, 15 and 186-188 of the NPPF 2023.

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 approval.

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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/>