

MC/24/2596

Date Received: 23 December 2024

Location: 1 Pepys Way, Strood, Rochester, Medway

Proposal: Retrospective - Construction of a two-storey extension to side/ rear with a single-storey extension to front/ rear and excavation works to basement level to facilitate 1 two-bedroom flat on ground floor level, 1 three-bedroom duplex flat over ground and basement level and 1 two bedroom flat at first-floor level and a 1 three-bedroom duplex flat over first and loft levels; engineering works to facilitate parking to front and rear and associated works.

Applicant Mr. A. Akpinar

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Ward: Strood North & Frindsbury

Case Officer: Sam Pilbeam

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 9th April 2025.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 23 December 2024:

Site Location Plan

Proposed Ground Floor Plan REV A

Proposed First Floor Plan

Proposed Basement Plan

Proposed Loft Plan

Proposed Front and Left Hand Elevations

Proposed Rear and Right Hand Elevations

Proposed Roof, Front and Rear Car Parking Plan

Proposed Car Parking Elevation and Section

Proposed Cross Section AA & BB

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

- 2 All materials used externally shall match those set out in the Application Form received 23 December 2024.

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.

- 3 Prior to occupation of the flats details of the provision of two electric vehicle charging points shall be 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 prior to first occupation of the proposed flats and shall thereafter be maintained in working order.

Reason: In the interests of sustainability in accordance with paragraph 117(e) of National Planning Policy Framework 2024.

- 4 No flat shall be occupied until details of secure private cycle parking provision in the form of one individual locker per unit have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 5 No flat herein approved shall be occupied until the area shown on the submitted layout (Proposed roof, front and rear car parking plan) as vehicle parking spaces has been provided, surfaced and drained. 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 spaces.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 6 The separating ceiling and floor between the Ground and First Floors shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: In the interest of good living conditions for occupiers of the dwellings 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

Retrospective planning permission is sought for the construction of a two-storey side and rear extension, alongside the addition of a single-storey front extension and excavation works to the base of the proposed side extension in order to facilitate additional living space at lower ground floor level. The proposed alterations and extensions would facilitate the conversion of the property into a total of four flats.

The proposed side and rear extension would measure approx. 8m in width from the existing property and project 3.1m in depth past the existing rear elevation, equating to a total depth of 10.8m.

To the front the property would be extended by approx. 1m at the ground floor; with this projection carrying across and dressing the existing and extended sections of the building, tied into its form via a mono-pitched roof.

Turning to the roofscape, the proposal seeks to effectively carry across the existing roof at the front elevation, with the eaves and ridge matching that of the existing dwelling: measuring approx. 6.8m and 9.5m from the ground floor respectively. However, to the rear the roof would take the form of a table-top design, allowing its apex to sit approx. 0.2m below the ridgeline facing onto the front elevation whilst the eaves match that of the existing property, cross hipping at the extensions return.

Internally the proposed property would compose of two two-bedroom flats, one located on the ground floor of the existing dwelling and the other within the footprint of the extension; and two three-bedroom duplex flats, again split between the existing and proposed footprint.

Two car parking spaces would be provided the front of the proposed extension, alongside refuse storage, and a further five would be located to the rear along the access driveway off Broomhill Road.

Relevant Planning History

MC/07/0969	Change of use from ground floor shop to residential together with construction of a single storey extension to front and two storey extension to rear. Decision: Approval with conditions Decided: 11 October 2007
MC/18/0412	Change of use from a ground floor shop to a 3x bedroom flat together with a 2 storey rear extension and excavation to basement to create a 3x bedroom unit. Decision: Approval with conditions Decided: 15 August 2018

MC/19/0575	<p>Construction of a two storey extension to side and rear with single storey to front and rear and excavation works to basement level to facilitate 2 three- bedroom duplex flats over ground and basement level and 2 two-bedroomed flats at first floor level; engineering works to facilitate parking to front and rear and associated works.</p> <p>Decision: Approval with conditions</p> <p>Decided: 29 November 2019</p>
MC/21/1823	<p>Construction of a two storey side extension, part single storey, part two storey rear extension and a single storey front extension together with excavation to form a lower ground floor level, to create nine, 1-bed flats with associated car and cycle parking and refuse storage.</p> <p>Decision: Refusal</p> <p>Decided: 30 September 2021</p>
MC/21/3392	<p>Construction of a two storey side extension; part single/part two storey rear extension and a single storey front extension together with excavation to form a lower ground floor level, to create 7 self-contained flats with associated car and cycle parking and refuse storage - resubmission of application MC/21/1823.</p> <p>Decision: Refusal</p> <p>Decided: 14 January 2022</p> <p>Appeal dismissed 18 August 2022</p>
MC/22/2263	<p>Details pursuant to condition 4 (CEMP) on planning application MC/19/0575 - Construction of a two storey extension to side and rear with single storey to front and rear and excavation works to basement level to facilitate 2 three- bedroom duplex flats over ground and basement level and 2 two-bedroomed flats at first floor level; engineering works to facilitate parking to front and rear and associated works.</p> <p>Decision: Discharged</p> <p>Decided: 12 October 2022</p>
MC/24/1185	<p>Application for a non-material amendment to planning permission MC/19/0575 for modifications to the height of both side and rear sections of the property together with installation of five roof lights to front and four roof lights to rear.</p> <p>Decision: Refusal</p> <p>Decided: 5 July 2024</p>

Representations

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

13 objections have been received on the following grounds:

- Increase in traffic and subsequent deterioration of existing conditions of road and pedestrian safety
- Unacceptable impact on the demand for on-street parking
- Concerns with access via Broomhill Road
- Poor living conditions for future occupants
- Number of flats would be an over intensification of use, resulting in increased levels of noise and disturbance
- Loss of daylight and sunlight
- Loss of privacy and overlooking
- Strain on local services and infrastructure
- Structural and drainage concerns
- The proposal would appear as overdevelopment within the confines of its plotting
- Bland features of no architectural merit or design
- Potential future use of the site as a HMO
- Closure of the adjacent public footpath and impact of the development upon the level of light that would be received.

Councillor Stephen Hubbard has objected to the proposal on the grounds of the lack of on-street parking within the locality and poor access from Broomhill Road.

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 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Background

The application site has been subject to numerous planning applications since 2007. However, the first application to obtain consent for the conversion of the dwelling into flats was granted under case reference number MC/18/0412, whereby the property was proposed to be extended at two storeys to the rear and single storey to the front, alongside engineering works to the lower ground floor to allow for additional habitable space. The property would have been subdivided across the ground floor, with one three-bedroom flat occupying the lower ground and ground floor and a two-bedroom flat located on the first floor. This permission sought only to extend to the front and rear of the principal footprint of the building.

However since then application site has been subject to three more comparable planning applications and one appeal, wherein although broadly reflecting the design put forward under MC/18/0412, permission was also sought for a side infill extension.

In chronological order, and of most relevance, case reference number MC/19/0575 was submitted on the 1 March 2019 for the: *“Construction of a two storey extension to side and rear with single storey to front and rear and excavation works to basement level to facilitate 2 three- bedroom duplex flats over ground and basement level and 2 two-bedroomed flats at first floor level; engineering works to facilitate parking to front and rear and associated works”*.

The Planning Committee carefully considered that application and on balance determined that the proposal would reflect the existing pattern of development, matching the size and scale of the locality and appearing commensurate relative to the varied design of the streetscene; and that the levels of parking likely to be drawn from the conversion would be comparable against the parking demand of a retail unit such as that which existed – at the time – on the ground floor. In terms of amenity, impacts during the construction phase of the development were considered to be satisfactorily addressed through the imposition of a CEMP condition and subsequent discharge. The application was approved.

Following this, two further applications were made (reference MC/21/1823 and MC/21/3392) effectively following the same general design of the 2019 scheme but at a larger massing and scale, while also differing internally insofar as to increase the number of units contained with MC/21/1832 seeking a total of nine and MC/21/3392 seven. Both applications were refused with the latter application also dismissed on appeal.

The reasons for refusal were:

1. *“The proposed development by virtue of the intensification in its use and the associated increased comings and goings and external activities would result in an unsatisfactory relationship by way of noise and disturbance which would be to the detriment of the amenity and living conditions of neighbouring occupiers contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 130f of the NPPF.*
2. *The proposal would lead to a detrimental impact on highway safety and neighbouring amenity due to an intensification of the rear access and a lack of off street parking which would increase on street parking in the area, in front of neighbouring properties and potentially on the footways. Accordingly, the development would be considered to conflict with Policies BNE2 and T13 of the Medway Local Plan 2003 and paragraphs 111 and 130 of the NPPF.*
3. *The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species*

Regulations 2010 and is contrary to Policy BNE35 of the Medway Local Plan 2003 and paragraphs 180,181 and 182 of the NPPF.”

All of these were upheld by the planning inspectorate.

Following the dismissed appeal, the applicant discharged the necessary conditions and then implemented the approval relating to the 2019 application.

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 principle of the development has by-and-large previously been accepted by the 2018 and 2019 permissions. The conversion and extension to provide flats and the number of units has not changed in principle from those previous approvals and therefore the determining issues relate to matters of detail which will be considered below.

Design

Both the NPPF and Local Plan stress the emphasis of good design and achieving high quality buildings. Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment by amongst other matters being satisfactory in terms of scale, mass, proportion, details, and materials. Moreover, paragraph 131 of the NPPF states that developments should contribute to the overall quality of the area and be sympathetic to local character, including the surrounding built environment and landscape setting, supported by paragraph 135 which adds that good design is a key aspect of sustainable development.

The character of 1 Pepys Way comprises of a mix of mostly post-war era semi-detached two-storey dwellings built circa 1960. With each semi-detached pair themselves appearing relatively uniform, predominantly characterised by either one of two styles of mansard roof or a more typical hipped or gabled ended roof design; introducing an enjoyable degree of visual variation along an otherwise repetitively composed streetscene.

The properties front onto Pepys Way, again supporting a clearly articulated rhythm, delineated via a range of low level boundary treatments and separation distances between the semi-detached pairs.

Overall, the scale, massing and clear building line of the properties along Pepys Way establishes a cohesive sub-urban character, with relatively spacious proportions that cultivates a degree of subservience between dwellings throughout the street.

The application site differs slightly from the rest of the street however, due to its location adjacent to a row of garages located to the south facing onto Pepys Way, thereby, pronouncing the flank elevation.

The proposed extensions would essentially be identical to those formerly approved under case reference number MC/19/0575, but with two key differences.

- To the front, the proposal would omit the extension into the lower ground floor below the principal dwelling; and
- To the rear, the height of the table-top roof would be increased from approx. 7.4m from ground floor level to 7.6m, a difference of 0.2m.

Addressing the former, it is not considered the omission of the windows within the lower ground floor would result in detriment to the visual amenity of the streetscene. Alternatively, the proposal would install a low-level brick wall synonymous with that found within the streetscene.

The increased height of the table-top roof would not be largely visible from public vantage points, with a degree of visibility apparent from the rear gardens of properties in Broomhill Road although this is obscured by the topography differences between curtilages and the distance of approx. 25m when measuring views from the rear garden to the proposed extension.

Likewise, views of the rear extension are partially visible when traversing north along Pepys Way, however, again, are obscured by the existing soft landscaping to the south and gradient changes as you traverse north.

All-in-all, given the limited extent of the views afforded to the rear extension alongside the limited increase of the roofs height it is not considered that the proposal, relative to the 2019 approved application, would result in visual harm or discord with the streetscene or wider locality.

As such, no objections would be raised in relation to Policy BNE1 of the Local Plan or paragraph 131 of the NPPF.

Amenity

Paragraph 135f of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for future occupiers and neighbours, which is reflected in the requirements of Policy BNE2 of the Local Plan; to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. These amenity considerations should be assessed on two grounds, firstly the impact of the proposal on adjoining neighbours and secondly how the proposed works would impact future occupants.

Adjoining Neighbours

The differences between the 2019 approved and current application in regard to conservation of adjoining residential amenity are minimal.

The proposal does not seek to increase the depth of the rear extension; its proximity to the adjacent first-floor window; or otherwise enlarge the footprint of the existing property. Moreover, the proposed increase in the height of the table-top roof would not

result in volumes of overshadowing that would result in unacceptable impacts upon the enjoyment of the rear garden of conservatory of 3 Pepys Way.

Largely the proposal would be identical to the 2019, which was deemed acceptable in planning terms relative to impact on neighbour amenity; considering the impacts upon residential amenity to be reflective of that which could be typically expected within a suburban residential locality, and not considered to unacceptably infringe upon existing conditions of privacy, light, outlook or daylight.

One difference of note, however, is the installation of two rooflights to the rear elevation, which owing to their position internally can be used to facilitate outlook. With this said, the outlook afforded by the rooflights would be comparable to that of a rear dormer which could be installed under the applicants permitted development rights without the benefit of planning permission. Therefore, while it is acknowledged that the proposal would in all likelihood increase the level of overlooking into the rear garden of 3 Pepys Way, on balance this is considered acceptable.

Future Occupants

The proposed units have been considered against Technical Housing Standards – Nationally Described Space Standard 2015. Whereby a two-bedroom, three-person, one-storey dwelling would be required to comprise of a total gross internal floor area (GIA) of 61m²; a three-bedroom, four-person, two-storey unit 84m²; and a three-bedroom, five-person, two-storey unit a GIA of 93m². In this case, all units would either meet or exceed the thresholds of the Technical Housing Standard:

- Unit 1 – 87.2m² (required 61m²)
- Unit 2 – 161m² (required 93m²)
- Unit 3 – 116.7m² (required 84m²)
- Unit 4 – 79.4m² (required 61m²)

All bedrooms would meet or exceed the required standards and provide future occupants with suitable degrees of outlook and natural light. Specifically of note is bedroom two within the roofscape served by rooflights. Given the rooflights internally would be positioned below approx. 1.2m in height they are considered to provide satisfactory outlook for future occupants.

No private outdoor amenity space or balconies for individual units have been provided. Whilst it is recognised that the Medway Housing Standards (interim) November 2011 (MHDS) require a balcony for new build flats, this proposal relates to the conversion of an existing building into flats and is providing a shared communal garden for the units.

In assessing the application as a whole: it is considered that each unit would be afforded a sufficient layout insofar as to secure acceptable conditions of amenity for future occupants and their day-to-day activities, promoting sustainable development that would function well throughout its lifetime whilst simultaneously conserving the existing amenities of adjoining residential properties. According with the provisions of Policy BNE2 of the Local Plan and paragraph 131 and 135(f) of the NPPF.

Highways

Policy T1 of the Local Plan relates to the impact on new development on the highway network. Policy T13 of the Local Plan is related to parking standards. Paragraph 110 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. Paragraph 116 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

Against the Medway Council Residential Parking Standards 2010, two three-bedroom units and two two-bedroom units would require a total provision of seven car parking spaces. The application would meet this requirement, providing two to the front accessed off Pepys Way itself and five to the rear of the property, accessed via driveway off Broomhill Road.

In assessing the previous applications, it was determined that the requisite access and egress are acceptable. There have been no changes since that initial consideration. Likewise, so too has notice been formerly served on the surrounding properties and evidence produced illustrating the applicant possesses a right of access.

Against this backdrop, no objections are raised on the basis of vehicular safety or increased pressures on-street parking demand due to the proposal's compliance with the Councils Residential Parking Standards (2010) alongside securing of sufficient vehicular access.

Concerns have been raised on the basis of trip generation and impacts upon traffic and highways function. However, as stated above, the previous Class E (Hairdressers) use would likely have generated a comparable, or larger, volume of associated trips; in particular when you consider two/three staff occupying the building at any-one-time, in addition to several customers with moderately frequent bookings throughout the day.

Details of refuse storage for the units has been illustrated to the front of the property, providing necessary space for the bins of all four units. However, no such details for cycle storage have been outlined, nor have details of EV charging points and as a result appropriate conditions are recommended in accordance with Policy T4 of the Local Plan and paragraph 117E of the NPPF.

Subject to the recommended conditions the proposal is considered acceptable in relation to Local Plan policies T1, T4 and T13.

Biodiversity Net Gain (BNG)

As of 2 April 2024 all sites were subject to Biodiversity Net Gain (BNG) as per the conditions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Notwithstanding, de minimis exemptions wherein BNG does not need to be provided are set out in the Biodiversity Gain Requirements (Expeditions) Regulations 2024, confirming within subsection 4:

- “(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.*
- (2) The first condition is that the development does not impact an onsite priority habitat.*
- (3) The second condition is that the development impacts:*
 - (a) less than 25 square meters of onsite habitat that has biodiversity value greater than zero; and*
 - (b) less than 5 metres in length of onsite linear habitat.”*

In this instance, both of the above conditions set out by the Act are considered of relevance, therefore, the application does not meet the threshold for the requirement of a BNG statement.

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.

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 proposal complies with the provisions set out in paragraphs 11, 60, 110, 116, 117(e), 131, 135, 135(f), 180 and 181 of the NPPF and Policies BNE1, BNE2, BNE35, S1, S6, H4, T1, T4 and T13 of the Local Plan.

The application would normally be determined under delegated powers, but is being referred to Planning Committee due to the extent of the representations received expressing a view contrary to the recommendation and at the request of Cllr Stephen Hubbard for the reasons set out in his objection.

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/>