

MC/24/1204

Date Received: 10 June 2024
Location: 91 Rolvenden Road, Wainscott, Rochester, Medway, ME2 4PF
Proposal: Construction of a three-bedroom detached dwelling, demolition of existing outbuilding and construction of vehicle parking to front of existing and proposed dwelling with dropped kerb.
Applicant Agent: Daniel Woodgate
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Dell Quay Yacht Marina
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Chichester
PO20 7EE
Ward: Frindsbury Extra
Case Officer: Jacky Olsen
Contact Number: 01634 333056

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 4 June 2025.

Recommendation: Approval subject to:

- A) The applicant entering into a Unilateral Undertaking to secure the dwelling as a self-build.
- B) The imposition of the following 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 26 January 2025

Site Location Plan and Block Plans

27 March 2025

Block Plan Showing Drop Kerb and Stores

7 April 2025

Proposed Plans and Elevations
Existing and Proposed Street Scene

Existing and Proposed Parking Section

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

- 3 All materials used externally shall match those of the existing dwelling at 91 Rolvenden 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.

- 4 The dwelling herein approved shall not be occupied until the area shown on the submitted layout (drawing Drop Kerb and Stores) received on 27 March 2025, as vehicle parking spaces have been provided, surfaced and drained so that no surface water flows from the hard paving area onto the public highway. Thereafter the parking spaces 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 space.

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.

- 5 The dwelling hereby approved shall not be occupied until details of the secure private cycle parking provision 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 the 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.

- 6 The dwelling hereby approved shall not be occupied prior to the provision of one electric vehicle charging point in accordance with the details (Master plug Smart EV Charger) received 10 September 2024 and at the location set out on drawing Drop Kerb and Store received 27 March 2025. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 112E of the NPPF.

- 7 The new dwelling shall not be occupied until the approved refuse arrangements, as set out on drawing Drop Kerb and Store received 27 March 2025, have been provided. All approved refuse storage and collection arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 The dwelling hereby approved shall not be occupied until detail of the boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before the dwelling is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and impact on the retained trees, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

- 9 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out in the Climate Change Statement received 16 July 2024. 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 164 the National Planning Policy Framework 2024.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out to either the existing (91 Rolvenden Road) or proposed property within Schedule 2, Part 1, Classes A and 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 in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 11 All side elevation windows at first floor of the dwelling hereby approved shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the dwelling is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

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

The application seeks to demolish the existing garage and to construct a three-bedroom, detached dwelling. The new dwelling would comprise: a living room and kitchen/family room on the ground floor, with one master bedroom with en-suite, two bedrooms and a family bathroom on the first floor.

The proposed dwelling would be approximately 8 metres in height with a gap of 1.5 metres between the dwellings, 0.5 metres to the western boundary and 8.2 metres to the neighbouring property at 93 Rolvenden Road.

The proposal would provide two parking spaces in the front garden of the proposed dwelling and two spaces in the front garden of the existing dwelling. A new dropped kerb is proposed for the existing dwelling.

Relevant Planning History

There is no planning history for the application property, but the following decisions are of relevance:

68 Rolvenden Road (opposite the application site)

MC/20/0691	Construction of a detached three-bedroom dwelling with associated parking - demolition of existing outbuildings.	Approval with conditions	11 May 2020
MC/21/0957	Retrospective application for the construction of a detached 3-bedroom dwelling with associated parking - resubmission of MC/20/0691.	Approval with conditions	15 July 2021

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of the neighbouring property.

Five letters of representation have been received with the following objections:

- Impact on traffic
- Highways and pedestrian safety
- Parking issues
- Plans not showing the car parking spaces
- Over-development of the plot
- Loss of privacy and overlooking
- Loss of light to adjacent property at 89 Rolvenden Road

Frindsbury Parish Council were consulted but did not comment on the application.

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 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below.

Planning Appraisal

Principle

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

The NPPF contains a presumption in favour of sustainable development (paragraph 11) and recognises that small sites and windfall sites can help to make an important contribution to meeting the housing requirement of an area. There is also recognition that decisions to support development that makes efficient use of land should take into account the importance of securing well-designed and beautiful, attractive and healthy places and the desirability of maintaining an area's prevailing character and setting (paragraph 135).

The proposal is located in the urban area of Wainscott. Policy H4 of the Local Plan supports the redevelopment of existing residential areas and infilling in such areas providing that a clear improvement in the local environment will result.

In view of the above, the application would bring a small site into residential use and would represent a windfall development contributing in a small way to the five-year land supply. Therefore, subject to compliance with detailed matters of these policies which are subject to assessment below, the principle of the change of use of the site for residential use is considered acceptable.

Design

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. Paragraphs 131 and 135 of the NPPF emphasise the importance of good design.

The application would be sited in the garden area to the side of 91 Rolvenden Road. The dwelling would be set back from the existing dwelling but would be approximately in line with the adjacent dwelling at 93, Rolvenden Road. The height of the dwelling would be 8 metres which is in keeping with the adjacent dwellings in the street. Taking into consideration the location and size of the side garden and the street layout of the area, the proposed site would comfortably support the subdivision of the plot to create a new residential unit. However, the removal of the proposed property's development rights is proposed in order to ensure that any further development on the site is controlled. The proposed materials for the dwelling would be brick and white render matching the materials of the existing dwelling and those within the immediate street scene. A condition is recommended to ensure that this undertaken.

While the proposal would result in the entire front area being hard paved, similar areas of hardstanding already exist in neighbouring properties and no objection is therefore raised in terms of impact on the street scene.

It is therefore considered that the new dwelling would be in keeping with the area and would not compromise the street scene. Subject to the recommended conditions no objection is raised in terms of design and appearance under Policy BNE1 of the Local Plan and paragraphs 131 and 135 of the NPPF.

Residential 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. Policy BNE2 of the Local Plan and paragraph 135 of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

The scheme has been considered in relation to the impact of the proposal on the amenities of the occupiers of the surrounding properties in terms of the impact on neighbouring residential amenities. Policy BNE2 of the Local Plan and paragraph 135(f) of the NPPF relates to the protection of these amenities.

Given the orientation of the proposed property and site and taking into consideration the path of the sun there would be some overshadowing from the new dwelling to the neighbouring property at 93 Rolvenden Road at the end of the day but, given the distance of approximately 8 metres from the side elevation, this would be over the garage rather than impacting the property or garden area. Some overshadowing would occur over the garden of the existing dwelling, but this would only be during

the early morning. It is therefore considered that there is little impact in terms of overshadowing or loss of daylight and sunlight on the neighbouring properties.

There is one first floor window on the eastern elevation and one on the western elevation which could overlook the neighbouring and host properties and gardens. However, as these do not serve habitable rooms and are proposed to be obscured this is considered acceptable. A condition is recommended to ensure these windows are obscured. There are no other windows at first floor level on the side elevations of the proposed property. Therefore, there would be no loss of privacy or outlook from the proposal on the windows of 93 or 91 Rolvenden Road. Some overlooking of the garden of 93 Rolvenden Road would take place from the rear windows of the property but, this does not introduce a form of overlooking that does not already exist from surrounding 2 storey properties and due to the siting and angle of the property, this is not considered to be overly detrimental and so is considered acceptable. The gardens backing on to the application garden would also have some overlooking but due to the length of garden (15.5 metres) and trees and hedging that are present at the end of the garden, and that again the proposal does not introduce a form of overlooking that does not already exist, this is not considered to be detrimental.

Conditions restricting permitted development rights and conversion from C3-C4 are recommended to protect the amenity of neighbours.

As a result, subject to the conditions recommended, it is considered that the proposal would not result in a detrimental impact in terms of loss of neighbouring residential amenities and would be in accordance with Policy BNE2 of the Local Plan and paragraph 135f of the NPPF.

Amenity of Future Occupiers

The proposed bedrooms have been considered against the Technical Housing Standards - Nationally Described Space Standard dated March 2015 (the national standard). Below is a table showing the proposed floorspace for the dwelling in comparison to the Technical Housing Standards - Nationally Described Space Standard.

	Number of bedrooms and bed spaces	Proposed (m ²)	National Standard (m ²)
Dwelling (2 storey)	3 Bed 4 Person	92	84

The gross internal floor area (GIFA) for the dwelling has been measured from the submitted floor plans, as above, and would exceed the minimum requirements for floor area. All the bedrooms would exceed the minimum requirements for floor area and width. The habitable rooms have been provided with suitable outlook.

The requirements as set out in the guidance in Medway Housing Standards (interim) November 2011 (MHDS), states that rear gardens should measure 10 metres in depth and on constrained sites 7 metres in depth. In this case, the proposal includes gardens of 15.5 metres for both the proposed and the existing dwelling which is considered acceptable.

Overall, it is considered that the proposal would meet the internal space standards and would provide future occupants with adequate outlook from the bedroom windows. The provision of private outdoor amenity space would be adequate for future occupants. A condition is recommended in relation to boundary treatment and subject to this, the proposal would meet the requirements of Policy BNE2 of the Local Plan and paragraph 135f of the NPPF.

Highways

Policy T1 of the Local Plan relates to the assessment of the highways impact of development and outlines the criteria of when development would be permitted. Paragraph 116 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case, the access to the roadway is considered to meet highways standards and the addition of one dwelling in this area where the road is not congested is considered acceptable on highways safety and impact.

Policy T13 provides guidance on vehicle parking standards and the Medway Council Residential Parking Standards state that a three-bedroom dwelling would require a minimum of two car parking spaces. The proposed dwelling would accommodate two car parking spaces to the front of the property and the existing dwelling would also accommodate two car parking spaces to the front of the property which would therefore comply with the parking standards.

Policy T4 of the Local Plan states that secure cycle parking facilities will be sought in new developments. The applicant has submitted a drawing showing a proposed cycle shed that would house two bicycles which would meet Council standards. The proposed location of the cycle shed would be to the side of the property. If the application was approved, a condition is recommended to secure the cycle storage.

An EV Charging point would be included as part of the proposal, shown on the submitted drawings. This is considered acceptable, and a condition is recommended to ensure that this is undertaken as part of the development.

Consequently, it is not considered the proposal would result in any unacceptable impact to highway safety or highway function and, therefore, is acceptable in terms of Policies T1 and T13 of the Local Plan and paragraph 116 of the NPPF.

Biodiversity Net Gain

The application site is subject to the self-build exemption being built to cater for a family member. Additionally, the proposed dwelling would be project built by the applicant using sub-contractors under his management. This would make the application exempt from any biodiversity net gain requirements under the Biodiversity Gain Requirements (Exemptions) Regulations 2023. A unilateral undertaking has been drawn up to ensure that the proposal is built as a self-build development.

Climate Change and Energy Efficiency

A climate change statement has been submitted with the application. The statement outlines the measures that would be put in place for the new dwelling to address climate change and energy efficiency and which includes the following:

- Built to Building Regulations Part L to ensure high levels of thermal insulation.
- White goods to be minimum 'A' rated under the EU Energy Efficiency Labelling scheme.
- Materials and building elements to be obtained from local suppliers where possible.
- All windows to be double-glazed.
- All taps, toilets and fixtures to be low water consuming where possible.
- Materials such as hardcore to be obtained from recycled construction waste or materials from the demolition of existing garage structure will be used where possible within the project.

A condition is recommended to ensure that the above measures are put in place in the development. Subject to this condition, no objections would therefore be raised regarding paragraph 164 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 £328.77 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 SAMMS Mitigation Contribution Agreement and payment has been made and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 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

Overall, the proposed application is considered acceptable in regard to design, neighbouring and future occupier amenity, highways function, biodiversity and climate change. Therefore, the application is in accordance with Policies BNE1, BNE2, H4, T1, T2, T4 and T13 of the Medway Local Plan 2003 and paragraphs 11, 116, 131, 135, 187, 193 and 194 of the National Planning Policy Framework 2024.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of objections received contrary to this recommendation.

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/>