

MC/25/0966

Date Received: 9 May 2025
Location: 22A Walters Road, Hoo St Werburgh, Rochester Medway
Proposal: Extension to existing outbuilding to rear for conversion to an annexe for supported living accommodation.
Applicant Agent: Mrs Sonia Butler
Mr Wayne Penrith
C/O 22A Walters Road
Hoo
Rochester
Kent
ME3 9JR
Ward: Hoo St Werburgh & High Halstow
Case Officer: Chantelle Farrant-Smith
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 24 September 2025.

Recommendation - Refusal

- 1 The proposed development would not constitute as an annexe, as there is no dwelling for the annexe to be ancillary to. The annexe would therefore form backland development of an additional dwelling without adequate accommodation within the rear garden of an existing dwelling which is contrary to Policy H9 of the Medway Local Plan 2003 and paragraph 135 of the National Planning Policy Framework 2024 and would not constitute as minor development contrary to Policy H11 of the Medway Local Plan 2003.

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

Proposal

The proposed development seeks to extend an existing outbuilding for use as an annexe for supported living accommodation. The annexe would be accessed via a newly created wheelchair suitable path to the north side of 22 Walters Road.

The proposed annexe would measure 4.1m to the highest part of the sloped roof, and 3.6m to the highest eaves 11m in width and 4.8m in depth with a 1.3m plant room to rear.

The annexe is arranged internally as entrance way, bedroom, bathroom and open plan kitchen/living area served by bi-fold doors to the garden area, and plant room to the rear.

The annexe is to be finished externally with resin render, metal fascias and soffits, UPVC windows and bifold doors together with a composite front door. The proposal also includes the installation of PV panels on the sloped roof.

The proposed plans also demonstrate bin storage to the rear of the annexe.

Relevant Planning History

MC/18/1441	Extension and alterations to existing bungalow incorporating increase in roof height for formation of additional living accommodation in roof space including roof lights, rear dormer with access onto top of existing rear element to form balcony and construction of a part two/part 3 storey side/rear extension to form a separate dwelling. Decision: Approval with Conditions Decided: 7 August 2018
MC/20/0421	Details pursuant to conditions 4 (Screening) and 5 (CEMP) on planning permission MC/18/1441 for extension and alterations to existing bungalow incorporating increase in roof height for formation of additional living accommodation in roof space including roof lights, rear dormer with access onto top of existing rear element to form balcony and construction of a part two/part 3 storey side/rear extension to form a separate dwelling. Decision: Discharged Decided: 23 April 2020
MC/24/1866	Construction of an extension to side together with associated external alterations to form separate dwelling and installation of roof lights to front and rear of main dwelling. Decision: Withdrawn Decided: 14 April 2025

Representations

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

Hoo Parish Council was consulted on the application however no response was received.

1 letter of Objection has been received raising the following concerns:

- Land level change between Walters Road and Wylie Road
- Loss of light to kitchen and garden
- Plant room noise

2 letters of support (one from the Ward Councillor) have been received stating the following:

- Needed accommodation for vulnerable individual
- Would not impact local community
- Small scale development
- Policy compliant

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.

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and, following any changes required as a result of the consultation exercise, submission to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications. However, due to the nature of this proposal, the stage of the emerging Local Plan, the existence of relevant adopted Policies in the Medway Local Plan (2003) and guidance in the NPPF it is considered that the proposal falls to be considered with regard to the adopted policies and guidance in the NPPF.

Planning Appraisal

Background

The proposal site was granted planning permission in 2018 for alterations and extensions to the existing dwelling, 22 Walters Road, to form an additional, separate dwelling, 22A Walters Road. This application removed permitted development rights for both the existing dwelling at 22 Walters Road and that of the proposed dwelling (22A Walters Road) including permitted development rights for outbuildings.

Following the approval of this application, works on site commenced including the demolition of the existing garage, excavation works and foundations being implemented therefore the Local Planning Authority is satisfied that the 2018 permission was sufficiently implemented. However, a secondary application was submitted in 2024 for the 'Construction of an extension to side together with associated external alterations to form separate dwelling and installation of roof lights to front and rear of main dwelling'. This application altered the overall design of that permitted under MC/18/1441 as the works would not include raising the roof height of the existing bungalow and altered the external appearance by virtue of the roof design and inclusion of a large terrace to rear. The applicant was advised that the design would result in a dwelling which was out of character within the street scene and that it would result in a detrimental level of overlooking into the neighbouring property as such would be recommended for refusal. The application was subsequently withdrawn by the applicant/agent following the officer's recommendation of refusal.

The current application seeks to extend the existing outbuilding which does not benefit from planning permission for use as an annexe associated with the dwelling approved under reference MC/18/1441. The outbuilding is in a location of the rear garden that was proposed (under MC/18/1441) to be part of the retained garden of number 22 Walters Road and not part of the garden of the new dwelling. The proposed dwelling has had the footings dug not in the position of the approved plans and work has ceased on the new dwelling.

Principle

Policy H11 of the Medway Local Plan (2003) states that housing development in the rural area, particularly within the confines of villages and settlements such as Hoo St Werburgh will be restricted to minor development. The principle of an annexe within an existing residential curtilage would constitute as minor development.

However, in this case there is no original dwelling for the annexe to be ancillary to, thus resulting in a lack of planning unit to condition the annexe to remain ancillary to. The classic definition of planning unit is found in *Burdle v SSE 1972* where the court held there are three issues to consider. First, that whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered. But, secondly, it may equally be apt to consider the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuate in their intensity from time to time but the different activities are not confined within separate and physically distinct areas of land. Thirdly, however, it may frequently occur that within a single unit of occupation two or more physically separate and distinct areas are occupied for substantially different and unrelated purposes. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit.

In this case, the proposed development would not be ancillary to a main dwelling house as the dwelling has not yet been constructed. The annexe is outside of the garden area of the approved dwelling, being in the rear garden of the retained dwelling at 22 Walters Road. The footings that have been dug are in the incorrect position for the approved dwelling and work has ceased on the construction. Taking into consideration the combination of all of the above factors means that the proposed annexe cannot be conditioned to be ancillary to an existing dwelling.

The proposal site includes an access (side of 22 Walters Road) which can be used to directly access the area where the existing outbuilding which is to form the annexe is located. Whilst the outbuilding would be used for 'related purposes' as defined within *Burdle vs SSE 1972*, as there is no dwelling, the activities to the outbuilding would not be 'secondary' to the main dwelling house as such would be considered a 'separate planning unit'.

Therefore, following the above conclusions, it is considered that as the proposed annexe would not be ancillary to an existing planning unit, it would form its own planning unit. In that case, an assessment of the annexe as its own separate

planning unit in this location would lead to a conclusion that it would fail to satisfy Policy H11 as it would not constitute minor development, furthermore, Policy H9 relates to backland development which would relate to a new planning unit in this location and that would not comply with the following objectives as set out within Policy H9 of the Medway Local Plan 2003:

- (v) there is adequate private amenity space for the existing and proposed dwellings; and
- (vi) the character and amenity of the area as a whole is maintained

Furthermore, comings and goings to a new dwelling would need to be considered in terms of neighbour and occupant amenity.

As the application submitted is for an annexe, the assessment of the suitability of a new dwelling within the rear garden of 22/22A Walters Road will not be considered in full but as outlined above there are significant policy failings if this were put forward for consideration as a separate dwelling.

In summary, as there is no dwelling for the annexe to remain ancillary to, the principle of an annexe cannot be 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 and paragraphs 131 and 135 of the NPPF emphasises the importance of good design in development in improving local areas.

The proposed annexe would be sited rear of an existing dwelling and would not be viewable from public vantage points. As a result, it is not considered the proposed development would cause detrimental harm to the appearance of the wider street scene therefore complies with Policy BNE1 of Medway Local Plan 2003 and paragraphs 131 and 135 of the NPPF.

Amenity

Paragraph 135f 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 proposal on neighbouring amenity and secondly the living conditions which would be created for the potential occupants of the development itself.

Neighbouring Amenity

There are residential properties to the west, east and south. The proposal site has incorporated a section of the neighbouring garden (22 Walters Road) resulting in an L-Shape plot which has been enclosed by approximately 2m boundary fencing albeit not in accordance with that approved under planning permission MC/18/1441. The proposed annexe would be located to the rear behind No 22 bordering the neighbouring boundary of 26 Wylie Road.

A letter of objection received raised concerns of overbearing impact on neighbouring amenity due to the land level changes between Walters Road and Wylie Road.

The proposed extensions and alterations would result in building that which measures 4.1m at its highest point and is located approximately 2m from the boundary of the neighbouring property to rear. It is not considered that the proposal would have a detrimental impact in terms of loss of outlook for the neighbouring kitchen window, and due to the location of the proposed annexe together with the orientation that the shadow cast throughout the day would remain predominantly within the plot of which would not cause detrimental harm to neighbouring amenity. Furthermore, there are no windows proposed rear of the annexe therefore, there would be no increase in overlooking into neighbouring properties.

The objection letter also noted that there is a proposed plant room, to ensure that the noise levels would not cause disruption to neighbouring properties, if the application was to be approved a noise impact assessment would be secured via planning condition.

Subject to the consideration of the potential noise implications, which could be controlled by condition if permission was to be recommended, it is not considered that the proposal would cause significant harm to neighbours' amenity.

Future Occupant Amenity

If the outbuilding was to be used as a separate dwelling, the unit would need to meet with technical housing standards. As the proposed development is for an annexe which should have a secondary function to the main dwelling house it is not considered necessary. The internal layout would be suitable for secondary activities to the main dwelling house and if there were a dwelling that existed to provide the main accommodation, the proposed annexe layout and accommodation would be sufficient to be additional associated accommodation.

Highways and Parking

Policy T1 of the Local Plan states that when assessing the highways impact of development, proposals need to ensure that the highway network has existing capacity to cater for the increase in traffic generation and that the development will not significantly add to the risk of road traffic accidents. Policy T2 of the Local Plan states that where proposals involve the intensification of an existing access, they must not be detrimental to the safety of vehicle occupants, cyclists and pedestrians. Policy T13 of the Local Plan and paragraph 116 of the NPPF also states

development proposals will be expected to make vehicle parking provision in accordance with the adopted residential parking standards. Whilst Policy DM19 of the Emerging Medway Local Plan relates to vehicle parking provisions.

The proposed development would increase the number of bedrooms by one, however the existing parking arrangements provide for a minimum of two off-street parking spaces which is in accordance with the Council's parking standards. There are no proposals to alter this provision or the existing access arrangements.

The proposed development is not considered to impact highways safety and parking provisions. It would therefore be in accordance with Policies T1 and T13 of the Local Plan and paragraph 116 of the NPPF.

Conclusions and Reasons for Refusal

The proposed development would not constitute as an annexe, as there is no dwelling for the annexe to be ancillary to. The annexe would therefore form backland development of an additional dwelling without adequate accommodation within the rear garden of an existing dwelling which is contrary to Policy H9 of the Medway Local Plan 2003 and paragraph 135 of the National Planning Policy Framework 2024 and would not constitute as minor development contrary to Policy H11 of the Medway Local Plan 2003.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of Councillor Pearce.

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/>