

2.3 REFERENCE NO – 23/502412/FULL		
PROPOSAL Demolition of existing dwelling and erection of a replacement two storey dwelling.		
SITE LOCATION 6 Wallbridge Lane Upchurch Kent ME8 7XH		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Minor		
REASON FOR REFERRAL TO COMMITTEE Upchurch Parish Council objection		
CASE OFFICER Emily Clark		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Lee Antony Davis AGENT Architechnology.Design
DATE REGISTERED 30/05/23	TARGET DATE 18/09/23	
BACKGROUND PAPERS AND INFORMATION: https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RV1T2ETYG2A00		

1. SITE LOCATION AND DESCRIPTION

- 1.1 No. 6 Wallbridge Lane is a detached two-storey house located within the built up area boundary of Upchurch. The site is located within a consistent line of dwellings on the north side of Wallbridge Lane. The dwellings at Jubilee Fields bound the property to the north, and the Upchurch Golf Course is located on the southern side of the lane. The residential properties on either side and in the immediate vicinity of the dwelling house are detached but of different designs and ages.
- 1.2 The property benefits from a large-sized garden with a large detached outbuilding, housing a swimming pool and garage/store to the north east boundary. To the front lies a large driveway with in and out accesses and a section of front lawn.

2. PLANNING HISTORY

- 2.1 SW/12/1015 - Planning Permission granted on 17.09.2012 for “*Variation of condition (4) of planning permission SW/11/1150 to permit four mothers & babies (plus staff) at any one time instead of three*” (This permission was implemented but the building has since been converted back to a single residential unit).

- 2.2 SW/11/1150 - Planning Permission granted on 03.02.2012 for “*Change of use to a residential unit caring for young mothers – babies*” (This permission was implemented but the building has since been converted back to a single residential unit).
- 2.3 SW/07/0505 – Planning Permission granted on 27.06.2007 for “*First floor side extension.*”
- 2.4 SW/03/0456 – Planning Permission granted on 06.06.2003 for “*First floor side and rear extension and rear*”
- 2.5 SW/89/1699 – Planning Permission granted on 17.01.1990 for “*Construction of double garage*”
- 2.6 SW/80/1125 – Planning Permission granted on 04.12.1980 for “*Extensions and car port*”

3. **PROPOSED DEVELOPMENT**

- 3.1 This application seeks planning permission for the demolition of the existing dwelling and the erection of a replacement dwelling.
- 3.2 The main two storey core of the dwelling will have a maximum depth of 13.5m, the maximum width of 12.5m, an eaves height of 5.3m and a ridge height of 7.4m. A single storey rear projection is also incorporated and would be slightly wider than the main house. The external materials proposed include render, grey aluminium fenestration and a slate tile roof.
- 3.3 Amendments have been received over the course of the application, reducing the bulk and height of the proposed dwelling.

4. **CONSULTATION**

- 4.1 One round of consultation with neighbours has been undertaken, and notification letters were sent to immediately adjoining neighbouring occupiers. A site notice was also displayed at the site. The full representations are available to view online.
- 4.2 No responses have been received in relation to the consultation.
- 4.3 Upchurch Parish Council object to the application on the grounds that the exterior finish is not in keeping with the local colour palette.

REPRESENTATIONS

- 4.4 **SBC Environmental Health:** – No objection subject to a condition restricting hours of demolition and construction.

5. **DEVELOPMENT PLAN POLICIES**

- 5.1 **Bearing Fruits 2031: The Swale Borough Local Plan 2017**

- ST 1** (Delivering sustainable development)
- ST 3** (The Swale settlement strategy)
- CP 3** (Delivering a wide choice of high quality homes)
- CP 4** (Good design)
- DM 6** (Managing transport demand and impact)
- DM 7** (Vehicle parking)
- DM 14** (General development criteria)
- DM 19** (Sustainable design and construction)
- DM 21** (Water, flooding and drainage)
- DM 28** (Biodiversity and geological conservation)

5.2 **Supplementary Planning Guidance (SPG) / Supplementary Planning Document (SPD)**

Supplementary Planning Guidance – ‘Designing an Extension – A guide for Householders’

Supplementary Planning Document – ‘Swale Parking Standards’

6. **ASSESSMENT**

6.1 This application is reported to the Committee because a Parish Council has objected to the proposal. Considering these comments and the proposal that has been submitted, the committee is recommended to carefully consider the following main points:

- The Principle of Development
 - Character and Appearance
 - Living Conditions
 - Transport and Highways

Principle

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

6.3 The National Planning Policy Framework (NPPF) provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

6.4 Policy ST 3 of the Swale Local Plan 2017 supports the principle of development within the built-up area boundary of established towns and villages within the borough.

6.5 The application site is located within the built-up area boundary of Upchurch, and the development proposes the replacement of the existing dwelling on the site. The development of a replacement dwelling would be consistent with policies ST 1, ST 3 and

CP 3 of the Local Plan (2017) as adopted, subject to the considerations set out in further detail below.

Character and Appearance

- 6.6 The NPPF attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 6.7 The new dwelling would be greater in bulk and scale than the existing dwelling on the site. Amendments have been received over the course of the application, reducing the bulk and height of the proposed dwelling.
- 6.8 The existing streetscene on Wallbridge Lane comprises dwellings of varying size and form, and are generally of individual design with a variety of external finishes evident. The properties closer to the junction with Oak Lane follow a generally consistent building line. The proposed dwelling would follow this building line.
- 6.9 The proposed dwelling would have a lower ridge height than the existing dwelling by roughly 0.5m and would mirror the existing eaves height. The new dwelling would be greater in width and depth than the existing dwelling. However, a 2m gap to the boundary would be maintained at first floor level to each side boundary, which helps preserve a sense of space between dwellings. Given that the streetscene is varied in the scale and design of house types the proposed scale of the replacement dwelling would not be out of character or harmful.
- 6.10 It is proposed to finish the dwelling in render, with aluminium windows and a slate tile roof. There are a mixture of dwelling styles and a variety of materials along Wallbridge Lane (and Oak Lane nearby), with a number of rendered or painted finishes evident in the existing streetscene. Although the Parish Council's objection on the external finish is noted, given the variety of materials evident in the existing streetscene, the use of render is not considered to be out of character or harmful. A condition is included below to ensure the specific material finishes are submitted for approval.
- 6.11 Taking the above factors into account, the visual impact of the development is considered acceptable and in accordance with the Local Plan.

Living Conditions

Existing residents

- 6.12 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 6.13 The main properties which will be impacted by the development are those to either side of the site. No. 4 Wallbridge Avenue lies to the southeast and sits forward of the proposed dwelling. There is a gap of 7.5m maintained between the properties, and the eaves and ridge height would not exceed those on the existing dwelling. Due to these

factors, it is not envisaged that there will be any significantly harmful impacts to the living conditions of No 4.

- 6.14 To the northwest of the site lies no. 8 Wallbridge Avenue which is a semi-detached bungalow. There are no side windows facing onto the application site and a gap of 2.5m would be maintained between the properties. In addition, the closest part of the dwelling at No 8 is a large attached garage. Whilst the replacement dwelling would extend well beyond the rear elevation of this property, given the habitable area of No 8 is set well away from the site boundary, it is unlikely that there will be any significant harm to the living conditions of this property.
- 6.15 The projection past nos. 6 & 8 is not envisaged to result in harmful overbearing impacts due to the distances between the dwellings, the wide and deep garden area enjoyed by both neighbours and the majority of the rearwards projection being at single storey and contained between a 2m close boarded fencing and outbuilding to the southeast.
- 6.16 To the rear lies no. 5 Jubilee Fields which backs on to the development site. Given the significant garden depth of the site, the proposed development is unlikely to cause any harmful overlooking or other amenity impacts to this property.
- 6.17 There are windows proposed in the ground floor side elevations of the development, serving a gym, study, and utility room. These windows have not been shown as obscure glazed and would offer some views towards adjacent properties. However, it is important to note that there are existing ground floor windows in the side elevation of the existing dwelling in similar positions which serve a kitchen, bedroom, study and lounge. Taking this into account the windows in the replacement dwelling would not cause a level of overlooking beyond that already experienced from the existing windows in the dwelling. On this basis, it is not considered reasonable to impose a condition requiring any of these windows to be obscure glazed, as the development would not make this existing overlooking relationship worse and would cause no greater harm to the living conditions of Nos. 4 or 8.
- 6.18 The windows in the first-floor side elevations serve en-suites and given the elevated views that these windows could offer, it is considered appropriate to condition these particular windows to be obscure glazed. This is included as condition (8) below.
- 6.19 Taking the above factors into account, the impact on neighbouring properties is considered acceptable and in accordance with the Local Plan.

Future residents

- 6.20 New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 6.21 The property would meet the National Space Standards and all habitable rooms are served by windows which will provide adequate outlook, light and ventilation. On this

basis, the development will provide an acceptable standard of amenity for future occupiers.

Transport and Highways

6.22 The new dwelling will have four bedrooms. In line with the Councils' Parking Standards SPD, a four bedroom property in this location should provide two to three spaces. The driveway to the front of the dwelling is large and can easily accommodate the higher end of this provision, this is therefore in accordance with policies DM 7 and DM 14 of the Local Plan.

7. CONCLUSION

7.1 On the basis of the above, the scheme is considered to be in compliance with policies CP 4, DM 7, DM 14 and DM 16 of the Local Plan. As such, it is recommended that planning permission be granted.

8. CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 01 Site Location, Block Plans and Photos; 02 Existing and Proposed Elevations; 02.1 Existing and Proposed Floor and Roof Plans; 03 Basic 3D Examples; 04 Existing and Proposed Streetscenes.

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

- (3) The dwelling hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development.

- (4) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning

Authority, and the development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- (5) The area shown on approved plan numbered 01 as vehicle parking shall be retained for the use of the occupiers of, and visitors to, the dwelling, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of 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 parking inconvenient to other road users and be detrimental to highway safety and amenity.

- (6) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1800 hours, Saturdays 0800 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (7) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwelling shall not be occupied unless the notice for the dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- (8) Before the development hereby permitted is first occupied, the window openings on the east and west facing first floor side elevations serving en suite bathrooms shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3 and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such in perpetuity. No further windows or openings shall be installed in the side elevations or roof slopes of the dwelling.

Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.

- (9) Upon completion, no further extensions, whether permitted by Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of neighbouring properties.

- (10) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting

species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (11) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (12) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

