

**PLANNING COMMITTEE – 13 OCTOBER 2016**

**PART 2**

Report of the Head of Planning

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 16/505980/FULL</b>			
<b>APPLICATION PROPOSAL</b> Proposed conversion of detached double garage block to annexe with 2 No front pitched roof dormer windows and 3 No Velux windows to rear. (Resubmission of 16/503457/FULL) as amended by drawings received on 22 September 2016.			
<b>ADDRESS</b> Dornywood 6 Morgan Kirbys Garden Sheldwich Kent ME13 0LG			
<b>RECOMMENDATION</b> Approve SUBJECT TO: Any outstanding representations (Consultation period ends 12 October 2016)			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The development complies with the necessary policies within the Swale Borough Local Plan 2008 and Supplementary Planning Guidance			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Member request			
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN COUNCIL</b> Sheldwich, Badlesmere And Leaveland	<b>APPLICANT</b> Mr David Morgan <b>AGENT</b> Essan-K Planning Ltd	
<b>DECISION DUE DATE</b> 26/09/16	<b>PUBLICITY EXPIRY DATE</b> 12/10/16		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/503457/FULL	Proposed conversion of detached garage block to annexe with front dormer window and 3 No Velux windows to rear	Withdrawn	22.06.2016

**1.0 DESCRIPTION OF SITE**

- 1.01 6 Morgan Kirby Gardens is a large, traditionally designed modern detached house located on a sizeable plot in a cul-de-sac within the Sheldwich conservation area and the Kent Downs Area of Outstanding Natural Beauty.
- 1.02 The detached double garage that forms part of this application is situated in the far front corner of the plot with the side elevation facing the host property. Another existing double garage on the site would remain for parking purposes and there is ample parking on the drive for approximately five cars.

**2.0 PROPOSAL**

- 2.01 The application seeks permission to convert the current detached double garage to a one bedroom annexe with living area. As submitted the proposal involved the insertion of two large dormer windows on the front roofslope, three obscure glazed rooflights on the rear roofslope, a new side window, and replacing both pairs of garage doors with glazing and timber panels.
- 2.02 Amended drawings were received on 22 September showing the following changes:
- The garage doors now would be infilled using full height glazing, with an entrance door to the side elevation facing the main property.
  - The annexe would comprise of a downstairs living area, with bedroom and shower room upstairs. The proposed annexe would not have a kitchen area and the occupants of the annexe would be reliant on the host property for any purposes that require a kitchen.
  - The rooflights have been amended to conservation rooflights as per the request of the Council and the dormer windows have been brought down in size and height within the roofslope, so they would be below the ridgeline as per the Council’s SPG regarding alterations.
- 2.03 The Parish Council and contributors were re-consulted on these amended plans on 28 September for 14 days, with the consultation period ending on 12 October. Members will be updated at the meeting on any outstanding representations received.

### **3.0 PLANNING CONSTRAINTS**

Area of Outstanding Natural Beauty KENT DOWNS

Potential Archaeological Importance

Conservation Area Sheldwich

### **4.0 POLICY AND OTHER CONSIDERATIONS**

Development Plan – The Swale Borough Local Plan 2008

E1 (General Development Criteria)

E6 (Countryside)

E9 (Protecting the Quality and Character of the Borough’s Landscape)

E15 (Conservation Areas)

E19 (Achieving High Quality Design and Distinctiveness)

E24 (Alterations and Extensions)

RC4 (Replacement of and extensions to dwellings in the rural area)

Emerging Local Plan – Bearing Fruits 2031

DM33 (Development affecting conservation areas)

Supplementary Planning Guidance:

‘Designing an Extension – A Guide for Householders’

‘Conservation Areas’

### **5.0 LOCAL REPRESENTATIONS**

5.01 One letter of objection with photographs has been received from a neighbour concerned about the following summarised points:

- Overlooking from first floor windows looking into their lounge
- Loss of privacy
- Visual impact from the unattractive design and cutting back of a tree that overhangs the garage
- Use of aluminium glazing not in keeping with the area
- Impact on the conservation area and AONB
- Light disturbance
- Cumulative extension bearing in mind that this property has already had an additional double garage and a conservatory added to it.
- Potential use of the annexe, whether for carer or family use, the property already has five bedrooms and the need is doubtful
- Misleading photographs submitted with the application giving a bad impression of the current appearance of the garage

5.02 One further letter was received from a neighbour neither objecting nor supporting the proposal, but which raised the following concerns:

- My property is low lying and would be overlooked by the rooflights to the rear
- The rooflights would detract from the charm of our listed building
- Request that the rooflights be removed from the application or opaque glass used

5.03 This application has been referred to the Planning Committee at the request of Councillor Andrew Bowles.

## 6.0 CONSULTATIONS

6.01 Sheldwich, Badlesmere and Leaveland Parish Council raises objection stating:

*“Parish Council have not altered their objections to this application following the re submission. The 2 dormer windows are too big and clumsy for the small roof and the infill to the garage doors is awkward and unpleasant. The proposal still overlooks the neighbouring properties and this proposal would seriously detract from the pleasant character of the neighbourhood.”*

## 7.0 BACKGROUND PAPERS AND PLANS

7.01 All plans and documentation relating to 16/505980/FULL

## 8.0 APPRAISAL

8.01 With reference to the objections from the neighbour with regards to overlooking, the minimum distance expected window to window is 21m and the location of the windows of the annexe to this neighbour are far in excess of this distance. In fact the distance from the proposed dormers to the front of the house they mostly closely face would be in excess of 40m. Due to this distance I do not believe that there will be any real loss of privacy or overlooking.

8.02 With regards to the design of the garage infill, amendments have been made to move the door to the side elevation and to infill the garage doors with full height glazing

giving symmetry to the front elevation. The other letter received raised concerns over the rooflights that form part of the application; again these have been amended to flush fitting conservation rooflights and are obscure glazed.

- 8.03 The principle of the garage conversion is acceptable with existing ample parking on the drive way and another double garage on the site that is to be retained for parking. The annexe would not have any kitchen facilities and would share the gas, water and electricity supply of the host property.
- 8.04 I consider the key issues in this case to be whether the proposal meets the aims and objectives of saved policy E15 of the Swale Borough Local Plan 2008 in preventing development that fails to preserve or enhance the special character and appearance of the conservation area. It is also the statutory duty of the Council to consider whether the special character and appearance of the conservation area is preserved or enhanced which accords with policy DM33 of the emerging local plan Bearing Fruits 2031. In my opinion, the proposal would sit comfortably within the surroundings and would cause no demonstrable harm to the surrounding area.
- 8.05 The dormer windows are of a pitched roof design that complies with the Council's Supplementary Planning Guidance 'Designing an Extension – A Guide for Householders' and would fit comfortably in to the street scene where other pitched roof dormer windows are evident.
- 8.06 The amended drawings showing full height glazing to the front elevation, and an entrance door to the side elevation which would be less intrusive and create more symmetry to the design of the front elevation. This in my opinion would not have an adverse effect on the conservation area or on the Area of Outstanding Natural Beauty.

## 9.0 CONCLUSION

- 9.01 The proposal meets the requirements set out within the Swale Borough Local Plan 2008 and Supplementary Planning Guidance. Whilst I note the objections received, I do not believe these to be a reason for refusal. I therefore recommend that permission be granted.

- 10.0 **RECOMMENDATION** – GRANT Subject to any outstanding representations and the following conditions:

### 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) Prior to the commencement of development, samples of the external finishing and materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and works shall be implemented in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area and to ensure that these details are approved before works commence.

- (3) All new windows and doors shall be constructed in timber and detailed drawings at a suggested scale of 1:5 of all new external joinery work and fittings together with sections through glazing bars, frames and mouldings shall be submitted to and approved by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area and to ensure that these details are approved before works commence.

- (4) The accommodation hereby permitted shall be used only for purposes ancillary to the use of the host property, and not as a separate or self-contained dwellinghouse.

Reason: In the interests of the amenities of the area.

**Council’s approach to this application:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.