

2.3 REFERENCE NO - 19/500219/FULL		
APPLICATION PROPOSAL Erection of detached workshop garage with self contained annexe above and associated drive to facilitate the care of elderly parent.(Revision of 18/505632/FULL)		
ADDRESS 20 Hustlings Drive Eastchurch Sheerness Kent ME12 4JX		
RECOMMENDATION - Approve		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mr Dennis Kavanagh AGENT CB Planning
DECISION DUE DATE 13/03/19		PUBLICITY EXPIRY DATE 08/02/19

Planning History

18/505632/FULL

Erection of a detached workshop garage with self-contained annexe above for disabled and elderly parent and associated drive.

Refused Decision Date: 21.12.2018

1. DESCRIPTION OF SITE

- 1.1 20 Hustlings Drive is a large modern traditionally designed two storey detached property located on a prominent corner plot. There is an attached double garage to the north east of the property accessed from Carey Close, with hardstanding to the front of the garage for the parking of two cars, and private amenity space to the rear of the dwelling.
- 1.2 The application site is situated within the built up area boundary of Eastchurch and is situated on a housing development characterised by detached properties of a similar scale but with varying designs.

2. PROPOSAL

- 2.1 This application seeks planning permission for the erection of a detached double garage with a single open plan living space and small shower room in the roof space accessed via an internal staircase leading up from within the garage. The structure will be located to the west of the main dwelling, and will follow the same orientation of the house. It will have a width of 6.4m and a length of 7m. The eaves height will be 3.8m high and the ridge height will be 6.2m. Materials would match those used on the main house, brick and tiles. The building will have a pitched roof with three rooflights situated in it, a large garage door and a Juliet balcony on the front elevation, and two windows on the rear elevation – one at the top of the staircase and one at the rear of the garage at ground floor level. A block paved drive will be provided to the front of the garage which will provide parking for two vehicles.

- 2.2 The application form indicates the upstairs accommodation is required for a disabled relative, and the drawings indicate installation of a stairlift to provide access.
- 2.3 I note this application is a re-submission following the refusal of a similar but far larger scheme under 18/505631/FULL. The previous application was refused for the following reasons:
- (1) *The proposed development by virtue of its scale, design and location would result in a poorly designed building which would be harmful to the character of the existing dwelling and the visual amenities of the surrounding area. As such the proposal is contrary to policies DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and to the Council's SPG Designing an Extension - A Guide for Householders.*
 - (2) *The proposed annexe by virtue of its scale and the self-contained nature will amount to the creation of a separate dwelling, capable of independent occupation from the main dwelling. The development would therefore be harmful to the amenities of the area and be contrary to policies, DM14 and DM16 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017.*
 - (3) *The rear windows in the first floor of the annexe, by virtue of the siting and orientation of the proposal, would give rise to significant harmful levels of overlooking and loss of privacy to number 22 Hustlings Drive in a manner detrimental to the residential amenities of that property. The proposal would therefore be contrary to policies DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.*
- 2.4 This application reduces the footprint and height of the proposal and improves the design by using hanging tiles similar to those on the existing house.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Policies CP4, DM14 and DM16 of 'Bearing Fruits 2031: The Swale Borough Local Plan 2017'
- 4.3 Supplementary Planning Guidance (SPG): 'Designing an Extension: A Guide for Householders'

5. LOCAL REPRESENTATIONS

- 5.1 Ten objections have been received from ten neighbouring properties. Their contents are summarised below:
- Development would set a dangerous precedent for additional buildings to be constructed in the future.
 - Proposal is for a separate dwelling.
 - Our development is residential and always should be.
 - Building will block light to our garden and we would be overlooked, affecting our privacy.

- This property has 4/5 bedrooms and additional people on site will increase the amount of vehicles parked at the property, which is a total of 6 currently.
- Don't see the need for a 2nd double garage unless it is used for commercial practices, which may create noise and disturbance.
- Don't object to anyone applying for extensions but they need to be done tastefully and in keeping with the local surroundings and streetscene.
- The proposal does not adhere to the covenants which state that the garage will only be used to store cars, motorcycles, bicycles and horticultural equipment, preventing more than one dwelling on a plot and having more than one access onto the highway.
- If the applicant needs accommodation for an elderly relative why not apply to build over the existing garage in the way other residents have done successfully without increasing the footprint of the property.
- Previous owners converted living space in the main house into a self contained bedroom with washing facilities and separate study so unsure why this development is required.

6. CONSULTATIONS

6.1 Eastchurch Parish Council objects to the application and makes the following points:

- Members are still concerned at the creation of a separate dwelling.
- It is unsuitable for upstairs accommodation for an elderly resident.
- There is a second driveway on the application leading on to a different road which would significantly alter the street scene and would cause demonstrable harm.

6.2 Natural England – Refer to their standing advice.

6.3 The County Archaeological Officer – No response. However comments were provided on the previous application stating no archaeological measures would be required. Taking into account the development proposed here is similar to the previous application; I consider these comments remain relevant here.

6.4 Kent Highways and Transportation – The proposal does not meet the criteria to warrant involvement from the Highways Authority.

7. BACKGROUND PAPERS AND PLANS

7.1 Application papers and drawings referring to application 19/500219/FULL and 18/505632/FULL.

8. APPRAISAL

Principle of Development

8.1 The application site is within the built up area boundary of Eastchurch where the principle of development is accepted. The main considerations in this case concern the impact to visual and residential amenity and the use of the roof space of the proposed garage as an annexe.

Visual Impact

8.2 One of the reasons for refusal on the previous application was the poor design of the development. This application reduces the ridge height of the structure by 1.6m to 6.2m in height and the eaves are reduced by 1m to 3.8m in height. Previously, a footprint of 8m x 7.5m was proposed and this application reduces the footprint to 7m x 6.4m. The design to the front elevation of the garage has been improved by the addition of a Juliet

balcony and hanging tiles that match the design of the main dwelling at the site. Taking into account these changes, I consider the proposal would appear subservient to the main dwelling and would not cause significant harm to the character and appearance of the streetscene. I also note the new driveway will be laid with block paving, which is an appropriate material to use given the presence of block paving at all surrounding driveways. The Parish Council raise concern about the impact this new driveway will have upon the streetscene. The existing driveway at the property is accessed via Carey Close and the proposed driveway will be accessed from Hustlings Drive. The properties opposite the site on Hustlings Drive have driveways similar to the one proposed here and as such, I believe the driveway will not appear out of place.

Residential Amenity

- 8.3 The proposed building will be located between 2m – 6m from the common boundary with No. 22. The main dwelling at No. 22 is located a further 4m from the common boundary. Taking into account this separation distance, there will be no significant harmful impact on the adjacent dwelling or its garden in terms of an overshadowing or an overbearing effect in my view. I do consider that the proposed first floor window serving the annexe could result in potential overlooking of the private amenity space at No. 22. The rear elevation of the proposal would be located 1.7m from the boundary and due to its position on the plot, would be angled towards rear garden at No. 22. However as the annexe is open plan and is also served by the Juliet balcony in the front elevation, I consider this window could be obscure-glazed to prevent any harmful overlooking at this neighbouring property and as such I impose condition (4) below. This would overcome the third reason for refusal on the previous application at the site.
- 8.4 Taking into account the location of the building, I do not consider any other properties will be significantly impacted by the proposal.

Use as an Annexe

- 8.5 The annexe provides an open plan living and sleeping area with a kitchenette and bathroom on the first floor. Under the previous application, the Council believed that due to the scale of annexe, it could easily be used as a separate residence. The habitable floor space of the annexe proposed previously was 38.9m². This application reduces the habitable floor space of the annexe to 23.9m², by virtue of the reduced footprint of the structure and the annexe being situated in the roof of the garage, which reduces the ceiling height resulting in less usable space being provided. Taking the above into account, due to the scale of the annexe, I consider the development would constitute an annexe dependant or ancillary to the main house and due to the scale of the development, it cannot be used as a separate dwelling in its own right. I recommend imposing condition (5) below which restricts the use of the building to purposes ancillary and/or incidental to the use of the dwelling.

Parking

- 8.6 The proposed garage measures 5.7m in width x 6.6m in length and it is also to be used as a workshop which would be ancillary to the main dwelling and is therefore acceptable. I recommend imposing condition (5) below to ensure the garage remains in use for ancillary uses. I note objectors concern about the use of the garage for commercial uses; however this would require planning permission and the agent has also confirmed that the garage will not be used for commercial purposes.

Other Matters

- 8.7 A silver birch tree is currently situated where the proposed driveway will be and the drawings indicate this tree will be replaced to an alternative location. I recommend including condition (6) below ensuring this replacement tree is planted.
- 8.8 I consider the above addresses some of the objectors' concerns, however I will comment on the remaining points raised here. The covenants placed on the property are not considered planning matters and therefore cannot be taken into account. The accommodation provided within the existing dwelling is not relevant as I consider the proposal is acceptable and the number of cars parked at the property currently is also not relevant.

9. CONCLUSION

- 9.1 On the basis of the above, I believe this application overcomes the reasons for refusal on the previous application. It will not cause significant harm to the character and appearance of the area and will not give rise to harmful impacts to residential amenity. I consider the level of accommodation proposed in the annexe will represent an annexe dependant on the main dwelling at the site. As such, I recommend this application is approved.

10. RECOMMENDATION – GRANT Subject to 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) The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

- (3) The development hereby approved shall be carried out in accordance with the following approved drawings: CB-002 Rev 01, CB-003, CB-004, CB-005 and CB-006.

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

- (4) Before the building hereby permitted is first occupied, the window in the first floor rear elevation of the garage shall be obscure glazed, and it shall subsequently be maintained as such at all times.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- (5) The building hereby permitted shall not be used at any time other than for purposes ancillary and/or incidental to the residential use of the dwelling known as 20 Hustlings Drive.

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

- (6) The replacement tree shown on drawing no. CB-002 Rev 01 shall be planted within 12 months of the completion of the development. If the tree is removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with a tree 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.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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.

