

2.3 REFERENCE NO - 19/502141/FULL		
APPLICATION PROPOSAL Erection of garage with self contained annexe above and associated drive to facilitate the care of elderly parent. (Resubmission to 19/500219/FULL)		
ADDRESS 20 Hustlings Drive Eastchurch Sheerness Kent ME12 4JX		
RECOMMENDATION Approve		
SUMMARY OF REASONS FOR RECOMMENDATION Proposed development would not give rise to unacceptable harm to residential or visual amenities, and constitutes an annexe reliant on the main dwelling.		
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 25/06/19		PUBLICITY EXPIRY DATE 24/05/19

Planning History

19/500219/FULL

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)

Refused Decision Date: 11.04.2019 Appeal in progress

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 two storey side extension which will provide a double garage at ground floor, with a single open plan living space, small kitchenette and shower room in the roof space accessed via an internal staircase leading up from the rear of the property. The structure will be attached to the western side of the main dwelling, with a door provided between the ground floor bedroom in the main dwelling and the stairwell to the annexe. The extension will have a width of 7m and a length of 7m. The eaves height will be 3.9m 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 in the rear roof slope, a large garage door and a Juliet balcony on the front elevation, and two doors on the rear elevation – one providing access to the garage and the other providing access to the stairwell. 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 This is the third application that has been submitted at the site relating to a garage with annexe accommodation above. The first application (ref. 18/505632/FULL) was refused under delegated powers due to its design, unacceptable overlooking impact and the fact it was capable of being occupied as a separate dwelling.
- 2.4 Some members may recall the most recent application for a detached garage at the property, with annexe accommodation in the roof space (ref. 19/500219/FULL) was refused at planning committee on 4th April 2019. The application was similar to what is proposed here, however the structure was not attached to the main dwelling at the site. Officers believed the proposal was acceptable with regards to its impact to residential and visual amenity, and constituted an annexe dependent on the main dwelling, and therefore recommended the application was approved. However it was reported to planning committee as a result of Eastchurch Parish Council objecting to the application. At the 7th March 2019 planning committee, Members deferred the application to a site visit, and at the next committee, the application was refused by Members 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 reduce the visual gap between No. 20 and No. 22 Hustlings Drive, causing harm to the character of the existing dwelling and the visual amenities of the surrounding streetscene. 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.

- 2.5 The applicants have appealed this decision and the appeal is currently in progress. This application attempts to overcome the reasons for refusal on the previous application by attaching the structure to the main dwelling so that it is an extension to the existing property rather than a detached building.

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 Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies CP4, DM14 and DM16.
- 4.3 Supplementary Planning Guidance (SPG): 'Designing an Extension: A Guide for Householders'

5. LOCAL REPRESENTATIONS

5.1 Two objections have been received from neighbouring properties. Their contents are summarised below:

- The proposal still results in a new footprint even though the garage will be attached to the main property
- Proposed extension is overwhelming in size in relation to the plot
- It is not in keeping with the streetscene, out of character and unsightly, in particular the rear elevation.
- Having two double garages and two double driveways with access to different streets either side of the property would give the appearance of a pair of semi-detached houses, therefore, not in keeping with other properties of this style on the development
- In breach of the covenant states no separate dwellings can be created
- It would be more in keeping to build above the existing double garage to provide an annexe
- This proposal will set a precedent for this executive development to become a free for all

6. CONSULTATIONS

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

- There is concern that some of the details on the application form were incorrect - Q16 - The applicant has said there is no gain of residential dwelling units. This application is for a self contained annexe - Q17 - The applicant has said there is no gain for non-residential floor space. The application contains a ground floor garage.
- Members were concerned that this would be a significant extension to the frontage of the property with an additional separate driveway to a different road. This would be an over-intensification of the frontage and would cause demonstrable harm to the street scene and residential amenity.

6.2 Natural England raises the issue of new residential development resulting in additional recreational disturbance on the Swale SPA, but as this application is for an attached annexe I do not believe that this question arises.

6.3 Kent Highways and Transportation say that the proposal does not meet the criteria to warrant involvement from the Highways Authority.

6.4 County Archaeological Officer; No archaeological measures are required in connection with the proposal.

7. BACKGROUND PAPERS AND PLANS

7.1 Application papers and drawings referring to application 19/502141/FULL, 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 proposes an extension to the property, rather than a separate building as was proposed under the two previous applications at the site. The extension will be set back slightly from the front elevation of the dwelling, and the ridge height will be lower than the main roof on the property to ensure the extension appears subservient. Due to the large scale of the existing property and the large plot, I consider the extension would not appear out of place or harm the character or appearance of the area.
- 8.3 Hanging tiles and matching brickwork will be used on the extension and 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 raises 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

- 8.4 The proposed building will be located between 4.2m – 7m from the common boundary with No. 22 Hustlings Drive. 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 significantly harmful impact on the adjacent dwelling or its garden in terms of an overshadowing or an overbearing effect in my view. The only windows in the rear elevation will be roof lights in the rear roof slope, and I do not consider these windows will give rise to any unacceptable overlooking impact.
- 8.5 Taking into account the location of the extension, I do not consider any other properties will be significantly impacted by the proposal.

Use as an Annexe

- 8.6 The annexe provides an open plan living and sleeping area with a kitchenette and bathroom on the first floor. Under the previous application, the second reason for refusal related to the structure being capable of being used as a separate residence. The floor space of the annexe proposed here is similar to the previous application, but the relationship between the annexe and the main dwelling is much more dependant due to the fact the structure is now an extension to the property, and internal access is provided between the extension and the main dwelling. Taking the above into account, and due to the scale of the annexe, I consider the development would constitute an annexe dependant or ancillary to the main house, but I recommend imposing condition (4) below which restricts the use of the building to purposes ancillary and/or incidental to the use of the dwelling, ensuring it can't be used as a separate dwelling.

Parking

- 8.7 The proposed garage measures 6.7m in width x 6.3m in length and it is to be used to store the applicant's private vehicles. I recommend imposing condition (4) below to ensure the garage remains in use for ancillary uses. I note the Parish Council's 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

- 8.8 I consider the above addresses some of the objectors' concerns, and 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. I also note the

Parish Council has raised concerns about the application form being incorrect, however, this development does not propose a new residential unit or any commercial space; all the development will be ancillary to the main dwelling, and therefore the application form is correct.

9. CONCLUSION

9.1 On the basis of the above, I consider this application 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 extension will represent an annexe dependant on the main dwelling at the site. As such, I recommend that 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 extension 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-007, CB-008, CB-009, CB-010, CB-0011, CB-0012 and CB-0013.

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

(4) 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.

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.

