

2.6 REFERENCE NO - 21/502153/FULL		
APPLICATION PROPOSAL Conversion of garage into a habitable space.		
ADDRESS 24 Provender Walk Belvedere Road Faversham Kent ME13 7NF		
RECOMMENDATION – Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Town Council objection		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Jenny Golden AGENT Michael Miller
DECISION DUE DATE 02/07/21	PUBLICITY EXPIRY DATE 10/06/21	

Planning History

SW/07/0529

Lawful Development Certificate for extended balconies to 24, 25, 25 & 28. New balconies to 23 & 27. (Proposed)

Certificate Issued Decision Date: 06.07.2007

SW/96/0417

Erection of 29 houses, with Creekside moorings, and improvement of Belvedere Road

Refused Decision Date: 06.11.1996

Appeal allowed Decision Date: 08.05.1997

Relevant Planning History for nearby sites in Provender Walk**At 27 Provender Walk**

SW/13/0508

Conversion of integral garage to extend kitchen and create play area with new bi-folding doors

Approved Decision Date: 09.07.2013

At 10 Provender Walk

SW/03/0812

Construction of basement to existing property.

Refused Decision Date: 21.08.2003

1. DESCRIPTION OF SITE

- 1.1 No. 24 Provender Walk is a modern three storey mid-terraced townhouse with an integral garage. The property is one of a row of eight houses which form part of a modern development approved on appeal in 1997 following refusal of application reference SW/96/417. The site lies in a prominent Creekside location within the Faversham conservation area and the Faversham Creek Neighbourhood Plan area. The site is liable to flooding and Condition 16 of the original appeal decision stated:

“No development shall take place until details of the proposed ground floor levels of the house have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.”

The ground floor levels were approved by the Council in April 2000. That condition however did not restrict the ground floors being used as living accommodation.

- 1.2 The property is also subject to an Article 4(2) Direction dated May 2007 which withdraws certain permitted development rights. However, the Article 4(2) Direction was issued 10 days after an LDC (SW/07/0529) was granted for front balconies to the row of these houses. This means that external car parking is now largely covered and less prominent than before. The existing drawing also shows that the first and second floor windows of the house have been replaced since the Article 4(2) Direction was issued but there is no record of planning permission being granted for these replacement windows. However, they are not subject of this planning application being considered here and can be dealt with separately.
- 1.3 It is worth noting that the original scheme for this housing on the creek frontage here was negotiated by Officers to include open space and public car parking areas to enable better access to and enjoyment of the creek. However, Members’ refusal of the application led to the development being approved on appeal without any legal agreement to secure public access to these “public” parking areas. These parking areas have been built and are now available to the residents only, meaning that the properties enjoy unusually generous parking options.
- 1.4 In 2003, a nearby property at 10 Provender Walk was refused permission for the creation of a basement below existing ground floor level on flood risk grounds (SW/03/0812). This is different from the current case as it introduced significant vulnerability to the property.
- 1.5 A property in the same terrace at 27 Provender Walk has since been granted planning permission (SW/13/0508) for a garage conversion where extending the living accommodation did not pose a significant flood risk, and where adequate alternative parking provision was also available.

2. PROPOSAL

- 2.1 The current application seeks planning permission for conversion of an integral garage to a library and store. The existing garage is already being used partly as a store and the applicant wishes to use the remaining space as a habitable room. The finished floor level will be set at the same level as the existing finished floor levels, and the solid garage door will be replaced with fully glazed aluminium coated bi-fold doors to match existing windows.
- 2.2 The application is accompanied by a Heritage Statement and a Flood Risk Assessment from which I draw the following summarised key points:
- 2.3 Heritage Statement

“The proposal is only to remove the existing aluminium coated garage up and over door and replace with an aluminium coated dg window unit of the same material and colour to match the existing house.

There are no other changes whatsoever.

We have made every effort to match the existing building materials being a new house and is a replica of that approved by Swale BC at number 27.”

2.4 Flood Risk Assessment (FRA)

“Ambiental data indicates that the property is in an area with a moderate risk of groundwater flooding. Should a 1 in 100-year groundwater flood event occur, groundwater levels may affect basement areas. Properties without basements are not considered to be at risk from this level of groundwater flooding.”

3. PLANNING CONSTRAINTS

3.1 Potential Archaeological Importance

Article 4 Swale Article 4 directive

Conservation Area Faversham

Environment Agency Flood Zone 3 135664

4. POLICY AND CONSIDERATIONS

4.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies NP1 Faversham Creek Neighbourhood Plan; DM7 (Vehicle Parking); DM14 (General development criteria); DM16 (Alterations and extensions); DM21 (Water, flooding and drainage) and DM33 Development affecting a conservation area.

4.2 Faversham Creek Neighbourhood Plan policies FL1, HE1, HE2, and HE3. Policy FL1 of Faversham Creek Neighbourhood Plan states

Within previously developed areas of the 1:20 year flood zone of Faversham creek, Flood Zone 3a (i) all development proposals shall be accompanied by a detailed flood risk assessment (FRA) which demonstrates:

- *More vulnerable uses, such as residential development, are not located on the ground floor (garages would be acceptable subject to there being no detrimental impact on the street scene and public realm).*
- *The upper floors are designed to be safe and that there is a safe access and egress in accordance with the National Planning Policy Guidance.*

4.3 Supplementary Planning Guidance (SPG): “Parking Standards” (May 2020) was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications. Paragraph 56 of the SPG states that:

“In areas without on-street controls, many residents do not use garages for parking, even if they have to park on-street as a result. This is often the case in suburban and

rural locations and therefore garages are unlikely to be counted as part of the parking provision in these locations.”

- 4.4 Supplementary Planning Guidance (SPG): “Designing an Extension – A Guide for Householders”. With regards to car parking, the guidance states that:

“Extensions or conversion of garages to extra accommodation, which reduce available parking space and increase parking on roads is not likely to be acceptable. Nor is the provision of all car parking in the front garden a suitable alternative as the position is unlikely to be suitable for a garage and will create a poor appearance in the streetscene.”

5. LOCAL REPRESENTATIONS

- 5.1 No local representations received. A site notice was displayed and has since expired.

6. CONSULTATIONS

- 6.1 Faversham Town Council objects to the application for the following reason:

1) *These properties were designed without habitable space on the ground floor as they are in flood zone. This should be adhered to. The development of the ground floor could make the properties unmortgageable in the future.*

7. BACKGROUND PAPERS AND PLANS

- 7.1 Application papers and drawings referring to application reference 20/502153/FULL.

8. APPRAISAL

- 8.1 Provender Walk is located within a high flood risk area. Policy FL1 of the Faversham Creek Neighbourhood Plan requires all proposals to be accompanied by a detailed FRA. The Environment Agency’s Standing Advice forms the basis for the FRA for developments of this type. The finished floor levels within the garage conversion will be no lower than the finished floor level of the existing levels and as such complies with that guidance. I acknowledge the Town Council’s concerns that the proposed garage conversion might make the property unmortgageable but the ground floor levels have been approved by the Council without any restriction on its use as habitable space.
- 8.2 I therefore consider the key issues in this case concern the impact that the loss of the garage as a parking space would have upon the character and appearance of the property itself, and the design and impact on the special character and appearance of the conservation area.
- 8.3 Here I am mindful both of the guidance in our SPG but also of the small, hard surfaced and sheltered nature of the existing parking provision which means little harm can arise to the property’s frontage as a result of the loss of the garage. The excess of off-street car parking available to these residents due to their ownership of the originally designed “public” parking spaces at either end of the terrace means that the loss of one of the garages here in this particular circumstance, or potentially across the whole of the terrace, will not create unsightly or inconvenient parking in a manner harmful to the amenities or character of the area.

8.4 Members will note that the Council has already approved a similar garage conversion at No. 27. As such, I see approval of the application as consistent with the Council's careful approach to this issue, but I see no prospect of the Council being able to defend a refusal of this application at appeal.

8.5 The garage conversion introduces aluminium bi-fold doors facing the waterway in place of the existing garage door. The approved scheme at No.27 gave permission for the replacement door to be made of either timber or metal. I therefore consider it acceptable to allow metal bi-fold doors here.

9. CONCLUSION

9.1 This application for conversion of the garage to a habitable room is considered acceptable and I therefore recommend that planning permission be granted. I do not consider that there are grounds to refuse this application and the Council's approval for a similar scheme on the house in the same terrace would make any refusal of permission here difficult to defend.

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 ground floor level of the accommodation hereby permitted shall not be lower than the level of the ground floor level of the existing property.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.

INFORMATIVE

- (1) The house is subject to an Article 4(2) Direction which removes normal rights for alterations to front elevations, amongst other things, which includes changes to fenestration, meaning that replacement front windows require planning permission. The existing and proposed front elevation drawings show that the first and second floor

windows have been replaced since the Article 4(2) Direction was issued. It should be noted that approval of planning permission 20/502153/FULL does not grant approval for these replacement windows. The applicant is advised to contact the Council urgently to discuss this matter further.

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.

