

<b>2.5 REFERENCE NO - 21/506357/FULL</b>		
<b>APPLICATION PROPOSAL</b> Proposed 1 year temporary permission for 2no. detached garages for use as residential accommodation during the construction of 2no. new dwellings, previously approved under application 20/505179/FULL.		
<b>ADDRESS</b> 116 Oak Lane Upchurch Kent ME9 7AY		
<b>RECOMMENDATION</b> Grant subject to conditions		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council Objection		
<b>WARD</b> Hartlip, Newington And Upchurch	<b>PARISH/TOWN COUNCIL</b> Upchurch	<b>APPLICANT</b> Mr T Tobutt & Mr K Moriarty <b>AGENT</b> Woodstock Associates
<b>DECISION DUE DATE</b> 26/01/22	<b>PUBLICITY EXPIRY DATE</b> 06/01/22	

**Planning History**

20/505179/FULL

Demolition of existing bungalow and construction of 2no. detached houses with detached garages and associated parking.

Approved Decision Date: 02.02.2021

20/501701/FULL

Minor material amendment to 16/506986/FULL (Demolition of no. 116 Oak Lane and construction of 2 no. three bedroom houses and 1 no. four bedroom with associated garages and parking.) to allow amendments to the proposed road widening and traffic calming measures.

Refused Decision Date: 26.10.2020

19/505292/FULL

Chalet Bungalow new rear extension to enlarge existing living room with new bedroom created (bedroom 3) within the roof structure, new front porch and detached garage. (Resubmission to 19/503318/FULL)

Approved Decision Date: 10.01.2020

19/503318/FULL

Chalet Bungalow new rear extension to enlarge existing living room with new bedroom (bedroom 2) within the roof structure, redesigned front roof structure with Dormer to allow the creation of new Bathroom/En-suite in bedroom 1 and new bedroom (Bedroom 4) with detached garage.

Refused Decision Date: 27.09.2019

16/506986/FULL

Demolition of no. 116 Oak Lane and construction of 2 no. three bedroom houses and 1 no. four bedroom with associated garages and parking.

Approved Decision Date: 22.11.2017

16/504900/FULL

Demolition of no. 116 Oak Lane, construction of 3 four-bedroom houses - one detached and a pair of semi-detached with integral garages.

Withdrawn Decision Date: 16.08.2016

## **1. DESCRIPTION OF SITE**

1.1 The site previously comprised a small chalet bungalow situated on a corner plot bordered by Oak Lane and Wallbridge Lane, within the built-up area boundary of Upchurch. This bungalow has since been demolished and two dwellings are under construction in accordance with planning permission 20/505179/FULL. The scheme includes two detached garages which have already been constructed as part of the development.

1.2 The streetscene is characterised by residential dwellings of a mixed size and scale. Oak Lane primarily consists of pairs of semi-detached dwellings with some terrace dwellings and detached to the north of the site whereas Wallbridge Lane comprises of predominantly detached dwellings.

## **2. PROPOSAL**

2.1 This application seeks a 1-year temporary planning permission for the use of the recently constructed detached garages as residential accommodation during the construction phase of the 2no. new dwellings approved under application 20/505179/FULL. The garages are to be occupied by the owners of each new dwelling under construction, which are self-build developments.

2.2 The external appearance of the garages would remain as approved under application 20/505179/FULL but internally the garage on Plot B would provide a bedroom, bathroom and store on the ground floor and a lounge and kitchen on the first floor. The garage on Plot A would provide a kitchen, lounge and bathroom on the ground floor with a bedroom and additional toilet on the first floor.

## **3. PLANNING CONSTRAINTS**

3.1 None.

## **4. POLICY AND CONSIDERATIONS**

4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policy CP4 Requiring good design, Policy DM7 Vehicle Parking and Policy DM14 General development criteria Policy, DM16 Alterations and Extensions.

4.2 SBC Vehicle Parking Standards Supplementary Planning Document (SPD)

## **5. LOCAL REPRESENTATIONS**

5.1 Two neighbour comments of support from separate residences have been received stating the following:

- Would help maintain security of the site during the build.

- Acceptable as long as it is a temporary and not something that may then become permanent.
- It has no direct impact on residents.

5.2 The Parish Council have objected to the application, their comments are included below:

*Councillors have considered the proposal noted that the application does not explain why this is needed. There is no indication as to how the permission will cease at the end of the period.*

*There is a S278 Agreement in the planning permission granted for 20/505179/FULL that no dwelling shall be occupied until the off-site highways works is completed:*

*"No dwelling shall be occupied until the off-site highways works indicated in drawing H-01 P7 have been completed in accordance with a timetable submitted to and approved in writing by the Local Planning Authority."*

## **6. CONSULTATIONS**

- 6.1 KCC Highways have no objection subject to the inclusion of a condition to ensure this is a temporary situation and the garages will then be retained after as per their approved use under application 20/505179/FULL.
- 6.2 Health and Safety Executive do not advise against granting permission.
- 6.3 Natural England offer their standard advice relating to new residential development and SAMMS contribution.

Due to the temporary nature of the development and the fact that occupation will cease once the dwellings are completed (and for which a SAMMS payment has already been secured), a SAMMS contribution is not required.

## **7. BACKGROUND PAPERS AND PLANS**

- 7.1 Application papers and plans for 21/506357/FULL and 20/505179/FULL.

## **8. APPRAISAL**

Background

- 8.1 The approved works are being carried out as self-build properties, and to fund the construction both parties have sold their previous homes.
- 8.2 The owner of plot A sold his former home very quickly and had to make a decision whether to bring a mobile home onto the site, but it was decided that to occupy the garage and the space above for the duration of the build would be more cost effective and be less visually detrimental on this confined site.
- 8.3 The owner of plot B has just sold his house and is intending to occupy the garage in the near future.

### Principle of Development

- 8.4 The site benefits from planning permission for two dwellings and garages. The principle of this is not in question. It is sometimes the case, particularly with self-build projects, that the owner will live on the site, normally in a mobile home or caravan whilst carrying out the building work. Such temporary use does not normally require planning permission. In this instance, the owners have chosen to construct the detached garages to each property first, and seek to occupy these temporarily during the build process. In my opinion, such temporary occupation during the construction process can be held to be generally acceptable.

### Visual Impact

- 8.5 The external appearance of the garages would not be altered, and they have been constructed externally in accordance with the approved plans. Internal changes include the addition of stud walls and the connection of utilities. It should be noted that the room above the garages was always intended to be in use as a studio.
- 8.6 Given that it is not uncommon for a mobile home to be situated on a site whilst a property is under construction, I consider that the use of the garage buildings for such temporary occupation would arguably avoid additional structures and clutter on this site, and does not cause any visual harm on the basis that the garages appear externally as per the approved plans.

### Residential Amenity

- 8.7 The development proposes no additional external alterations to the garages, with the windows on the ground and first floor located in the positions previously approved. The first-floor windows serving both garages look towards the partially constructed dwellings as does the ground floor ground window on Plot A whereas the ground floor window on Plot B looks towards Plot A. I therefore have no concern about any harmful overlooking, whether temporary or not.
- 8.8 Each habitable room of the garage will be provided with a window with a sufficient outlook for the temporary nature of this accommodation. The ground floors of the garages will be lined internally with a demountable timber frame with insulation between and plasterboard to provide a reasonable standard of temporary accommodation. Given the nature of the proposal, I consider the proposal would provide a reasonable level of amenity for occupiers for a limited period.

### Highways

- 8.9 The site is currently under construction and no formal temporary parking arrangements have been proposed however there is sufficient off-road parking to the front of each garage, as apparent from site photos. Once the construction is complete, the garages will revert back to the previous approved use as parking on the ground floor.
- 8.10 The Parish Council's comments are noted and compliance with planning conditions relating off site highways works would still be required before the permanent new dwellings can be occupied. KCC Highways have been consulted on this application

and raise no objection subject to the garages reverting to their previous use once the 1-year permission has lapsed.

## **9. CONCLUSION**

9.1 This is a slightly unusual application. However, permitting these garages to be lived in as temporary accommodation for 1 year is considered acceptable on visual and residential amenity grounds, and in many ways preferable to bringing mobile homes or caravans onto the site for the same purposes. Conditions are included to ensure the use is temporary and for the construction phase only .

**10. RECOMMENDATION - GRANT** Subject to the following condition:

### **CONDITION**

(1) The temporary accommodation hereby permitted shall cease and the buildings shall be adapted to a garage and studio in accordance with the drawings and terms of planning permission 20/505179/FULL within either 1 year from the date of this permission or upon first occupation of the new dwellings permitted under 20/505179/FULL, whichever is sooner.

Reason: To reflect the temporary nature of the development and because the buildings are not appropriate for permanent retention as dwellings.

### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway

**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.

