

2.2 REFERENCE NO - 22/503684/FULL		
APPLICATION PROPOSAL Garage conversion into habitable space including obscuring window and fixed shut (Part retrospective).		
ADDRESS 10 Ferry Road Iwade Sittingbourne Kent ME9 8RR		
RECOMMENDATION Approve subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would not harm visual or residential amenity, and as the existing garage is undersized, its loss would not result in a reduction of the number of parking spaces at the property.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Dr Angela Hammond AGENT Mr Jonathan Williams
DECISION DUE DATE 11/11/22	PUBLICITY EXPIRY DATE 13/10/22	CASE OFFICER Megan Harris

Planning History

SW/99/0588

Two new houses with integral single garages.

Grant of Conditional PP Decision Date: 13.12.1999

SW/92/0292

DETACHED HOUSE AND GARAGE

Refused Decision Date: 22.05.1992

SW/75/0148

APPROVAL OF RESERVED MATTERS NK/9/66/23A

Approved pre 1990 Decision Date: 21.07.1986

1. DESCRIPTION OF SITE

1.1 10 Ferry Road is a detached two storey property located within the built-up area boundary of Iwade. It is located to the west of Ferry Road, with pedestrian access provided from the front of the property. Vehicular access is taken from a private road accessed from School Lane, with a parking space provided at the rear of the dwelling in front of the integral garage. Part of this access forms the route of public footpath ZR92. There is also a small area of private amenity space to the rear. The property has a large front garden, which has a small stream running through it.

1.2 The surrounding area is characterised by residential development of various forms. Immediately north is No. 8 Ferry Road, a detached dwelling of the same design as the host property.

2. PROPOSAL

- 2.1 This application seeks planning permission for the conversion of the garage to a habitable room, which will include works to an existing side window within the garage to be obscure glazed and fixed shut. The converted garage will be used as a family room, and the garage door has been replaced with a window. The works are largely retrospective.
- 2.2 The application originally proposed the creation of an additional parking space within the rear garden of the property. Concern was raised regarding the reduction in the size of the rear garden which is very modest, and this element of the development was removed from the application. A re-consultation with the Parish Council and neighbours was carried out after this amendment.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance
- 3.2 Environment Agency Flood Zone 2
- 3.3 Environment Agency Flood Zone 3

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies ST3, CP4, DM7, 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' and SBC Parking Standards SPD 2020.

5. LOCAL REPRESENTATIONS

- 5.1 One objection has been received. Its contents is summarised below:
- Existing window in the side of garage looks into our back garden (No. 8 Ferry Road).
 - It was previously covered up, but was uncovered as part of the conversion works.
 - We appreciate it will be obscure glazed and non-opening, but no details have been provided as to how this will happen.
 - If these measures are done in a way that would be easily removed/reversed, we are concerned that the current/future occupiers could remove these measures, resulting in an intrusion on our privacy.
 - This would be a breach of planning where enforcement action could be taken, but we would prefer the window to be permanently bricked up to negate this possibility.
 - The window is not required for light as the garage door has been replaced with a

window for this purpose.

6. CONSULTATIONS

- 6.1 Iwade Parish Council – *“The Council objects on the grounds of loss of parking space; there is no on-street parking near to this property or to the rear.”*
- 6.2 KCC Archaeology – No archaeological measures required.
- 6.3 HM Explosives Inspectorate – No comments provided the development is not a vulnerable building. The property does not meet the criteria to be classed as a vulnerable building.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents provided as part of application 22/503684/FULL.

8. APPRAISAL

Principle of Development

- 8.1 Policy ST3 of the Swale Local Plan 2017 supports the principle of development within the built-up area boundary of established towns and villages within the borough.
- 8.2 The application site is located within the built-up area boundary of Iwade, where, the principle of domestic extensions and alterations are acceptable, subject to the proposal meeting the requirements set out below.

Visual Impact

- 8.3 Policy DM16 of the Swale Local Plan 2017 supports alterations and extensions to existing buildings where they reflect the scale and massing of the existing building, preserve features of interest and reinforce local distinctiveness.
- 8.4 Policy CP4 of the Swale Local Plan 2017 requires development proposals to be of high-quality design and to be in keeping with the character of the area. It states that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any future proposals.
- 8.5 The replacement of the garage door with a window is acceptable in my view, as the window is of a similar scale and design to the existing windows on the property, and sits comfortably on the rear elevation. Matching brickwork has been used in the works, which ensures the development blends in with the main dwelling. The changes to the side window, including obscure glazing and it being fixed shut will have very limited impacts to visual amenity, as it is not visible from any public vantage points. Given the works are minor, to the rear, and do not affect the main architectural composition of the dwelling viewed from Ferry Road, I do not consider any harm in this respect would arise.

Residential Amenity

- 8.6 Policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight, give rise to an unreasonable loss of privacy, or result in an unreasonable loss of outlook or in excessive noise or odour pollution.
- 8.7 Due to the distance to the surrounding dwellings to the south, east and west, I note there is only one property which is in close proximity to the site, No. 8 Ferry Road to the north. The garage conversion will not increase the footprint or scale of the property, and as such the development will not impact neighbouring access to daylight and sunlight or neighbouring outlook. The existing side window in the garage, is an original feature. It provides existing views into the private amenity space at No. 8, and whilst there is already a degree of overlooking from this window, the conversion of the garage to habitable space would likely exacerbate this issue, as it is fair to assume the proposed family room is likely to be inhabited more often than the garage was.
- 8.8 To address this, the application proposes this window is obscure glazed and fixed shut, which will prevent overlooking into No. 8 and restrict noise and disturbance from the use of the family room. I consider this will mitigate the additional overlooking and disturbance likely to be caused by the proposal, and impose a condition below requiring these works to take place prior to the use of the family room commencing.
- 8.9 I note the neighbours at No. 8 have raised concerns regarding these changes, as no details of how the window will be fixed shut and obscure glazed have been provided. They suggest the window should be removed and bricked up to prevent any potential enforcement issues in the future. I consider this suggestion to be unreasonable given the window already exists, and the condition imposed below will set out the requirement for works to the window, the level of obscure glazing required, and ensure that the changes to the window are maintained in perpetuity.
- 8.10 The issue of parking is considered further below. The existing property has a modest rear garden and the application originally proposed a further parking space within this garden. The additional space would take up a large part of the garden, leaving the property with a very limited amount of private amenity space. Given the property has three bedrooms and as such is likely to be occupied by a family, a garden of this scale would lead to unacceptable amenity impacts for the occupiers. Whilst there is a large front garden at the property, this provides little useable outdoor space owing to the stream that runs through the front garden, and the lack of privacy as the frontage is open to Ferry Road.
- 8.11 I raised this concern with the agent, who provided an amended plan removing the additional parking space from the scheme to avoid this impact.

Highways

8.12 Policy DM7 states that parking requirements in respect of any new proposed developments should be in accordance with Kent County Council vehicle parking standards.

8.13 The property was erected under application SW/99/0588 and the use of the garage is controlled by condition as set out below:

The area shown on the submitted plan as garage and car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity.

8.14 Planning permission is therefore required for any conversion, and a careful assessment as to whether the loss of the garage as a parking space would cause an increase in on street parking, detrimental to highway amenity, must be made.

8.15 The property currently has three bedrooms and, as constructed, would have provided two off road parking spaces - one within the garage which measures internally 5.1m in depth and 2.7m in width and one on the driveway to the front of the garage, which measures 4.4m in depth and 2.8m in minimum width. The application results in the loss of the garage as a parking space, leaving only one parking space for the dwelling.

8.16 Members will be aware that the Kent Country Council Highways team has for many years recommended that garage spaces are not included as part of the parking provision for new residential developments. In addition, the SBC Parking Standards SPD sets advisory and recommended standards for parking provision within developments. The application property is located in an area that I would class as “suburban” and the SPD recommends that a 3-bedroom dwelling should have access to 2-3 parking spaces with the minimum parking space dimensions to measure 5m x 2.5m. The SPD also provides advice on when proposed garages may be counted as parking spaces in new developments – and states that in the case of a single garage, a minimum internal dimension of 7m x 3.6m should be provided.

8.17 In this instance, the current garage at the application site is not of a size that complies with the current recommended SPD dimensions. Although the Council has taken the position in the past that modern parking standards should not necessarily be retrospectively applied to existing garages, it is notable that in recent appeal decisions including 33 The Willows, Newington (Appeal Ref: 3290924) and 30 Grove Park Avenue (Appeal Ref: 3266146) Inspectors have discounted existing undersized parking areas or garages as parking spaces when considered against the dimensions specified in the SPD.

- 8.18 Given these recent and material appeal decisions, it is my view that the same approach should be taken with the garage subject to this application. It is undersized in comparison with the car parking SPD and, as such, should be discounted as a parking space. On this basis, there would be no reduction in off street parking through conversion of the garage.
- 8.19 A single parking space would remain in front of the former garage on the driveway. This in itself is slightly undersized when compared to the SPD (its depth is 4.4m and the SPD requires a space to have a depth of 5m), and a larger car may slightly overhang the access road to the rear of the property. However this is again an existing situation and the proposed development does not affect the ability to continue using this space.
- 8.20 Therefore taking the above into account, I do not consider that the Council could argue that the development has resulted in the loss of a parking space given the existing dimensions of the garage do not meet current advice. I consider that the scheme would be unlikely to cause any unacceptable impacts in the absence of further parking, and that this would not conflict with policies DM7 or DM14 of the Local Plan. As this does not result in a worsening of parking conditions (taking the logic of the appeal decisions referred to above), there is no requirement to provide replacement parking. Although the applicant did originally offer a replacement space, I do not consider this to be necessary, and the effect of this would have been to remove a significant part of the existing rear garden area to the property, with other detrimental consequences.

Flooding

- 8.21 Policy DM21 of the Swale Local Plan 2017 relates to water, flooding and drainage. The policy states that when considering the water-related, flooding and drainage implications of development, development proposals should accord with national planning policy and planning practice guidance and avoid inappropriate development in areas at risk of flooding and in areas where development would increase flood risk elsewhere.
- 8.22 The site lies within Flood Zones 2 and 3. The conversion of the garage to habitable space will not cause any additional harm from this perspective in my view, as it does not alter internal floor levels or introduce ground floor sleeping accommodation. As such, I have no concerns in this regard.

9. CONCLUSION

- 9.1 The proposal will not harm visual amenities, and the requirement of the side window in the garage being obscure glazed and fixed shut will ensure the development does not cause harm to residential amenities. The loss of the garage is considered to be acceptable due to the fact it is undersized, and as such should not be considered to be a parking space. Whilst the conversion will only leave one further undersized space on the driveway, any vehicle overhanging onto the private access is unlikely to cause any harm to highway safety and convenience due to the nature of the access, which is very lightly used. On the basis of the above, I recommend planning permission is granted.

- 10. RECOMMENDATION** – That planning permission is GRANTED Subject to the following conditions:

CONDITIONS

- (1) The development hereby permitted must be carried out in accordance with the following approved plan: 022.02.03B.

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

- (2) Before the family room hereby permitted is first used, the existing window in the north facing side elevation of the room as shown on approved plan 022.02.03B, shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3 and shall be fixed shut. The window shall subsequently be maintained as such thereafter.

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

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.

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.

