

<b>2.4 REFERENCE NO - 16/503069/FULL</b>			
<b>APPLICATION PROPOSAL</b> Conversion of integral garage into a habitable room.			
<b>ADDRESS</b> 10 Jacinth Drive, Sittingbourne, Kent, ME10 5JA			
<b>RECOMMENDATION</b> Grant subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal would not give rise to unacceptable harm to residential or visual amenity			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Neighbour objections			
<b>WARD</b> The Meads	<b>PARISH/TOWN</b> N/A	<b>COUNCIL</b>	<b>APPLICANT</b> Mr James Adebayo <b>AGENT</b> N/A
<b>DECISION DUE DATE</b> 03/06/16	<b>PUBLICITY EXPIRY DATE</b> 09/05/16		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/500263/LAWP RO	Change of use from Class C3 Dwellinghouse to Class C3 Children’s Home to accommodate up to 4 children with learning difficulties and emotional/behavioral problems	Approved	23/03/16
<i>Summarise Reasons – The proposed use of the property as a children’s home was considered to fall within Class C3 of the Town &amp; Country (Use Classes) Order 1987 (as amended) and would not amount to a material change of use from use as a dwelling.</i>			
SW/96/717	Application for the development of the estate	Approved	20/01/98

**1.0 DESCRIPTION OF SITE**

- 1.01 10 Jacinth Drive is a two storey, link detached property bordering a public footpath which runs through to Topaz Drive to the rear. There is a small garden to the front with larger amenity space to the rear.
- 1.02 Access to the rear garden and garage is via a shared access which also includes 2 parking spaces and garages for number 8 Jacinth Drive.
- 1.03 To the rear, the street scene is quite densely laid out with this part of Topaz Drive being quite narrow. To the front, Jacinth Drive is wider with no properties on the opposite side of the road.

**2.0 PROPOSAL**

- 2.01 The proposal seeks planning permission for the conversion of the garage into a habitable room in the form of a study. The existing garage door would be replaced with a central door and window either side. Any new brickwork and door/window framing would match the existing property.

### **3.0 PLANNING CONSTRAINTS**

3.01 None relevant

### **4.0 POLICY AND OTHER CONSIDERATIONS**

4.01 The National Planning Policy Framework (NPPF) and The National Planning Practice Guidance (NPPG): The NPPF and NPPG are relevant in that they encourage good design and seek to minimise serious amenity concerns.

4.02 Development Plan: Saved policies E1, E19, E24 and T3 of the adopted Swale Borough Council Local Plan 2008 are relevant in that they relate to general development criteria and design, and parking considerations.

4.03 Supplementary Planning Documents: The Council's adopted Supplementary Planning Guidance entitled "Designing an Extension" is also relevant, and remains a material consideration having been through a formal review and adoption process. The Adopted SPG entitled "Designing an Extension - A Guide for Householders", was adopted by the Council in 1993 after a period of consultation with the public, local and national consultees, and is specifically referred to in the supporting text for saved Policy E24 of the Local Plan. It therefore remains a material consideration to be afforded substantial weight in the decision making process.

4.04 National Planning Policy Framework (NPPF)

4.05 The NPPF was released on 27th March 2012 with immediate effect, however, paragraph 214 states "that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework."

4.06 The 12 month period noted above has now expired, as such, it is necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF.

4.07 This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. Saved policies E1, E19, E24 and T3 are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

### **5.0 LOCAL REPRESENTATIONS**

5.01 7 letters of objection have been received, from 4 separate households. The issues raised can be summarised as follows:

- Concern for the safety of children with additional on street parking
- Loss of value of surrounding properties
- Increased parking and noise around the property with social workers coming and going
- Reduction of available off street parking which is already limited in The Meads
- The new study could be used as a separate building
- Additional parking to the rear of application site would obstruct access to number 8's spaces

- There is a restrictive covenant on the property preventing its use to run a business

## **6.0 BACKGROUND PAPERS AND PLANS**

- 6.01 Condition (xxviii) of approved application SW/96/717 for the development of the estate restricted the use of the garage so that planning permission is required for its conversion.
- 6.02 Application 16/500263/LAWPRO was an application for a Lawful Development Certificate for the proposed change of use from a Class C3 Dwellinghouse to a Class C3 Children's Home. This was approved in March.

## **7.0 APPRAISAL**

- 7.01 The application site is located within the defined built up area boundary of Sittingbourne in which the principle of development is acceptable subject to other relevant policy considerations. I believe the main considerations here to be the impact of the proposal upon the residential and visual amenities of the area, including the impact upon parking in regards to highway safety and convenience.

### **Residential Amenity**

- 7.02 The garage is set back from the main building line of both the application site and the neighbour, number 8 Jacinth Drive. The rear amenity space of the adjoining property is surrounded by tall fencing, over the top of which only the roof would be visible. I therefore consider that there would be no harm to residential amenity of the adjoining property, number 8, in terms of overlooking.
- 7.03 I refer to the comments relating to noise and the use of the garage. In my view, the proposed use as a habitable room such as a study would not generate a sufficient level of noise so as to be significantly harmful to residential amenity. I have no reason to doubt its proposed use in this regard, although a condition can be imposed to ensure it is not used as a separate dwelling.

### **Visual Amenity / Highway Safety and Convenience**

- 7.04 The proposed brickwork and windows/doors would match the existing property and I consider the design acceptable in this regard.
- 7.05 I believe the main consideration here is the impact of the conversion upon the parking situation in terms of the street scene and highway safety and convenience
- 7.06 Internally, the garage measures 2.3m in width which is smaller than the 3.6m referred to in the Kent Vehicle Parking Standards considered acceptable for the garaging of a car. As such, I am of the opinion that a car cannot realistically be expected to be parked within the existing garage and that its loss in this regard would be acceptable.
- 7.07 The Residential Parking Advice states that a 4 bedroom dwelling in a suburban location should have access to 2 parking spaces. In this case, there is an existing area of hardstanding directly to the rear of the garage, and within the fenced area, measuring 12m long x 2.5m wide. This meets the requirements to be considered acceptable for the parking of 2 cars, meaning the guidance would still be complied with. I therefore take the view that the conversion of the garage would not directly lead to an increase in on-street parking in a manner detrimental to the street scene or

highway safety and convenience. One of the responses suggests that the shared access area would be used for an additional parking space, obstructing access to number 8's spaces. There is no indication of this in the plans, and given the availability of 2 spaces within the site, I do not believe that this would be the case.

- 7.08 Some consideration should be given to the impact of the recent change of use of the dwelling to a children's home. As per the details as set out in application, there will always be at least 1 carer on site at any one time. Under the current adopted parking guidance referenced above, I consider the provision of 2 off street spaces to sufficiently provide for this, taking into account the possibility of 2 cars being present during shift changes, and/or occasions where there may be 2 carers on site.
- 7.09 While there are likely to be various visitors to the site (care workers/family members etc), these visits are likely to be relatively short in duration and at various times throughout the day. While this part of Topaz Drive is particularly narrow with limited space for on-street parking, Jacinth Drive is wider with available on-street parking. I therefore take the view that there is sufficient capacity for visitors to the site without harming highway safety/convenience .
- 7.10 Furthermore, it is unlikely that general visitors to the care home would have used the garage for parking. I therefore take the view that the combination of the recent change of use, and the proposed garage conversion would not result in any significant increase to on-street parking in a manner harmful to the street scene or detrimental to highway safety and convenience.

#### **Other Matters**

- 7.11 In reference to the remaining comments, loss of value is not a material planning consideration and restrictive covenants are not a matter of Planning Law.

#### **8.0 CONCLUSION**

- 8.01 Taking into account all of the above; the proposal would not, in my view, give rise to any significant harm to residential or visual amenity.

#### **9.0 RECOMMENDATION – GRANT** Subject to the following 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.

Reasons: 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.

Reasons: In the interests of visual amenity.

- (3) The development hereby approved shall be carried out in accordance with the approved drawings received on Tuesday 31<sup>st</sup> May 2016.

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

- (4) The area to the rear of the development hereby permitted shall be kept available for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto

Reasons: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and visual amenity

- (5) The development hereby permitted shall only be used for purposes ancillary or incidental to the approved use of 10 Jacinth Drive, and shall not at any time be used as a separate dwelling.

Reasons: In accordance with the terms of the application.

### **The Council's approach to this application:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant was advised of minor changes required and these were accepted.

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.