

**PLANNING COMMITTEE – 26 April 2018**

**PART 2**

Report of the Head of Planning

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 18/500656/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolition of existing garage and erection of proposed annexe and entrance gates to the rear garden.			
<b>ADDRESS</b> 141 Ufton Lane Sittingbourne Kent ME10 1HJ			
<b>RECOMMENDATION</b> Grant subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> Proposed development would constitute an annexe reliant on the main dwelling and would not give rise to unacceptable harm to residential or visual amenity.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Ward Member			
<b>WARD</b> Homewood	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr & Mrs Plumb <b>AGENT</b> Woodstock Associates	
<b>DECISION DUE DATE</b> 02/04/18	<b>PUBLICITY EXPIRY DATE</b> 03/04/18		
<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>
14/503659/FULL	Erection of a new dwelling.	Refused, Dismissed on appeal	30.11.2015
This application was refused on the grounds that the new dwelling would lead to an undesirable form of backland development with a new dwelling to the rear of an existing property, which would be out of character with the open, large gardens and spacious appearance of the site and surrounding area. The application was subsequently dismissed on appeal.			
18/500934/LAWP RO	Lawful Development Certificate (proposed) for a loft conversion with rear dormer.	Pending consideration	
18/500938/FULL	Proposed front dormers to loft conversion	Pending consideration	

**1.0 DESCRIPTION OF SITE**

1.01 141 Ufton Lane is a two storey detached dwelling located on the western side of Ufton Lane. The rear garden has a depth of 42m and includes a pitched roof double garage, which is situated 6m from the western rear boundary of the site. The site is adjoined

by a private access road onto Homewood Avenue, which serves an area comprising of 41 garages.

- 1.02 The application site is located within the defined built up area boundary of Sittingbourne and this part of Ufton Lane includes a number of detached properties of a similar scale and design.

## **2.0 PROPOSAL**

- 2.01 This application seeks planning permission for the demolition of the garage at the property and the construction of an annexe in its place.
- 2.02 The originally submitted plans showed a structure that spread across the full width of the garden, and provided a living room, study, bedroom and en-suite. That annexe would have measured 8.1m in width and 10.6m in length, with a maximum height of 4.2m. Access to the annexe was to be provided by a door to the rear of the building that faced onto the access road. A new, smaller garage/store was also proposed, and an existing area of hardstanding to the rear would provide parking spaces for the annexe. I considered the scale of that annexe was excessive for a development of this type. Although the annexe could be considered reliant on the main dwelling as it did not appear to provide a kitchen, there would have been ample room for a kitchen in the proposed annexe in the future. Taking this into account with the separate entrance, garage and parking spaces to the rear, the annexe could be considered to amount to a separate dwelling from the host dwelling No 141. The agent was informed of this, and subsequently amended plans were submitted that removed the study, garage and separate entrance from the annexe, and reduced the width, length and height of the proposal.
- 2.03 The amended drawings show that the proposed annexe would measure 6.8m in width and 10.4m in length, with a maximum height of 3.9m. It would contain a bedroom, dressing room, en-suite, and living room. Windows are proposed in the west.east and south elevations, and access to the annexe will be provided by a door in the east elevation.
- 2.04 The amended drawings also included proposed gates and fencing to the rear of the garden. They would measure 2m in height. The description of the application was altered to include this change, and neighbours were subsequently reconsulted on the application.

## **3.0 PLANNING CONSTRAINTS**

- 3.01 None.

## **4.0 POLICY AND OTHER CONSIDERATIONS**

- 4.01 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.02 Development Plan: Policies CP4, DM7, DM14 and DM16 of the Swale Borough Local Plan 'Bearing Fruits' 2031
- 4.03 The Council's adopted Supplementary Planning Guidance (SPG) entitled "Designing an Extension – A Guide for Householders"

## 5.0 LOCAL REPRESENTATIONS

5.01 During the original consultation period four objections were received from neighbours. Their comments are summarised below:

- The development will set a precedent in the area.
- There are no measurements on the proposed application. Especially those relating to the parking area adjoining the existing road.
- Entrance to Homewood Avenue is restricted to garage on No. 155 being used as hairdressing salon and cars parking on the hard standing beyond the garage. This affects cars, delivery lorries, rubbish removal vehicles and access by fire engines, and will be affected further down towards the proposed annexe.
- It will impact on properties in Manor Grove which meet the last row of garages.
- It will lead to further increased traffic in an area designed for garaging only.
- Previous application was declined after appeal.
- This application is another way of achieving a separate dwelling in the garden.
- Annexe could be rented out.
- 141 Ufton Lane is a minimum 3 bedroom house, why is the annexe required
- Would impact the safety and privacy of existing resident's properties with new residents and visitors.
- Increased noise from additional residents.
- Fire engine would not fit down the access road and the safety of residents/renters of the annex cannot be guaranteed.
- It would be an intrusion to our lives, safety, privacy and peaceful community.
- Loss of privacy for No. 139.

5.02 The applicant provided comments in reply to the objections received. Their comments are summarised below:

- Agree that selling the proposed annexe as a separate dwelling is not acceptable.
- Confirm the proposed annexe is for mother and father-in-law to live in, who are both retired.
- They are not the same people who applied previously for a separate dwelling in this garden.
- There is not a spare room in the main dwelling for the in-laws to live in.
- The driveway to the front of 141 Ufton Lane, which has reduced the need to use the rear access. The proposed annexe will only lead to one vehicle requiring access to the rear.
- We have always been entitled to use the rear driveway, and this access is used by all home owners in this area of Ufton Lane for access and parking and has never caused any problems to my knowledge.
- Regarding fire engine access, the annexe can easily be reached from the front of the property, on average fire engine hoses are 80m long.
- A contract could be signed by ensure the annexe is not sold separately to the house.

5.03 Following the re-consultation period on the amended plans, a petition was received from eight neighbouring properties. Their comments are summarised below:

- Regarding the inability of fire engine access to the rear of the property, as part of the previously refused application for a new dwelling in the rear garden, it was proven that access was difficult. It was a key reason for the rejection of previous applications and it needs to be taken seriously.

- Potential access for fire engines from the front of the house does not invalidate the above concern given the distance and time lost in gaining this access, and the likely damage that could be sustained to neighbouring constructions while awaiting remedial action.
- Noting Mr Plumb's comments, if this application is required due to the lack of a spare bedroom, we expect it to be withdrawn should the recent application for a loft conversion be approved. A loft conversion would provide a much safer space with all the amenities required for the accommodation of their parents.
- Extend thanks to Mr Plumb for the offer of a contract regarding the retention of the "annex" as part of the existing address upon resale. However it doesn't negate our concern as to its future use and possible separation from the property once Mr Plumb has moved on.
- If the plan was to extend the current property to include additional ground floor accommodation attached to the existing house there would have been no objections from us.

5.04 As we had received a total of five objections to the proposal , I contacted the relevant Ward Members and asked whether they would wish the application to be called in to be heard at the Planning Committee, as per the Council's Constitution. Councillor Truelove subsequently stated the following:  
 "I am very concerned about the access to the rear of this property. I would like the application to be considered by members of the planning committee."

## **6.0 CONSULTATIONS**

- 6.01 KCC Highways and Transportation were consulted on the application, and they stated the proposal does not meet the criteria to warrant involvement from the Highway Authority.
- 6.02 Natural England raises no objections.

## **7.0 BACKGROUND PAPERS AND PLANS**

- 7.01 Application papers for application 18/500656/FULL.

## **8.0 APPRAISAL**

### **Principle of Development**

- 8.01 The application site lies within the built up area boundary where the principle of development is accepted, subject to the relevant policy considerations. The main considerations in this case concern the impact to visual and residential amenity, the use of the proposal as an annexe and the impact of the loss of the garage as a parking space.

### **Visual Impact**

- 8.02 The annexe will not be visible from Ufton Lane, but will be visible from the access road at the rear of the garden. Following amendments, I consider the annexe is relatively small in scale and note that as it is only single storey, it will not amount to a prominent structure. Taking into account it faces onto an access road, I consider the proposal will not adversely impact the visual amenities of the area. I also note the proposed gates will screen much of the annexe from view. Members may also note that, with a slight reduction in height, such a building could potentially be constructed under

permitted development rights. I believe the proposed gates and fencing to the rear boundary of the garden are acceptable, as again they will only be visible from the access road off of Homestead Road.

### **Residential Amenity**

- 8.03 The proposed annexe will be situated a minimum of 23.4m from the properties either side of No. 141 Ufton Lane. I note this is in excess of the amount recommended in the Council's adopted SPG, which suggests a distance of 21m between windows to the rear elevation and windows of properties to the rear. Taking into account the annexe will only be single storey and noting the fence along both the side boundaries of No. 141 I consider any overlooking that might occur will not be significant.
- 8.04 There is a proposed window in the side elevation of the annexe, and the Council usually require windows in side elevations to be obscure glazed to prevent mutual overlooking. However in this case, taking into account the window will face the rear of the garden at No. 143, and noting the fence along the common boundary, I do not consider there will be any serious overlooking issues here.
- 8.05 As the annexe will be situated at the rear of the garden at No. 141 and the fact it is single storey, I do not consider it will give rise to any unacceptable overbearing or overshadowing impacts upon neighbouring properties.
- 8.06 I note that objections have been raised about the potential for the use of the annexe to cause additional noise. However due to the significant distance between the main dwellings along Ufton Lane and the proposed annexe, I do not consider any noise generated by the use of the annexe will be unacceptable. Furthermore there could be a certain degree of noise from the use of any ancillary building here, such as a shed or workshop, and I do not consider that normal residential use of the site would be so intrusive in terms of noise and disturbance as to justify a reason for refusal.

### **Use as an Annexe**

- 8.07 Following amendment, the proposed annexe will contain a bedroom, dressing room, en-suite and living room, accessible from the rear garden of the host building, and would constitute an annexe dependant on or ancillary to the main house. I consider that the amount of accommodation being proposed is at such a level that it will be dependant on the main dwelling, and as such cannot be used as a separate dwelling in its own right.
- 8.08 I consider that the use of this structure as an annexe is acceptable and recommend imposing condition (4) below which restricts the use of the building to purposes ancillary and/or incidental to the use of the dwelling. The main concern raised by neighbours relates to the proposed annexe being used as a separate dwelling. This concern could come from the history of the site, namely the refused application for a new dwelling in the rear garden of No. 141 (ref. 14/503659/FULL). However I consider the design of the annexe following amendment clearly demonstrates the annexe will not constitute a new dwelling, and I also believe the imposition of the relevant condition below will ensure it is not used as one.

### **Parking**

- 8.09 The loss of the garage as a parking space needs to be considered. I note to the front of No. 141 there is block paving that provides parking for two vehicles. There is also existing hardstanding to the rear of the garden, which would provide parking for at

least one vehicle. The property is currently a 3 bedroom house, and according to the Kent Design Guide Review: Interim Guidance Note 3 20 November 2008 – Residential Parking, two car parking spaces are required for a house of this size in this location. As such, the parking provision at the property is in line with this and therefore I consider the loss of the garage at the property is acceptable.

- 8.10 The proposed gates to the rear garden of No. 141 could impact on highway safety. However, taking into account they are situated on an access road, I do not consider that gates set on the rear boundary of the garden will be detrimental to highway safety on this quiet access road.
- 8.11 Regarding the concern raised by neighbours that the development may lead to increased traffic on the access road to the rear of the dwelling, I note this road is available for use by all dwellings on this section of Ufton Lane, some of which also have garages to the rear of their properties. I do not envisage the proposal will lead to any additional traffic that the access road cannot support.

### **Other Matters**

- 8.12 Neighbours raised concern about emergency vehicles gaining access to the annexe. However this is not a material planning consideration so should not be given much weight in consideration here. Objections have also suggested that the annexe is not required as an application for a loft conversion at the host property has been submitted and this will provide additional living space within the existing dwelling at No 141. Nonetheless this application needs to be judged on its own merits, and how many bedrooms the existing property at no 141 currently has or will have has no bearing on the consideration of this current planning application.

## **9.0 CONCLUSION**

- 9.01 On the basis of the above, I consider that the proposal is acceptable in terms of its impact upon the visual and residential amenities of the area. Following amendment, I believe the proposal now clearly constitutes an annexe dependant on the main dwelling and therefore, I recommend planning permission be granted.

## **10.0 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.

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 annexe hereby permitted shall match those listed on the application form.

Reason: In the interests of visual amenity.

- (3) The development hereby approved shall be carried out in accordance with the following approved drawings: SI/17/154.02 Rev A, SI/17/154.03 Rev A and SI/17/154.04 Rev A

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

- (4) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary and/or incidental to the residential use of the dwelling known as 141 Ufton Lane.

Reason: As its use as a separate unit of accommodation would be contrary to the provisions of the development plan for the area.

**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/agent was advised of minor changes required to the application and these were agreed and submitted.

The application was considered by the Planning Committee where the applicant/agent has 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.



18/500656/FULL - 141 Upton Lane  
Scale: 1:700  
Printed on: 16/4/2018 at 11:06 AM by JosephM

