

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 23/502594/FULL		
<b>APPLICATION PROPOSAL:</b> Conversion of double garage into residential annexe accommodation.		
<b>ADDRESS:</b> 46 Gleneagles Drive Tovil, Maidstone Kent ME15 6FH		
<b>RECOMMENDATION:</b> GRANT – subject to planning conditions set out in Section 8.0 of the report.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> For the reasons set out below it is considered that the proposed conversion of double garage into residential accommodation would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed development is considered to be in accordance with current policy and guidance.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The recommendation is contrary to the views of Tovil Parish Council who have requested the application be presented to the Planning Committee.		
<b>WARD:</b> South	<b>PARISH/TOWN COUNCIL:</b> Tovil Parish Council	<b>APPLICANT:</b> Mr Darren Tomlin <b>AGENT:</b> G M Everard Ltd
<b>CASE OFFICER:</b> Sema Yurtman	<b>VALIDATION DATE:</b> 16/08/2023	<b>DECISION DUE DATE:</b> 29/09/2023 (EOT)
<b>ADVERTISED AS A DEPARTURE:</b> NO		

### Relevant Planning History

96/0096 - Extension to existing detached single garage to form double garage as shown on drawing nos.GD/1 submitted on 22.01.96. Approved 15.03.1996

93/0133 - Erection of Single Storey Side Extension repositioning of side fence & change of use of open amenity land to private residential land. Refused 12.05.1993

85/0872 - Erection of 15 bungalows, 56 semi-detached houses, 19 detached houses, garages and access roads as amended by Drawings 011.229.01C and 011.229.02A - 21.8.85, 011.229.3A, 4A, 5A and 6A - 9.8.85, 011.229 - 11 and 12 - 29.8.85 and 011.229.13 and 14 -2.9.85, validated & amended 011.229.01D. Approved 23.04.1986

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

- 1.01 46 Gleneagles Drive is a detached two-storey dwellinghouse located to the northern side of the Gleneagles Drive in the urban boundary of Maidstone. The application site is a corner plot at the junction of Postley Road and Gleneagles Drive.
- 1.02 The property is a residential dwelling, and the site is not situated within a conservation area, or an area of outstanding natural beauty. There are restrictions on the use of the garage as parking under reference 96/0096 as condition 3 states:

*The garage hereby permitted shall be safeguarded for the domestic parking of vehicles. No development whether permitted by the Town and Country Planning (General*

*Permitted Development) Order 1995 or not shall be carried out on the garage indicated or in such a position as to preclude vehicular access to the said land or garages.*

*Reason: Development without adequate parking or garage provision is likely to lead to parking inconvenient to other road users and to be detrimental to amenities and prejudicial to road safety.*

## **2. PROPOSAL**

- 2.01 The proposal is for the conversion of double garage into residential accommodation. The garage has been previously extended from single to double garage (which was granted planning permission under reference 96/0096).
- 2.02 The existing garage has approximately 6m width, 5.5m depth, 2.2m eaves of height and 3.4 ridge of height with part flat and part pitched roof; the proposed alterations would not change the footprint of the existing garage. The flat section of the garage roof would be removed and replaced with a pitched roof. The proposed pitched roof would match the existing garage roof height.
- 2.03 There is an existing covered storage area to the rear of the garage, this would be removed as part of the proposal.
- 2.04 There is an existing closed boarded timber fence to the boundary adjoining properties number 144 Postley Road and number 23 Gleneagles Drive. This would not be altered. There is also close boarded fence along the Gleneagles Drive this fence also would remain.
- 2.05 The proposed annexe would consist of a combined lounge/kitchen, one bedroom, and a bathroom. The proposed annexe is considered ancillary to the host dwelling. It is located within the curtilage, would not have its own access and would share garden and utilities.
- 2.06 The submitted elevation plans were originally annotated with the incorrect elevations, the south elevation should read west elevation, north should be east elevation, east and west elevations should read north and south respectively. The application has been considered on the basis of the correct elevations and amended plans have been received. Additional information clarifying the parking arrangements have also been received.

## **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2011-2031):

- DM1 – Principles of good design
- DM9 – Residential extensions, conversions and redevelopment within the built-up area
- DM23 – Parking standards

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22):

- LPRSP15 – Principles of good design
- LPRHOU2 – Residential extensions, conversions, annexes, and redevelopment in the built-up area

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Maidstone Local Development Framework:  
Residential Extensions SPD

#### 4. LOCAL REPRESENTATIONS

Local Residents: 15 neighbours consulted.

3 representations received from local residents (9 Gleneagles Drive, 16 Gleneagles Drive, 11 Gleneagles Drive) raising the following (summarised) issues:

- Objection on ground, the application will result very cramped dwelling and will reduce the garden land to the main house to a minimal amount.
- The development would be against the rhythm of the street and not keeping with the rest of the area.
- The development would cause a hazard for other road users and contravenes the vehicle parking standards.
- Health and safety issue for children, residents, pets in terms of the road being extremely busy and possibility of causing accidents.
- Objection on grounds for parking problems on the road, concern of the street becoming an industrial estate with multiple work vehicles.
- Concern about reduced visibility along the road due to commercial vehicles/vans parked along the road where proposed drop kerb is to be used by the applicant's vehicles and will end up taking up most of the resident and visitor parking spots along the road.

The concerns are noted however issues of health and safety issues in terms of the road being extremely busy are not material considerations. The use of annexe would be conditioned to be ancillary to the main dwelling and only normal residential activities would be expected to occur in the annexe.

**Cllr Clark:** : I understand that this application is being called in by Tovil Parish Council but if you have yet to receive the objection and notification from the parish, as South Ward councillor I would wish for this to go forward to planning committee review should you be mindful to approve.

#### 5.0 CONSULTATIONS

##### 5.01 Tovil Parish Council

Original comments

The Planning Committee of Tovil Parish Council raised concerns as to whether the side entrance shown continued to exist and raised concerns regarding the site layout. It recommends that this application is refused, the reasons agreed by the Planning Committee are listed below.

It constituted backland development for the existing property.  
It would result in limited availability of amenity space due to the loss of the garden constituting a poor form of development.

The Committee resolved to ask MBC to refer the matter to the Planning Committee should officers be minded to grant approval.

Following re-consulation

The Planning Committee of Tovil Parish Council reconsidered this application in the light of the Planning Officers email dated 16 August at their meeting on 4 September 2023.

The Planning Officers Comments were noted, but our committee still felt that the application should be refused as contrary to Policy of the Local Plan, Principles of Good Design.

Planning history suggests that an application for an extension was refused in the 90's following which an application to increase the garage from a single to a double was permitted. Local knowledge suggests that this double garage has not been used for a period of time as the access is always blocked by parked commercial vehicles.

We are concerned that the annexe may become a single independent unit in the future that would be difficult to enforce on appeal, as the footprint of residential use has not changed.

We note that if the vehicular access is used it would reduce the vehicles parked on the street but as access is onto a convex residential street, vision splays would be severely restricted if commercial vehicles continued to park there. We feel this is contrary to Policy DM 11 of the Local Plan.

## **6.0 APPRAISAL**

The key issues are:

- Site background/Principles of Development/Policy Context
- Visual Impact
- Residential Amenity
- Parking/Highway Safety
- Other Matters

### **Site Background/Principle of Development/Policy Context**

- 6.01 The application site is located within the Maidstone Urban Area.
- 6.02 Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity. DM1 (xiv) refers to being flexible towards future adaptation in response to changing life needs.
- 6.03 Policy DM9 refers to residential extensions, conversions and redevelopment within the built-up area. DM9 states that within the defined boundaries of the urban area, rural services centres and larger villages, proposals for the extension, conversion and redevelopment of a residential property, design principles set out in this policy must be met. DM9 states:
- (i) The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street and/or its context;*
  - (iii) The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and*
  - (iv) Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.*
- 6.04 The Residential Extensions SPD in relation to this proposal sets out the following:

*Garages and other outbuildings should be subservient in scale and position to the original dwelling and not impact detrimentally on the space surrounding buildings or the street scene by virtue of their scale, form or location.*

- 6.05 As detailed in the applicant's cover letter, the requirement for the proposed conversion is to accommodate elderly family member who needs care. However, in any event, the proposed annexe is actually considered as a residential extension and not garden development providing new residential development so local housing needs does not need to be considered for such proposals. What needs to be ensured is that the proposal remains ancillary to the main dwelling.
- 6.06 An annexe is actually considered as a householder residential extension and so is assessed under policy DM9. It is not new residential development or a subdivision of a plot and so does not need to be considered under DM11 or DM12. What needs to be ensured is that the proposal remains ancillary to the main dwelling and a condition will be imposed to address concerns. Such conditions are regularly used on annexe permissions to ensure that the annexe remains ancillary and read as follows:

*"The additional accommodation to the principal dwelling hereby permitted shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit; and shall only be used as ancillary accommodation to the main dwelling currently known as 46 Gleneagles Drive, Maidstone."*

- 6.07 The principle of residential annexes within settlements is therefore considered acceptable, provided that the material planning considerations discussed below would be acceptable.

### **Visual Impact**

- 6.08 As mentioned, the building is existing, it is situated fairly centrally within the plot, set back from the road frontage and predominantly shielded by the existing close boarded timber fence. Visibility from the streetscene is limited to that of the pitched roof.
- 6.09 The proposal would include the replacement of the flat roof section of the existing garage with a pitched roof, this would not significantly increase the visual prominence of the building and the design would match existing building.

**Figure 1: View from Gleneagles Drive**



- 6.10 Concerns were raised with regards that the proposal will reduce the garden land. However, the proposal would not include any additional development on the garden area, the garage is existing and the footprint would not be altered.
- 6.11 The proposed materials consist of concrete tiles for the roofing, Upvc double glazed windows and doors, all of which would match the host dwelling. Therefore, the overall design and materials proposed are considered to be visually acceptable and be in keeping with host building and existing materials. It would not detrimentally impact the character and appearance of the host dwelling. It would appear as a subservient outbuilding in line with local plan policies and guidance.
- 6.12 The removal of the existing open storage structure to the rear of the garage would also be visually beneficial.
- 6.13 Overall, the proposed annexe is not considered to have a detrimental impact on the streetscene or character of the area. Such buildings within the garden are not unexpected and would not look out of place.

### **Residential Amenity**

- 6.14 The nearest neighbouring properties are to the north (No.144 Postley Road) and to the northwest (No.23 Gleneagles Drive). All other neighbouring properties are considered to be a significant distance away to be unaffected by the proposal.



**Figure 2: Neighbouring properties**

- 6.15 The garage is in close proximity (approx. 2m and 2.4m) to the common boundary with No.144 Postley Road on the north and No.23 Gleneagles Drive on the northwest. With regard to Number 144 Postley Road, the proposal would not include any side window facing towards number 144 and any changes to the roof would be on the southern side of the building, away from the neighbouring boundary. It is considered that no detrimental impact on neighbouring amenity in terms of loss of light or overshadow would result. The existing garage is already located in a reasonable distance from main dwelling.
- 6.16 Regarding Number 23 Gleneagles Drive, the proposal would include windows in the west facing elevation to replace the existing garage door, however due to existing boundary treatment, and single storey nature of the building it is considered that there would be no detrimental impact on neighbouring amenity in terms of loss of privacy or overlooking. No additional loss of light, overshadowing or loss of outlook would result.
- 6.17 Taking the above into consideration, it is considered that the proposal will not cause unacceptable harm to the residential amenity of the adjoining properties that would warrant a refusal.

### **Parking/Highways**

- 6.18 Planning permission for the use of the building as annexe accommodation is required due to a condition restricting the use of the garage as parking. The reason for the condition reads : *'development without adequate parking or garage provision is likely to lead to parking inconvenient to other road users and to be detrimental to amenities and prejudicial to road safety'*
- 6.19 The proposal would result in the loss of the existing double garage and facilitate an additional bedroom. There is an existing parking area to the west of the existing garage building, this is served by an access from Gleneagles Drive. This area of parking has been clarified on the revised site plan. This provides sufficient parking for a minimum of 2 cars (as required by the Local Plan parking standards at Appendix B). No harm highway safety/parking provision would result.
- 6.20 Concerns were raised with regards to the parking issues that the proposal would reduce parking areas along the road and would reduce the visibility along the street due to the commercial vehicles/vans parked along the road. The road has unrestricted parking and the proposal would not impact on the existing parking arrangements or visibility.
- 6.21 The front garden is currently used as informal parking, however this is not facilitated by a dropped kerb or hardsurfacing. The revised site plan does indicate that there is the intention for the applicants to formalise parking to the front. This is not explicitly applied for and is unlikely to require planning permission provided that the surfacing would be permeable or porous. To ensure it would meet those requirements a condition relating to the surfacing material of hardsurfacing is proposed.

### **Other Matters**

- 6.22 Biodiversity/Ecological Enhancements: Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys were required.
- 6.23 Policy DM1 of the Local Plan sets out, at point viii, that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate or provide mitigation.' This is in line with the NPPF and advice in the Residential Extensions SPD. Consequently, it is considered that a condition should be attached requiring biodiversity enhancement measures are provided integral to the proposed additional pitched roof and within the curtilage of the dwellinghouse.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.24 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

### **CIL**

- 6.25 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

## **7.0 CONCLUSION**

- 7.01 For the reasons set out above it is considered that the proposed conversion of double garage into residential annexe accommodation would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it

be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.

## **8.0 RECOMMENDATION**

### **GRANT planning permission subject to the following conditions**

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

#### CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;  
  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
Proposed Elevations – Drawing no. Rev 02 Rev A Received 12.09.2023  
Proposed Site Plan – Drawing no. Rev 04 Rev A Received 12.09.2023  
Existing and Proposed Floor Plan – Drawing no. Rev 06 Received 05.06.2023  
Location Plan – Drawing no. Rev 05 A Received 05.06.2023  
  
Reason: To clarify which plans have been approved.
- 3) The materials to be used in the development hereby approved shall be as indicated on the approved plans and application form  
  
Reason: To ensure a satisfactory appearance to the development
- 4) The additional accommodation to the principal dwelling hereby permitted shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit; and shall only be used as ancillary accommodation to the main dwelling currently known as 46 Gleneagles Drive, Maidstone.  
  
Reason: Its use as a separate unit would be contrary to the provisions of the development plan for the area within which the site is located
- 5) The development hereby approved shall be occupied as an annexe until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through the provision integral to the new pitched roof and within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the annexe and all features shall be retained and maintained thereafter.  
  
Reason: To enhance the ecology and biodiversity on the site in the future.
- 6) Any additional hardsurfacing indicated on the submitted site plan (Proposed Site Plan – Drawing no. Rev 04 Rev A Received 12.09.2023) shall be surfaced in a porous material, or provision made to direct run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.  
  
Reason : In the interests of sustainable drainage and surface run off.



Planning Committee Report  
21<sup>st</sup> September 2023

Case Officer: Sema Yurtman NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.