

Urgent Update: Planning Committee 20 January 2022

Item 17 Pages 54-60

6 Beckworth Place, St Andrew's Road, Maidstone, Kent, ME16 9LS

APPLICATION: 21/506258/FULL

A further letter of representation has been received from a neighbour who has previously made representation raising in summary the following matters :

- Past noise and disturbance from the application site and civil matters which have occurred between the two parties
- The annexe is retrospective and is not being used as such but as a sole residence for 3 adults and a child, with the occupiers using the main dwelling as social space.
- The property may become a HMO
- The original condition on the garage was to safeguard overdevelopment of the site
- Impact from noise and disturbance has been disregarded

Officers response

1. Under 6.14 of the main agenda report '*Essentially the key matter to consider is that relating to the loss of parking as this is the reason the condition was attached to the original consent and as such the reason why a development which would otherwise be permitted development requires planning permission. However, if other material planning considerations were to be considered, these matters are all considered acceptable for the reasons set out below.*'
2. Under 6.17 of the main agenda report '*Due to the nature of the proposals and the distance from neighbouring properties it is not considered any significant harm would result to neighbouring residential amenity.*'
3. In response to the specific matters raised, it is this officers view that noise from a converted detached garage located at least 6m. from any neighbouring properties would not be expected to be excessive nor bring harm to the residential amenity of neighbouring occupiers. The proposed use of the converted garage would remain as residential and ancillary to the existing dwelling, no change of use is sought.
4. Should occupiers experience noise which could be considered a 'statutory nuisance' there are appropriate channels for such issues to be escalated and investigated by the Local Authority under legislation (Environmental Protection Act 1990), though it remains the view of this officer that in planning terms this particular conversion and use would not lead to significant harm to residential amenity in terms of noise
5. In response to the matter of overdevelopment and the creation of an HMO (House in Multiple Occupation), it is this officers view that the minimal works proposed would not be considered an 'overdevelopment' of the site. According to records the property is not registered as a HMO and if the occupier has reasons to believe that it is being used as one there are again appropriate channels in which this can be raised and investigated.

6. The application does not seek to provide a separate dwelling, and is applying for ancillary accommodation, based on the evidence available there is no reason to suggest the building is to be used otherwise and proposed condition 3 as set out in the Committee report would further restrict its use as such. Should the converted garage be used otherwise again there are appropriate channels in which this can be raised and investigated.

The recommendation is unchanged