

REFERENCE NO - 21/506183/FULL		
APPLICATION PROPOSAL Retrospective application for the erection of a side link extension to garage, conversion of garage to gymnasium and erection of a summer house.		
ADDRESS Pinelodge Cottage Somerfield Road Maidstone Kent ME16 8JJ		
RECOMMENDATION GRANT subject to the planning conditions set out in Section 8.0 of the report		
SUMMARY OF REASONS FOR RECOMMENDATION The retrospective development by reason of its design, scale and appearance is considered to be in keeping with the character of the original building and character of the area including the streetscene and would not result in significant adverse harm to neighbouring occupiers by way of a loss of light, overlooking or overshadowing or other harm which could not be mitigated by conditions. All other material planning considerations are considered acceptable and in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE Councillor Jonathan Purle requested that the application be considered by the Planning Committee if Officers are minded to recommend approval.		
WARD Bridge	PARISH/TOWN COUNCIL Unparished	APPLICANT Mr S Yadave AGENT MCIAT
TARGET DECISION DATE EOT 25/2/22		PUBLICITY EXPIRY DATE 31/12/21

Relevant Planning History

16/502943/FULL - Change of use and conversion of existing two storey garage outbuilding into a single dwellinghouse with the insertion of dormer windows, replacement of garage door with two double doors and installation of a new window to the front and side elevations. Approved 24 10 2016

18/502245/FULL - Erection of an Orangery, detached garage and detached garden shed. Approved 09.07.2018

19/500902/FULL - Erection of first floor extension to form third bedroom and extension to garage to provide additional garage space. Approved 24.04.2019

20/502780/FULL - Single storey side extension to existing garage. Refused 17.09.2020

20/505343/FULL - Single storey side extension to existing garage. (Resubmission of 20/502780/FULL) Refused 31.12.2020

21/506184/FULL - Retrospective application for erection of garden fence and entrance gates. Approved 14.01.2022

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 Pinelodge Cottage is a detached property within the urban settlement boundary of Maidstone. This property is situated within the grounds of Pinelodge. Pinelodge Cottage was converted to a separate dwelling under planning application reference: 16/502943/FULL.

- 1.02 Pinelodge Cottage is a one and half storey dwelling with dormer windows to the front elevation. The detached double garage was approved under planning application reference: 19/500902/FULL. The link extension adjoining the garage and hostdwelling has been built since at least 2020.

2. PROPOSAL

- 2.01 The applicant seeks planning permission for this retrospective development consisting of converting the garage into a gymnasium, a link extension adjoining the garage and hostdwelling and the erection of a detached summer house in the rear garden.
- 2.02 The link extension adjoining the garage to the hostdwelling has a width of 1.8m, a depth of 2.65m and a height of 2.5m. The link extension has a flat roof, a window to the rear elevation and a door to the front elevation.
- 2.03 The summer house is situated in the rear garden to the east of Pinelodge Cottage and has a depth of 3m, a width of 2.45m, an eaves height of 2.3m and a ridge height of 2.5m as the roof slopes slightly. The summerhouse has a door to the southwest elevation, two windows to the northwest elevation and a window to the northeast elevation. The summerhouse is set back from the Somerfield Road by at least 3m.
- 2.04 The garage was a double garage, and the garage has been converted into a gymnasium for the residents of Pinelodge Cottage. The garage previously had two garage doors to the front elevation and the garage conversion alterations include replacing the two garage doors with two windows and replacing the window and door to the side elevation with double doors to access the rear garden.
- 2.05 The works are retrospective with the link extension and summerhouse complete and the garage conversion has commenced.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017 – DM1 – principles of good design, DM9 - Residential extensions and conversions and re-development within the built up area.

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021. : Policies Policy LPRSP15 – Principles of Good Design Policy LPRHOU 2 : Residential extensions, conversions, annexes and redevelopment in the built-up area

The Regulation 19 draft is a material consideration and some weight must be attached to the document because of the stage it is at but its weight is limited, as it has yet to be the subject of an examination in public.

Supplementary Planning Documents - Maidstone Residential Extensions SPD (2009) and SPG 4 - KCC Parking Standards (2006)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Objection received from one neighbouring property has raised the following (summarised) objections:

- The link between house and garage now makes them read and be occupied as one larger building which has resulted in an elongated and overdeveloped street frontage
- The conversion of the adjacent house into flats has put significant pressure on parking and safety on the very narrowest point of the street and the further loss of these two garages for a gym has compounded the problem.
- The garage section is also extremely close to the road which now joined to the house further increases the perceived scale and massing
- The new garage windows are also uncomfortably close to the road, on a street that is otherwise characterised by properties set well back from the kerb to respect the scale, massing, and amenity of the street.
- The addition of the summerhouse and new hardstanding further erode the original openness of this site to a point where it now reads as one long overdeveloped elongated frontage of a very poor quality

5. CONSULTATIONS

5.01 Cllr Purle

I have read through this planning application and must say that I do not believe the application really reflects the development that has been occurring at this plot. In my view, it does not appear to pass the pertinent tests in DM9/11.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Background to the site and Principle of the development
- Impact on visual amenity
- Neighbouring residential amenity
- Car Parking and Highways
- Other matters

Background to the site and Principle of the development

- 6.02 As above, Pinelodge Cottage was converted into a separate dwelling under planning application reference: 16/502943/FUL, having previously been a detached garage in association with Pinelodge. A single garage and shed in the rear garden was approved under planning application reference: 18/502245/FULL. A garage extension was approved under planning application reference: 19/500902/FULL to build the second adjoining garage. The link extension which this application seeks to regularise has been built since 2020 has not been part of a previous planning application. The summerhouse and garage conversion works are understood to have taken place during 2021.
- 6.03 The site has been subject to a number of enforcement investigations and this application, together with a recent approval for front boundary treatment seeks to regularise all the unauthorised works.
- 6.04 Planning permission is required for the link extension and the outbuilding as Condition 4 of application 16/502943/FULL removed permitted development rights for extensions and outbuildings.

- 6.05 With regard to the garage conversion, the footprint of the garage is not proposed to be extended in any way and the use of the space remains ancillary to the main dwelling (Pinelodge Cottage), and there are not any conditions restricting its use as a garage/parking. Condition 4 of 19/500902 does require that the use of the space to remain as *purposes ancillary to the domestic use of that dwelling*, however its use as a gym is considered to fulfil that requirement. As such in itself planning permission is not considered to be required for the conversion of the garage, as such its conversion is considered acceptable in principle.
- 6.06 The application site is within the defined urban boundary, Policy DM9 of the local plan allows for residential extensions provided that :
- 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 scene and/or its context;
 - ii) The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
 - 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.
- 6.07 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.
- 6.08 Regarding detached outbuildings the SPD sets out :
- 'Garages and other outbuildings should not impact detrimentally on the space surrounding buildings. They must be smaller in scale and clearly ancillary to the property (para 4.45)*
- 'In order to appear ancillary to the property, fit well within the street scene and prevent detrimental impact on neighbouring properties, such as excessive overshadowing of a garden or principal window, garages and outbuildings should not generally be located in front of the building line of domestic properties' (para 4.46)*
- 'The form (including roof pitches) and materials of garages and outbuildings should be in keeping with the existing and surrounding properties.'* (para 4.47)
- '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. Garages or outbuildings set in front of the building line will not normally be allowed.'*
- 6.09 The principle of extensions to the property is acceptable, whereby its location within the urban area, however this is subject to consideration of the key issues set out above which are discussed below.

Impact on visual amenity and neighbouring residential amenity

- 6.10 The flat roof of the summerhouse is slightly visible from the streetscene through the existing boundary treatment. The summerhouse is timber framed and is set back from the streetscene by at least 3m and the boundary treatment consists of a wall, vegetation and a fence behind the wall and vegetation.

- 6.11 The alterations to the front elevation of the garage consist of changing the garage doors to windows. The top of the window is barely visible above the entrance gate, approved under planning application reference: 21/506184/FULL. Converting the garage is a minor and common alteration and would not negatively affect visual amenity.
- 6.12 The link extension from the garage to the host dwelling is set back from the streetscene by at least 10m and the link extension is set back from the principal elevation of Pinelodge Cottage by 1.75m. The link extension has a flat roof and does not dominate or overwhelm the front elevation of Pinelodge Cottage. The link extension would not negatively affect visual amenity.
- 6.13 Overall the proposed works are subservient to the existing dwelling and do not harm visual amenity of the street scene or the character of the area or result in significant overdevelopment of the site which would warrant refusal.

Impact on residential amenity

- 6.14 Due to the nature of the proposals and the sites relationship with the closest neighbouring dwelling it is not considered that the proposals would negatively impact on the amenity of any neighbouring residential properties.

Car Parking and Highways

- 6.15 The double garage would become a gymnasium and there is capacity for 3 parked cars in front of Pinelodge Cottage. The parking along Somerfield Road is not restricted with yellow lines.
- 6.16 Pinelodge Cottage has two bedrooms on the first floor and Appendix B of the Local Plan, associated with Policy DM23 sets out that properties should have 1 car parking space per dwelling (for dwellings within a edge of centre location). The site retains 3 parking spaces in front of Pinelodge Cottage and as such there is considered sufficient alternative provision
- 6.17 It is not considered the loss of the double garage as parking would result in significant harm to highway safety or result in insufficient parking to serve the dwelling, notwithstanding this the garage is not restricted to be retained as use for parking.

Other matters

- 6.18 There are protected trees to the north-west of the site, however these are a significant distance from the proposed works to be unaffected and it is not believed that these trees have been affected as a result of the works that have taken place.
- 6.19 The NPPF, Local Plan and residential extensions SPD all seek to promote biodiversity enhancements, due to the nature of the site with a backdrop of protected trees and the further encroachment into the garden it is considered reasonable to require biodiversity enhancement, however due to the application being retrospective these enhancement shall be required by condition to be within the curtilage rather than integral to the extension.
- 6.20 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.

7. CONCLUSION

- 7.01 The link extension, garage conversion into gymnasium and summerhouse, by reason of the design, scale and appearance, the development is considered to be in keeping with the character of the original building and character of the area including the streetscene and would not result in significant adverse harm to neighbouring occupiers by way of a loss of light, overlooking or overshadowing or other harm which could not be mitigated by conditions. All other material planning considerations are considered acceptable and in accordance with current policy and guidance.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan 21-842-01

Retrospective Block Plan 21-842-02

Previously Existing Floor Plans 21-842-03

Previously Existing Elevations 21-842-04

Previously Existing Garage Plans 21-842-05

Retrospective Floor Plans 21-842-06

Retrospective Roof and Sectional Elevations 21-842-07

Retrospective Elevations 21-842-08

Retrospective Summer House Plans 21-842-09

Retrospective Summer House Plans 21-842-11

Reason: To clarify which plans have been approved.

- (2) Within 2 months of the date of this decision 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 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 within 2 months of the approval of the submitted details and all features shall be maintained thereafter.

Reason: To enhance the ecology and biodiversity on the site in the future.

Case Officer: Summer Freeman-Smith