

BOROUGH OF KETTERING

Committee	Full Planning Committee - 30/10/2018	Item No: 5.3
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2018/0556
Wards Affected	Slade	
Location	8 Church Way, Thorpe Malsor	
Proposal	Full Application: Garage conversion to guest accommodation	
Applicant	Mr S Roberts	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans detailed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Prior to first use of the building hereby approved, the north facing first floor level window in the gable elevation shall be obscurely glazed or have an obscured film applied and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The parking area shown as a blue hatched area on the approved location plan drawing referenced; KET/2018/0556/1a received 26th September 2018 shall be permanently retained and kept available for the parking of vehicles.

REASON: To ensure adequate on-site parking provision for the proposal and the existing dwellinghouse and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The building subject of this permission shall not be occupied other than as part of the single residential use of the dwelling known as 8 Church Way, Thorpe Malsor.

REASON: The unit of accommodation is not of a satisfactory standard to be occupied separately from the main dwelling in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0556

This application is reported for Committee decision because there are unresolved, material objections to the proposal

3.0 Information

Relevant Planning History

KE/04/0253 – Two storey side extension – APPROVED – 23/04/2004

KE/1989/0827 – Creation of general purpose room in roof space of existing garage – APPROVED – 21/09/1989 – this included a condition (3) stating that the new room should be used and occupied solely in connection with the existing dwelling.

Site Visit

Officer's site inspection was carried out on 07/09/2018 and 08/10/2018.

Site Description

The site consists of a semi-detached ironstone house under a slate roof and red-brick chimney sited perpendicular and approximately 12m from the highway with the highway boundary formed by a stone wall and a mixed species hedge.

The site includes a large two berth garage to east and front of the dwelling with a room above granted planning permission in 1989 and consists of an ironstone gable elevation facing the Church Way with the other elevations constructed in a light brown brick under a slate roof with a dormer directly facing the front elevation of the host property.

The property is located within the village boundary and conservation area and has had its permitted development rights revoked by Article 4 direction.

Proposed Development

The application seeks full planning permission to convert the garage into habitable accommodation for use by visiting friends and relatives. Externally the proposal would involve replacing the two existing garage doors with windows.

Internally, the existing first floor habitable room would remain much the same aside from relocation of a staircase and the existing first floor landing would become a shower room. On the ground floor the existing car parking area and utility room would become one habitable open space and including a kitchenette.

Space for the parking of four reasonably sized cars would remain to the front and side of the building.

Any Constraints Affecting the Site

Within a Conservation Area

Article 4

4.0 Consultation and Customer Impact

Thorpe Malsor Parish Council: *Object* for the following summarised reasons:

- Loss of parking – which will lead to highway safety concerns due to congestion at the bend close to the proposal on Church Way
- No turning room provision for vehicles would mean that vehicles would need to reverse out of the site onto a blind corner and thereby pose highway safety concerns to highway users
- Question the need for ‘guest’ accommodation associated with a four bedroom dwelling
- Query as to whether there is already accommodation to the first floor
- May set a precedent for other similar development in the village to take place
- Not in-keeping with the character of the village

Neighbours: One third party letter of objection received on behalf of ‘Thorpe Malsor Estate’ on the basis of the adverse impact the proposal would have to highway safety due to the loss of off-road parking and create additional need for parking with on-street congestion an issue in the area.

5.0 Planning Policy

National Planning Policy Framework (NPPF):

2. Achieving sustainable development
9. Promoting sustainable transport
12. Achieving well-designed places
16. Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS):

1. Presumption in favour of sustainable development
2. Historic environment
8. Place shaping
11. The network of urban and rural areas

Saved Policies in the Local Plan for Kettering Borough

RA3. Rural Area: Restricted Infill Villages

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of the development
2. Independent dwelling
3. Impact on the character and appearance of the area
4. Impact on residential amenity
5. Impact on highway safety and convenience

1. The principle of the development

As the site is located within village confines defined by Local Plan policy RA3 the proposal is consistent with Joint Core Strategy (JCS) Policy 11 which seeks to guide development to existing settlements in the interest of a sustainable pattern of growth and protection of the rural area.

As such the broad principle of the proposal is considered to be acceptable. Whether or not there is a need for the proposal is therefore not a consideration that would be a determinative factor in this case.

2. Independent dwelling

Generally the provision of a separate dwelling in such close proximity to the host dwelling would be an unacceptable form of development, particularly due to the position of the dormer window in this case.

The applicant, however, confirms that the converted space would be used by their occasional visitors. It is notable that the current first floor arrangements currently allow for this type of use.

Furthermore, the host dwelling and the annex would benefit from the same existing driveway, parking area and vehicular and pedestrian access point and look out onto and share the private amenity space. There would also be no boundary demarcation of the garden area between the annex and the host dwelling. As such and notwithstanding the internal facilities proposed the arrangements are akin to an incidental use as opposed to the creation of an independent unit.

The Uttlesford case (Uttlesford DC v SSE & White [1992] JPL 171) is relevant as tested case law for this type of proposal and is commonly used at appeal for proposals of this nature. The judge in that case considered that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling – instead it would be a matter of fact and degree. In that case the accommodation gave the occupant the facilities of a self-contained unit although it was intended to function as an annex with the occupant sharing her living activity in company with the family in the main dwelling.

Drawing on this case law, the host dwelling and annex share certain services and facilities in particular the garden and parking area and also pedestrian access to the building through the garden. Furthermore, the submission says that the occasional occupant of the proposed annex would be personally known to the applicant (family

or friend) with the nature of the occupancy suggesting that the occasional occupier of the annex would share much of the living accommodation in the main house. Moreover, it is not the applicant's intention to create a separate planning unit.

It is concluded on this matter that although the building is capable of being a separate dwelling it could also be occupied as an annex ancillary to the host dwelling. The applicant is in agreement to the use of a condition to control the use of the proposed building for ancillary purposes only. Such conditions are commonly used. Furthermore, Paragraph 54 of the Framework supports the use of conditions to make development acceptable. Such an approach is consistent with the 1989 permission for the creation of a room in the roofspace of the existing garage and the Inspectors findings associated with a recent appeal decision at 4 Winterburn Court, Kettering under reference KET/2017/0376.

For the above reasons the use of a planning condition would ensure that the proposed annex would function as such and not as an independent dwelling and the proposal would accord with Policy 8 of the JCS, which amongst other things requires new development to create varied and distinctive neighbourhoods which provide for local needs through a mix of uses and unit sizes. Accordingly, there is also no conflict with the NPPF.

The Parish Council has referred to the possibility of the proposal representing a precedent for other such development. No information has been provided as to where this may occur or otherwise whether such a prospect would be considered to be harmful. In any event every application is considered on its own merits and whilst the arrangements for this proposal may not be unique it is not likely to be common in such a small village.

3. Impact on the character and appearance of the area

Policy 8 (d) of the JCS consistent with Chapter 12 of the NPPF seeks development to respond to an areas local character and wider context.

In addition as the site is within a Conservation Area it also falls to be considered under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, including its setting.

Policy 2 of the JCS, consistent with Chapter 16 of the NPPF seeks development to protect, preserve and where appropriate enhance heritage assets and their settings. The stone construction and age of the property together with its simple rural vernacular architecture and Article 4 direction gives rise to its consideration as a non-designated heritage asset.

The proposal however relates to a modern garage with little architectural merit. The external alterations involve removing the two existing single metal modern up-an-over garage doors with full-height glazing arranged in three panes. Such an external change retains the legibility of the building sympathetic to its physical character and would not discernibly change how it interacts with the surrounding area or heritage assets. Notably the external change would not be visible from the public realm.

Whilst the use of the building would change to a degree, it is currently used as incidental habitable accommodation to the upper floor with the existing use of the ground floor for parking having no particular character importance. As such its functionality would not change in a way that would harm the areas character and how the building is experienced in the area. As such the proposal preserves the character and appearance of the area, including the Conservation Area and the setting of the host dwelling as non-designated heritage asset. The proposal therefore is considered to be acceptable in this regard.

4. Impact on residential amenity

The JCS in Policy 8 (e), consistent with the paragraph 127(f) of the NPPF, states that development should protect the amenity of all future and surrounding users of land and buildings.

Impacts on the amenities of future occasional occupiers of the proposal and the host dwelling is not considered adverse given the incidental nature of the proposal, which shall be ensured via condition.

Looking at the impact to neighbours, particularly toward the attached neighbour at 10 Church Way to the north, which has its private garden to its front. Whilst there is a significant hedgerow that protects the amenities of users of that garden there is an existing window in the first floor north facing gable elevation of the garage that could overlook the garden of 10 Church Way. To safeguard the neighbour's privacy in this regard and the likelihood of the upper floor space being used more frequently a condition shall be attached requiring the window to be either obscurely glazed or obscured by the application of an opaque film prior to first use of the building.

As such and subject to imposition of the safeguarding condition discussed the proposal is considered to protect residential amenity and the quality of life experienced by occupiers.

5. Impact on highway safety and convenience

Policy 8(b) of the JCS seeks to ensure a satisfactory means of access and provision of parking.

The Officer's site visits revealed that the existing garage spaces are used for storage purposes for domestic paraphernalia and therefore are not seemingly used for the garaging of a vehicle(s). Therefore whilst the garage may be available for parking in reality it is not used for that purpose and therefore no used car parking spaces are being lost by the proposal.

The extent of the applicant's ownership includes space to the front and side of the existing garage which allows parking for four average sized vehicles with a manoeuvring space shared with 10 Church Way to enable a vehicle to access and egress the site in a forward gear. The provision of four off-street parking spaces together with its turning arrangements are considered sufficient and appropriate for the host dwelling and the visitors associated with the proposal. A condition shall be attached to ensure that the parking spaces as shown on the submitted location plan are retained for that use. As such and as the access arrangements onto Church Way are unchanged the proposal would not exacerbate any existing issues

associated with the location of the access close to a bend.

In addition during the Officers two site inspections there was no evidence of significant parking congestion along Church Way or in the locality. Whilst this is only a snap shot of two particular occasions it nevertheless provides an indication of the ability of the street to absorb an occasional visiting vehicle. As such and in the absence of convincing evidence being provided that would support coming to a different conclusion the proposal would not harm highway safety or otherwise worsen existing parking arrangements in the locality. As such the proposal is considered maintain highway safety and therefore is acceptable in this regard.

Conclusion

In light of the above and with no other material considerations that would justify coming to a different view the proposal is considered to be in accordance with the Development Plan and the NPPF and therefore is recommended for approval subject to imposition of the stated conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: