

- a) **DOV/18/00913 – Raise roof of existing garage to facilitate conversion into artist's/writer's studio in association with the dwelling - The Odd Fellows Hall, 19 Century Walk, Deal**

Reason for report – Number of contrary views (6)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

DM1 – Settlement Boundaries

DM13 – Parking Provision

National Planning Policy Framework (NPPF) (2019)

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

Kent Design Guide (2005)

The guide provides criteria and advice on providing well designed development, emphasising that context should form part of the decision making around design.

- d) **Relevant Planning History**

DOV/02/00113 - Conversion of hall to single dwelling - Granted

DOV/02/00113/B - Amendments to approved scheme - Granted

DOV/10/00737 - Erection of a first floor extension to incorporate a design studio – Granted

- e) **Consultee and Third Party Responses**

Representations can be found in full in the online planning file. A summary has been provided below:

Deal Town Council – raise no objection, however initially objected to the application due to the height of the roof and potential for light pollution during the first round of consultation.

Environmental Health – no observations.

Public Representations:

6 Representations of objection have been received and are summarised below:

- Overdevelopment of site by creating another habitable building
- Overbearing
- Noise disruption
- Reduces number of off road car parking spaces
- Loss of privacy
- Overlooking due to design and increased height
- Light pollution
- Loss of light/overshadowing
- Description of development states it is for 'habitable use', however owner has stated it would be a writers studio
- Only half is described as double height space – no first floor plan is shown
- Would set a precedent for other garages in the area to submit similar applications

3 Representations of support have been received and are summarised below:

- Existing garage has no architectural merit.
- The proposed conversion will be an attractive addition to an otherwise dreary back lane.
- It is clear that the proposed screening will prevent light pollution between the building and neighbouring houses.
- The development will have minimal impact on adjacent properties.
- The modest increased height is insignificant when seen next to the higher Sunnyside Cottages in Anchor Lane.

f)	<u>Officer's</u>	<u>Note</u>
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The description of the application has been amended to clarify the intended use of the development (for an artist's/writers studio in association with the dwelling, rather than as habitable accommodation as previously advertised). Furthermore, the proposed plans have been amended to show the layout of the first floor, which would be used for storage and would be accessed by a ladder. The application has been re-advertised and subject to further public consultation; the 21 day duration of this is due to end on Friday 15th March 2019. Should any representations be received during the period between this report being finalised and Planning Committee, members will be updated accordingly at Planning Committee.

1. The Site and the Proposal

- 1.1 The application site relates to an existing garage and garden/storage building within the rear garden of a detached dwelling which lies within the settlement confines of Deal. Century Walk contains a number of semi-detached and terraced dwellings, predominantly two storeys in height. The rear gardens of

some of these properties back on to Anchor Lane, which is a narrow, private lane to the south of the site, which contains a number of garages, as well as two detached bungalows, a group of terraced properties and a new housing development, currently under construction. The application property shares boundaries with No. 17 Century Walk to the east and No. 21 Century Walk to the west.

- 1.2 This application seeks permission to raise the roof of the existing garage (creating a pitched roof with a ridge height of approximately 5.1m and eaves height of approximately 3.1m from rear ground level) to facilitate conversion into an artists/writers studio. This has been further clarified by the agent, who states that the studio would be used by the occupants for writing and photography (as a dark room) and, whilst containing a bathroom, would not contain any bedrooms or be used for residential accommodation.
- 1.3 The building would be finished in black timber weatherboard, with a natural slate pitched roof and black UPVC rainwater goods. There would be two windows installed on the flank (west) elevation; one to be fitted with obscured glazing. An apex window would be installed in the south elevation (fronting Anchor Lane) and folding glazed doors and a larger section of apex glazing would be installed on the north elevation facing the application property. All windows and doors would be finished in mid grey powder coated aluminium.

2. Main Issues

- 2.1 The main issues for consideration are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity

Assessment

Principle of Development

- 2.2 The site lies within the settlement confines of Deal, as identified in Policy DM1. The proposed change of use would create an artist's/writers studio in association with the main dwelling. It is considered that the principle of the development is acceptable in an urban location, subject to site-specific considerations.

Impact on the Character and Appearance of the Area

- 2.3 By virtue of its siting, the proposal would be readily visible from Anchor Lane, which is a private road to the south of the site and not a through road and therefore is not used regularly by the general public. The proposals would include a number of external alterations to the existing building; the application of timber weatherboard, insertion of windows and raising of the roof.
- 2.4 There are a number of garages on the northern side of Anchor Lane, all finished in a range of materials and of varying heights. To the east of the garage (application building), separated by the parking area to the rear of No. 17 Century Walk, are several cottages, finished in white, blue or grey render.

To the southern side of Anchor Lane, opposite the application building, is a detached bungalow finished in grey render and further to the southwest is a detached two storey dwelling finished in brick with tile hanging. As such, the character of the street scene of Anchor Lane is varied.

- 2.5 Planning permission has previously been granted for the extension and change of use of this garage to an artist's studio (DOV/10/00737 - Erection of a first floor extension to incorporate a design studio – Granted). The building was permitted to be finished in dark stained shiplap timber, with a synthetic dark grey slate roof and velux windows. Under this permission, the eaves height was 4.5m and the ridge height of the gable roof was 6m. This permission was not implemented, however was similar in appearance to the current proposal, albeit approximately 0.9m taller (at ridge level than the current proposal) and with a greater mass due to the higher eaves level (approximately 1.4m taller than the eaves of the current proposal).
- 2.6 The proposed raising of the roof to create a pitched roof and external alterations associated with the change of use of the garage would result in a change to the appearance of the building, with the installation of black weatherboarding which, whilst different from the materials of other buildings in the street scene, would be similar in appearance to the black painted close-boarded timber fence to the rear of the application site and would be similar to the dark grey/black painted walls of the existing garage. Consequently, the proposal is considered unlikely to result in significant harm to the varied character and appearance of the street scene, in accordance with Paragraph 127 of the NPPF.

Impact on Residential Amenity

- 2.7 The proposals would be visible from a number of surrounding properties and the impact on residential amenity is discussed as follows:

No. 21 Century Walk

- 2.8 Located to the northwest of the application site, this two storey end-of-terrace dwellinghouse has a semi-detached garage to the rear (south) and this, together with an approximately 2.3m high brick wall and timber fence above, forms the boundary between the two properties. No. 21 has a two storey rear extension, with a roof terrace and balustrade above the ground floor and a door and window on the rear elevation of the first floor extension (providing access from a bedroom). There is also a window on the rear elevation of the main dwellinghouse (believed to serve a bedroom), from which the proposals would be visible. The proposal would cast shadow towards this property during the mornings, however the existing parking spaces to the west side of the garage would be retained and therefore, given this separation distance and the tall boundary treatment between dwellings, the proposal is considered unlikely to result in significant overshadowing or loss of light to the rooms, windows and external amenity area of this property.
- 2.9 The proposal includes the insertion of two windows on the flank (west) elevation of the garage. One would serve a WC/shower room and as such, it is considered appropriate to impose a condition requiring obscured glazing to be installed to preserve the privacy of users. These windows would overlook the parking area to the side of the building and the boundary wall and garage of

No. 21 Century Walk and as such, are considered unlikely to result in harm to the privacy of the adjacent occupiers. The proposal includes the insertion of folding doors and apex glazing on the rear (north) elevation facing the main dwellinghouse. Part of the building would contain a raised platform level, however this would be used for storage only and would be occasionally accessed by a ladder. As such, users of the building would predominantly be based at ground floor level, with views of the garden of the application site and main dwellinghouse, as well as some views of the upper floors of neighbouring properties (restricted by the tall boundary treatment). Whilst there is therefore the potential for some interlooking between the artists/writers studio and users of the first floor terrace of No. 21 Century Walk, there is already a level of interlooking due to the elevated positioning of this terrace. Consequently, the proposal is considered unlikely to result in significant harm to the privacy of the neighbouring occupiers in accordance with Paragraph 127 of the NPPF.

No. 17 Century Walk

- 2.10 Located to the east of the application site, this two storey semi-detached dwelling has a part single and part two storey rear projection with windows on the rear elevation from which the proposal would be partially visible. An at least 1.8m high brick wall separates the gardens of the two properties and to the rear (south) is a detached garage and parking area which belongs to 5 Sunnyside Cottages (the front elevation of which is approximately in line with the rear elevation of the application garage). Whilst the proposal would be partially visible from this neighbouring property, views would be restricted by the tall boundary wall and therefore the development is considered unlikely to have an overbearing impact on residential amenity. The increased roof height of the building would result in some additional shadow being cast towards this property during the afternoons and evenings. However, this would predominantly be to the rear parking area and the garage of No. 5 Sunnyside Cottages. As such, the development is considered unlikely to result in significant overshadowing or loss of light to the rooms, windows and garden of the neighbouring property. As stated previously, the upper floor of the artist/writers studio would be for storage only and would therefore be accessed from time to time. Consequently, the development would be unlikely to result in overlooking or significant harm to the privacy and residential amenities of the adjacent occupiers in accordance with Paragraph 127 of the NPPF.

No. 5 Sunnyside Cottages

- 2.11 Located to the east of the site, this two storey end-of-terrace cottage has several windows on the flank elevation from which the proposals would be visible. There are two windows at ground floor level, with an additional window on the flank elevation of a single storey rear extension, and two windows at first floor level. Whilst the proposal would be directly visible from these windows, there would be a distance of approximately 5m between these and the artists/writers studio, with the driveway of No. 5 separating the two. Consequently, the proposal is considered unlikely to result in a significantly overbearing impact on the residential amenities of this property. Furthermore, due to the separation distance between the two properties, the proposal is considered unlikely to result in a significant loss of light to the rooms and windows of No. 5. This is due to the pitched roof of the proposed artists/writers studio. Whilst the building would result in some additional shadow being cast towards the neighbouring property during the evenings, this would mostly

overshadow the garage and parking area of No. 5 Sunnyside Cottages, rather than the windows of the dwellinghouse. On balance therefore, the proposal is considered unlikely to result in significant overshadowing to the residential amenities of the neighbouring property.

- 2.12 No windows are proposed on the flank elevation of the artists/writers studio and as such, the development is considered unlikely to result in overlooking or significant harm to the privacy of the neighbouring occupiers. Nonetheless, given that this neighbouring property has windows facing the application building, and as there are currently no openings on the flank (east) elevation of the garage, it is considered appropriate to recommend that a condition is imposed restricting permitted development rights for the insertion of windows/openings on the flank (east) elevation of the building, in order to preserve the privacy and residential amenity of the nearby occupiers. It is also considered appropriate to include a condition requiring the window on the west elevation serving the bathroom (shown as obscure glazed) to be fitted with obscure glazing, in order to preserve the privacy of users of the building. On this basis, the development therefore complies with Paragraph 127 of the NPPF.

Sunnyside Bungalow

- 2.13 Located to the south of the application site, and on the opposite side of Anchor Lane, this detached bungalow has a number of windows on the front elevation from which the proposal would be visible. The dwelling is set back from the lane and there is a parking area to the front and side (east). The garden of the property is to the west (and part of the front of the property) and is bounded by an approximately 1.8m high timber close board fence. Whilst the proposal would be visible, given the separation distance, the development is considered unlikely to have a significantly overbearing impact on residential amenity. Due to the scale of the proposed pitched roof, the siting of the building and the sun path, the development would be unlikely to result in overshadowing to the residential amenities of Sunnyside Bungalow, which is entirely to the south of the site. The proposal would have a glazed apex window on the front (south) elevation which would face towards this neighbouring property. However, this would be set at a high level and, as the upper floor of the artists/writers studio is for storage only, the development is considered unlikely to result in overlooking or harm to the privacy of the nearby occupants in accordance with Paragraph 127 of the NPPF.
- 2.14 Concerns have been raised regarding light pollution from the proposed studio and noise disturbance, particularly at night. It is understood however that the concerns regarding noise relate to the gravelled surface of the applicant's garden. Given the intended use of the building, which would be ancillary to the main dwellinghouse (to be secured by condition), on balance, the development is considered unlikely to result in significant harm to residential amenity in respect of disturbance from noise and light.
- 2.15 Due to the siting and scale of the proposals, as well as the separation distance to other nearby properties, the development is considered unlikely to result in significant harm to the residential amenity of other neighbouring dwellings in respect of overshadowing, overbearing, noise/disturbance or loss of privacy. The proposals therefore accord with the aims and objectives of Paragraph 127 of the NPPF. Nonetheless, in order to prevent the building being used for habitable accommodation, it is considered appropriate to include a condition

restricting its use such that it shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Odd Fellows Hall.

Other Material Considerations

Impact on Parking

- 2.16 The proposals would result in the conversion of the garage and therefore the loss of one garaged car parking space. However, the two parking spaces to the west side of the garage would be retained and therefore the two bedroom dwelling would comply with Policy DM13 (Parking Provision), which requires one parking space for a dwelling of this size in this location.

Impact on Flood Risk

- 2.17 The application site is located in Flood Zone 1, which has the lowest risk from flooding. Nonetheless, the agent has submitted a flood risk form which identifies that, in accordance with Environment Agency Standing Advice for Householder and Other Minor Extensions, the floor levels within the development would be set no lower than existing and therefore, given that the development would not be used for habitable accommodation, the proposals are considered acceptable in respect of risk from flooding.

3. Conclusion

- 3.1 The proposal would be ancillary to the main dwellinghouse which is located within the settlement confines and is therefore considered acceptable in principle in accordance with Policy DM1. Whilst the proposals would be visible from the private road, Anchor Lane, due to the varying design and materials of the properties and garages in this lane, the proposal is considered unlikely to result in significant harm to the character and appearance of the street scene. Furthermore, whilst the proposal would be visible from a number of surrounding properties, on balance, due to the scale, siting and separation distance, the development is considered unlikely to result in significant harm to the residential amenities of nearby properties in accordance with Paragraph 127 of the National Planning Policy Framework.

4. Recommendation

- I PERMISSION BE GRANTED subject to conditions which include:
- i) Standard time condition
 - ii) Approved plans
 - iii) Removal of permitted development rights for the insertion of windows/openings in the flank (east) elevation of the development.
 - iv) Obscured glazing to be used for the window on the west elevation serving the bathroom.
 - v) Restriction of the use of the building to be ancillary to the main dwellinghouse; The Odd Fellows Hall.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Rachel Morgan