

- a) **DOV/18/00687 – Conversion of double garage into habitable accommodation and the erection of a linked porch to connect the existing house and garage - 32 Kinson Way, Whitfield, Dover**

Reason for Report: Number of contrary views

- b) **Summary of Recommendation**

Planning Permission be GRANTED

- c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

Policy DM1 supports development carried out within the urban confines

Policy DM 13 Parking Provision

National Planning Policy Framework (NPPF)

NPPF 2018 Achieving sustainable development (paras 7 – 14)

Achieving well designed places (paras 124-132)

Kent Design Guide Review 2008 – Residential Parking

- d) **Relevant Planning History**

DOV/06/850 granted planning permission for ‘Residential development comprising 123 houses and 54 flats with associated garaging and car parking and infrastructure’ The Permission was subject to condition number 19 of which requires *inter alia* that parking be retained as such. Reason: In order to ensure that adequate parking or garaging is provided and maintained in the interest of road safety and visual amenity

The site was the subject of a complaint in regard to a fence in 2014. It was established that the fence was Permitted Development under the General Permitted Development Order.

Conditions and Covenants

It is understood that there are a number of restrictive covenants on the estate. Such covenants are legal agreements between buyers and sellers of property to which the Council is not a party. Such covenants are not enforced by the Council nor are they a material planning consideration.

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

Whitfield Parish Council have no objection to the application.

Eight local residents object to the proposal, as does the Estate Management Company, on the grounds summarised as follows:

- Loss of two existing parking spaces within garage, inadequate parking within the curtilage potentially leading to more on road parking now and in the future leading to inconvenient to other road users including by constructional traffic
- Contravention of Condition 19 of DOV/06/850 which requires *inter alia* that parking be retained as such
- Loss of privacy due to overlooking from the proposed new windows in the front elevation of the garage
- Development would preclude access to rear garden area for house owner
- Proposal is out of character with estate.
- Traffic associate with construction
- Contravention of restrictive covenants (not a material planning consideration)
- Loss of value of other housing (not a material planning consideration)

1. **The Site and the Proposal**

The Site

- 1.1 The site comprises a modern detached brick and tile house set at the entrance to a small private close off Kinsen Way within the confines of Dover. The house benefits from a detached double garage of brick and tile which is set forward of the dwelling and at about 45 degrees to it.
- 1.2 Forward of the house and between the garage and the main driveway of the close is a tarmacked forecourt on which it is possible to park three cars (two in parallel and one at an angle). Between the forecourt and the highway is a small garden area enclosed by a low wooden picket fence.

The Proposal

- 1.3 The applicant seeks permission to convert the garage to habitable accommodation in the form of an additional bedroom which would include a small en-suite facility.
- 1.4 The existing two single 'up and over' garage doors would be removed and replaced by two side hung twin panel windows with in-fill bricks to match the existing structure.
- 1.5 The proposal also includes a link structure in the form a short corridor which would connect the side of the converted garage to the side of the house and its exiting side entrance. The link structure would be brick with a flat roof incorporating a lantern skylight to provide light to the passageway. There would be ramped disabled access to the front and rear of the link structure immediately adjacent to the side door of the host dwelling allowing access to the front and the rear garden.
- 1.6 A statement included in the application indicates that the applicants, who are both elderly, are in effect 'future proofing' their home to allow accommodation should they become infirm.
- 1.7 At least two parking spaces and potentially three including one in tandem would be retained on the existing driveway.

2. **Main Issues**

- 2.1 The principle of the development
- Car parking provision within the curtilage and the wider area

- Residential amenity
- Street scene and character of the area
- Other matters

Other Issues raised by local residents including restrictive covenants and the value of property are not material planning considerations

3. **Assessment**

3.1 The Principle of the Development

3.2 Core Strategy Policy DM1 supports and encourages development within the confines, accordingly the principle of this proposal is acceptable

3.3 The development proposed would, as the applicant says, future proof the residential unit and the site for different generations of occupants. This approach is supported by the NPPF and accordingly the development proposals are sustainable.

3.4 Car parking within the curtilage and the wider area

3.5 Condition 19 of the base planning permission required that *“No residential unit shall be occupied until space within its curtilage or, alternatively, the space allocated in connection with its use and the vehicular access to it have been laid out and surfaced for the parking or garaging of cars in accordance with the details hereby approved. That space and the vehicular access to it thereafter shall not be used for any purpose other than the parking of vehicles.(Dover District Local Plan Policy TR7).*
Reason: In order to ensure that adequate parking or garaging is provided and maintained and in the interests of road safety and visual amenity”

3.6 This condition pre-dates the current Highway Authority Residential Parking Standards which in the case of a 4+ bedroomed house in a suburban area now requires 2 parking spaces. It should also be pointed out that the Highway Authority have now recognised that domestic garages are in reality rarely used for the garaging of cars rather they are used for other domestic purposes including storage, Gyms, Domestic workshops etc. accordingly such spaces are not ‘counted’ by KCC as parking spaces as such.

3.7 The condition was originally imposed for good reason at the time, however, the forecourt of the application property is of sufficient size to comfortably accommodate the required two vehicle parking spaces and indeed a third car space would be possible.

3.8 In addition visits to the area at various times of day have revealed that there is available on road parking in the area. Accordingly, it is not considered that the loss of the garage space would result in harm to road safety or normal amenity in this location

3.9 Residential Amenity

3.10 The two new windows in the proposed development (to replace the garage doors) are looking towards the public realm. The distance between the new windows and those of the facing property opposite would be about 19 metres across the courtyard and access roadway to the rest of the close. I do not therefore consider that there would be any significant loss of privacy to any other local resident.

- 3.11 Off road parking is of course a valuable amenity. However, in view of the availability of on road parking to all residents and the retained driveway parking, it is not considered that the loss of the garaging would cause harm to the amenity of local residents.

Street Scene and Character of the Area

- 3.12 The substitution of two windows for garage doors would have little visual impact on the streets scene or harm to the visual amenity of the area. The proposals are reasonably well designed and finished and there is no harmful impact likely on the street scene and character of the area.

3.13 Other Matters

- 3.14 Issues raised by local residents including restrictive covenants and the value of property are not material planning considerations.

- 3.15 Access to the rear garden by the owner as mentioned by local residents is not an issue for the local planning authority but in any case, the ramped access to doors both side of the link structure would allow such access.

- 3.16 Although there may be some minor disruption due to construction traffic this would be very transient in nature and is unlikely to significantly interfere with the ebb and flow of traffic.

4. Conclusion

- 4.1 Overall, the proposal is a positive form of sustainable development within the urban confines. I consider that the proposal would have no significant harmful impact on parking provision within the site and surrounding area. There would be no significant impact on residential amenity and no significant adverse impact on the character and appearance of the area.

- 4.2 I therefore recommend planning permission be granted

g) Recommendation

- (i) Planning permission be **GRANTED** subject to conditions to include (1) time, (2) compliance with plans and (3) The use of the accommodation hereby permitted shall remain ancillary to the main house and not used as a separate residential unit of accommodation.
- (ii) Powers be delegated to the Head of Regeneration and Development to settle any necessary issues in line with the matters set out in the recommendation and as resolved by planning committee.

Case Officer

Tony Jarvis