

- a) **DOV/18/00940 – Variation of Condition 2 (approved drawings) of planning permission DOV/18/00687 to allow design changes (application under S 73)**

32 Kinson Way, Whitfield, Dover, CT16 2FB

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

National Planning Policy Framework (NPPF)

NPPF 2018 Achieving sustainable development (paras 7 – 14)
Achieving well designed places (paras 124-132)

- 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

DOV/18/00687 granted planning permission for ‘Conversion of double garage into habitable accommodation and the erection of a linked porch to connect the existing house and garage’. The permission was subject to a number of conditions including condition 2 which required *inter alia* that the development be built to the approved plans, and (3) That the use of the accommodation shall remain ancillary to the main house and not used as a separate residential unit of accommodation

- e) **Consultee responses**

Whitfield Parish Council objects to this revised application saying: “Having attended the site, there appears to already have been some alterations to the property, which are not in keeping with the surroundings. The proposed new wall is indicated to be at least 3 feet above the existing fence. This will block light to the neighbouring property, which would be detrimental and cause overshadowing to the property and garden. Indications are that there will be a flat roof to the development, which raises concerns regarding drainage, possibly affecting the bordering property. Windows inserted to the new structure, will directly overlook a neighbouring property, causing an invasion of privacy”

f) Third Party representations

Nine local residents and the Estate Management Company object to the proposal as follows:

- Reiterate objections to original planning permission for the conversion of the garage, link extension and alterations
- Inadequate parking within the curtilage potentially leading to more on road parking now and in the future leading to inconvenient to other road users
- Alleged breaches of planning control including the erection of a decking platform and tent in rear garden
- Loss of privacy due to overlooking from the proposed new windows in the front elevation of the garage
- Enlargement of corridor to room would be overbearing, create overshadowing and loss of sunlight.
- Proposal would change the single-family dwelling into two flats.
- Installation of a kitchen upstairs
- Allege intention to use accommodation as residence for daughter
- Potential drainage issues (a Building Control issue)
- Noisy air conditioning unit (an Environmental protection issue)

1 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 which is currently undergoing alterations pursuant to the recent grant of planning permission.
- 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) without impeding access to other properties. Between the forecourt and the highway is a small garden area enclosed by a low wooden picket fence.

2 The Proposal:

- 2.1 The applicant seeks to vary to plans approved under DOV/18/252 by:
- a) Enlarging the previously approved ground floor extension linking the main house to the former garage which would provide an enlarged kitchen/dining room with a flat roof and lantern skylight. The extension as enlarged would be slightly less than three metres high and would run just inside the existing boundary fence with the neighbour to the west and be to an overall height of less than three metres.
- b) Amendments to the front (east facing) elevation of the converted garage by the reduction in size of one of the two windows and the use of obscure glazing on this

window which would serve an en-suite and the reduction in depth of the second window which would serve a bedroom. The south east facing elevation would now have a single glazed door rather than a door and a window

- 2.2 At least two parking spaces and potentially three including one in tandem would be retained on the existing driveway which is no change from the approved scheme.

3 Main issue for consideration:

- 3.1 The main issue for consideration is whether the proposal amendments would cause harm to:

- The principle of the development
- Residential amenity
- Street scene and character of the area

The issue of car parking at the property and the surrounding area raised by local residents were addressed in the original planning permission (18/00687) and would not be affected by the proposed amendments.

4 Analysis

4.1 The Principle of the development

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

- 4.1.2 The proposal is application under Section 73 of the Act to amend a condition that requires the previously approved scheme be built to the specified plan. Only the impact of the proposed amendments falls to be considered in the determination of this application

4.2 Residential amenity - Privacy

- 4.2.1 The proposed amendments to the windows in the east facing (front) elevation of the converted garage would potentially reduce interlooking by the reduction in size of the windows and especially by one of the windows being obscure glazed (which can be retained by condition). These windows are in any case about 19 metres from the windows of the neighbour opposite across the courtyard and access roadway to the remainder of the close effectively overlooking the public realm.

- 4.2.2 This S73 application, as originally submitted, included rear patio doors in the extension had the potential to intrude into the privacy of the neighbour to the west. Following discussions with the agent, amended plans were submitted deleting the patio doors and replacing with a single obscure glazed rear door.

4.2.3 The result is that there would be no significant intrusion into residential privacy of the neighbour to the west occasions by the amended scheme.

4.3 Residential Amenity – Massing and overshadowing and sunlight

4.3.1 The proposed amendment, which envisages the enlargement of the link extension to a kitchen/dining room would bring the structure closer to the common boundary with number 34 Kinson Way which lies to the west of the application site. The common boundary comprises a standard close boarded fence and the proposal would be about 0.86 of a metre higher than this boundary fence. The structure would run along the common boundary for a distance of about six metres. About half of this length would extend to the rear of the rear wall of the neighbour's property - which in any case has a conservatory running parallel to this boundary. Because of these factors, and the relatively low height of the extension of less than three metres, I do not consider that the proposed extension would have a significant massing effect on the boundary and would not unduly interfere with outlook from the neighbouring property. Additionally, because of this neighbour's orientation to the west of the proposal, there would be minimal overshadowing, loss of natural light or sunlight.

4.4 Visual Amenity

4.4.1 The proposed variations from the previously approved scheme would have no significant impact on the visual amenity and character of the street scene or surrounding area.

4.5 Other matters raised through public participation

4.5.1 The status of the original permission – A number of local residents have objected to the original grant of permission. This does not fall to be considered in this application. The application under consideration deals only with the amendments to the approved drawings and the effect such amendment will have on material planning consideration

4.5.2 Car Parking – This was rehearsed and considered in the previous application; however for the avoidance of doubt current Highway Authority Residential Parking Standards which for a 4+ bedroomed house in a suburban area require 2 parking spaces be provided. 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. and accordingly such spaces are not 'counted' by KCC as parking spaces as such. In summary therefore, parking spaces available on the forecourt meet current parking standards

4.5.3 The alleged sub-division of the dwellinghouse – A number of residents have alleged that the house is being sub-divided stating that a kitchen has been installed upstairs and that the current owner's daughter and her family will live upstairs and the applicant downstairs. Such an arrangement, whereby an extended family lives in a single-family dwelling with different elements using different sections of the house,

would not in itself constitute a material change of use of the dwellinghouse to two dwellings or flats. The previous planning permission was the subject of condition 3 which requires the use of the accommodation shall remain ancillary to the main house and not used as a separate residential unit of accommodation. That condition can be carried forward to any new permission.

5 Conclusion

5.1 Overall, the proposed amendments to the approved scheme would have no significant adverse impact on adjacent residential amenity or other interest of planning importance

5.2 I therefore recommend planning permission be granted.

g) RECOMMENDATION

- (i) Planning permission **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, and (4) obscure glazed window for the ensuite window in the east facing elevation. (5) Obscure glazing for the rear door, and
(6) no additional opening on the west facing elevation.
- (ii) Powers be delegated to the Head of Regeneration and Delivery 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