

a) **20/01533 – Erection of garage and annexe for ancillary use (existing garage and lean-to to be demolished) - 48 The Marina, Deal**

Reason for Report: Eight contrary views

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Planning Policy Framework (NPPF)

NPPF 2019

Achieving sustainable development - Paras 7-14

Achieving well designed places - Paras 124-132

Dover District Core Strategy (CS)

Policy DM1 - supports development carried out within the urban confines or is ancillary to existing development.

d) **Relevant Planning History**

97/1047 Two storey detached dwelling with associated works – Refused

INF/06/0648 Informal Advice – two bungalows would not receive officer support

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

Deal Town Council - No objection

Archaeology – No Measures necessary

Public Representations - A total of twenty six representations were received as follows:

Eight **objections** were received summarised as follows:

- Not in keeping with the surrounding area
- Would set a precedent for similar development
- Potential use for residential purposes/holiday let
- Two storey building not necessary
- Inadequate sewage system
- Office use not appropriate to the area
- Would prefer a single storey development

Eighteen letters of support were received summarised as follows:

- Improvement on the existing run down garages in the area
- Good use of space
- Attractive development
- Improve street scene
- Needed for working at home accommodation
- Extra parking to be welcomed

1. The Site and the Proposal

The Site

- 1.1 The proposed development is situated at the end of the relatively long rear garden (about 35 metres) of number 48 The Marina and backing on to the East side of Sandown Road with a road frontage of about 11 metres.
- 1.2 The east side of Sandown Road comprises, in the main, the rear gardens of various properties on the Marina itself. These rear gardens are rather run down with an assortment of mainly flat roofed single storey garages which give a rather poor appearance to the area. These rear gardens comprise a 50 metre gap between two storey developments, some of which are fairly recent. On the opposite side of Sandown Road (the west side) there is an eclectic mix of original bungalows and modern two storey replacement dwelling. Overall, the impression of the area is one of slow gradual improvement

The Proposal

- 1.3 The proposed building is to replace the existing single story pitched roof single garage and would have an 'L' shaped footprint about 10 metres wide and 7 metres deep with a ground floor area of about 60 square metres. The building would be set back far enough from the road to accommodate two off road parking spaces.
- 1.4 The total height of the building would be about 6 metres to the ridge of its pitched and artificial slated roof. External walls would comprise vertical dark stained timber cladding. The garden facing elevation would contain deep windows up to mid-level of the mezzanine floor with double doors giving access to the garden. The road facing elevation would contain a garage door and three small windows at ground floor and a small square window at first floor. An entrance door would be on the side elevation. There would be rooflights in the road facing and side elevation. There would be a flue on the garden facing roof slope serving a small heating stove.
- 1.5 The northern wing of the building would comprise a single garage at ground floor level. The remainder of the ground floor would be used as 'garden room and a home gym. The first floor would accommodate a new home office and store.
- 1.6 The applicant describes the proposed use as follows:

"Garage - The proposed new building will accommodate a new single garage with workshop space. Its positioning will also allow the comfortable parking of 2 vehicles. These spaces will be independently accessible and make use of the existing dropped kerb. (There is no requirement for a new dropped kerb). The applicants already have one electric vehicle and intend to have a second electric car so provision will also be made for two car charging points

The Garden Room/Gym - The proposed new building will also provide a space at ground floor for a new "Garden Room" and home gym. The existing main house has no reception rooms with direct access to the garden due the change in levels resulting in the fact that the main kitchen is over a storey above the garden level. Therefore the garden room will provide the family with a social space that is directly linked to their garden. The space will also be used as a home gym and so a toilet and shower room is provided.

Home Office - The first floor will accommodate a new home office. This year has obviously seen a huge increase in home working and a dedicated separate work space is required for continued home working. The window faces Sandown road and looks out onto the public street, hence no loss of privacy. The toilet and kitchenette provisions are to facilitate the making of drinks and prolonged use of the office without the need to constantly revisit the house. This will also stop the need for a long walk back to the house to use the toilet.

Store Room - There is also provision made for a first floor storage room which would otherwise be wasted space above the garage. This has only forward facing roof windows to bring light into this area.

Occasional Guest Accommodation for family. - The primary use of the space is for the functions described above but as the space will have a shower room and living space, it may on occasion be used for family or friends to stay over. Hence, we have described the development as Ancillary Accommodation/Annex. It is not intended to become permanently used as full-time annex”.

2. Main Issues

2.1 The main issues for consideration include:

- The principle of the development
- The impact on the character and appearance of the surrounding area
- The impact on residential amenity
- Flood Risk
- Highway Issues
- Comments made as a result of public participation in the planning process.

Assessment

The Principle of the Development

2.2 The NPPF identifies that planning decisions should play an active part in guiding development towards sustainable solutions. The development proposed is an ancillary building to a lawful dwelling which is considered sustainable and is acceptable in principle under Core Strategy Policy DM1 subject to considerations of details discussed below.

The Character and Appearance of Surrounding Area

2.3 The proposal comprises a 6-metres high ‘one and a half’ storey building with mezzanine floor in the roof space. It has a pitched roof and is constructed of materials appropriate to the area including brick facework to the side elevation and dark stained vertical cladding surmounted an artificial slate roof.

2.4 The east side of Sandown Road comprises, in the main, the rear gardens of various properties of The Marina itself. These rear gardens are rather run down with an assortment of mainly flat roofed single storey garages which give a rather poor appearance to the area. These rear gardens provide a relatively short interlude between two storey developments along the rest of the road, some of which are fairly recent. On the opposite side of Sandown Road (the west side) there is an eclectic mix of original bungalows and modern two storey replacement dwelling.

- 2.5 The building itself is relatively modest in scale and whilst being of a form and finished in materials which are not found in the vicinity, given the eclectic mix of building types, it is not considered that it would appear out of context or harmful to the character of the road. In the light of this I do not consider the proposal would constitute an unacceptable visual intrusion, on the contrary I consider it would lift a rather run down vista in the area.

Residential Amenity

- 2.6 The large windows in the east and garden facing elevation are set forward of the mezzanine floor and any outward views would be focused downward resulting in no undue loss of privacy to the neighbouring resident on the Marina. The building is sufficient distant from other local residents to have no adverse impact on their privacy and amenity neither is it likely to cause undue noise and disturbance.

Flood Risk

- 2.7 The site lies within a Flood Risk Zone 3. The risk of flooding from the sea is rated at 1:200 in any given year (i.e 5%). A flood risk assessment has been submitted together with a completed copy of the Environment Agency's form for householder development in Flood Risk Zones 2 and 3. These documents confirm that the building would be occupied as ancillary accommodation only and provide details of the development will include specified physical steps to improve flood security of the building, in accordance with Environment Agency advice.

- 2.8 In this context the applicant again points out that the building is specifically 'ancillary accommodation' and not an independent dwelling and points out that the first floor will provide a refuge in the event of flooding. Any new manholes installed close to the property will have sealed lids. The ground floor construction will be Solid Concrete with no below ground voids. Service drops within the garage and ground floor rooms will be dropped from above and not taken under the floor. The occupier will register for the environment agency early warning system and put a flood plan in place. These measures will ensure that the building is safe in the event of a flood and is resilient to flood water damage. Consequently, it is concluded that the scheme is acceptable in terms of flood risk.

Highway Issues

- 2.9 The proposal indicated two off road parking spaces plus the garage. This considered adequate bearing in mind its location within the urban area. There is in any case adequate on-road parking available in the area.

Comments on Representations

- 2.10 The majority of neighbouring objections related to the possible future use of the building and the perceived potential for it to become an independent 'backland' dwelling and/or a 'holiday cottage'.

- 2.11 The applicant has indicated that the building:

“may on occasion be used for family or friends to stay over”.

He further states:

“It is not intended to become permanently used as full-time annex” (his emphasis).

In this context I consider a condition requiring a record be kept of any period of occupation (to be kept for three years) and details of the occupant be maintained and be made available to officers of the Council on request is 'necessary, relevant, enforceable, precise and reasonable' and would ensure that the building was not used unlawfully.

- 2.12 Concern have also been raised regarding 'precedent'. All applications are determined on their own merits and any application for use of this building as a separate dwelling would need an express planning permission. The existence of an outbuilding, in itself, would not set a precedent for a separate residential use.
- 2.13 Regarding sewage, as ancillary building the extra load on the sewage system is likely to be minimum and no greater than the needs of the house itself.
- 2.14 Finally, regarding the proposed office, the intention for the building is for a 'home office' rather than an independent Office use falling within Use Class E. As such it is a normal household task especially in the light of the current pandemic and the need for 'working at home'
- 2.15 Other issues raised by local residents have been address above.

3. Conclusion

- 3.1 Overall, I consider the development would cause no undue harm to residential amenity, is satisfactory in terms of the visual amenity of the area, highway safety and other material planning considerations. Further, with appropriate conditions, the future use of the building can be controlled.
- 3.2 I therefore recommend planning permission be granted subject to conditions

g) Recommendation

- I Planning Permission be GRANTED subject to the following conditions:
 - (i) standard time, (ii) carried out in accordance with submitted documentation including drawings, design and access statement, flood risk assessment etc, and (iii) a record be maintain of the occupants of the building, periods of occupation and their relationship with the owner.
- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee.

Case Officer

Tony Jarvis