

2.2 REFERENCE NO - 24/500984/FULL		
PROPOSAL Loft conversion into habitable space including 3no. front dormers and 2no. rear dormers and rooflight. Garage conversion into habitable space ancillary to the main dwelling.		
SITE LOCATION 64 Maylam Gardens Borden Sittingbourne Kent ME10 1GB		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions.		
APPLICATION TYPE Householder		
REASON FOR REFERRAL TO COMMITTEE Borden Parish Council Objection		
CASE OFFICER Mandi Pilcher		
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Mrs Rukiat Abudu AGENT Architectural Design & Builder
DECISION REGISTERED 07/03/2024	TARGET DATE 02/05/2024	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted All representations received The full suite of documents submitted pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S9V7T1TYMQM00		

1. SITE LOCATION AND DESCRIPTION

- 1.1 64 Maylam Gardens is a two storey detached property within the built up area boundary of Sittingbourne.
- 1.2 There is a private amenity space to the rear with a separate garage (adjoined to the neighbours garage) to the side of the property. In front of the garage lies an area of hardstanding providing the parking for the property, which measures 5.2m x 12.2m.

2. PLANNING HISTORY

- 2.1 **SW/99/1045** – Planning permission granted on 14.03.2001 for the Erection of 101 dwellings with garaging, access and open space – This permission is the original permission for the host dwelling and the wider housing estate upon which it is located.

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks planning permission for a loft conversion into habitable space including 3no. front dormers and 2no. rear dormers and a rooflight. The garage is also proposed to be converted into habitable space ancillary to the main dwelling.
- 3.2 The proposed loft conversion would see three small pitched roof dormers located upon the front roofslope and two small pitched roof dormers and a rooflight on the rear roofslope. This would create two bedrooms, shower/wc and a storage room.
- 3.3 The garage conversion will incorporate the removal of the two garage doors and the insertion of brickwork and two uPVC windows to the front elevation and a small window in the rear elevation, with a side door.
- 3.4 The external finishing materials will match the existing dwelling.
- 3.5 Drawing PLN 01/01 shows an area of hard standing to the front of the property to also be used for parking. The agent has confirmed that permeable materials will be used. As a result, this element of the proposal does not require planning permission so will not be assessed.

4. CONSULTATION

- 4.1 One round of consultation with neighbours has been undertaken, during which letters were sent to neighbouring occupiers. Letters from two separate addresses were received. One letter stated that it was neither supporting nor objecting to the application and the other letter objected to the application with the following summarised points being raised (full representations are available online):

Comment	Report reference
Drawings related to the ground floor of the dwelling and parking arrangements are missing from the application.	See paragraph 7.22
Noise concerns regarding the increase in number of occupants at the property.	See paragraph 7.14
The existing driveway can accommodate 4-6 cars and therefore the drawing showing part of the front garden to be used for parking would be out of character with the remainder of the estate.	See paragraph 7.19
The drawings do not show a large outbuilding being constructed in the rear garden.	See paragraph 7.22

- 4.2 **Borden Parish Council** were consulted on two occasions. In response to the first consultation they raised an objection on the following summarised grounds (full representations are available online):

Comment	Report reference
Proposal is inappropriate and out of character for the area.	See paragraphs 7.6 – 7.10
Not enough provision for parking.	See paragraphs 7.18 – 7.20
Box dormers will encroach on neighbouring properties.	See paragraph 7.13

- 4.3 The development was amended to show smaller windows on the front elevation of the garage and the agent also subsequently submitted a plan showing an additional parking space. Borden Parish Council were re-consulted and responded setting out that they continued to raise an objection for the reasons as set out above.

5. REPRESENTATIONS

- 5.1 None

6. DEVELOPMENT PLAN POLICIES

- 6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017** - policies:

ST3 The Swale settlement strategy
CP4 Requiring good design
DM7 Vehicle Parking
DM14 General development criteria
DM16 Alterations and extensions

6.2 **Supplementary Planning Guidance/Documents**

Supplementary Planning Guidance - Designing an Extension – A Guide for Household

Supplementary Planning Document - Swale Parking Standards

7. ASSESSMENT

- 7.1 This application is reported to the Committee because Borden Parish Council object to the proposal. Considering these comments and the scheme that has been submitted, the committee is recommended to consider the following points:

- The Principle of Development
- Character and Appearance
- Living Conditions
- Highway safety and parking

Principle

- 7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 7.4 Policy ST 3 of the Local Plan 2017 supports the principle of development within the built up area boundary of established towns and villages within the Borough.
- 7.5 The site lies within the built confines of Sittingbourne therefore the principle of development is considered acceptable subject to the consideration of other material planning considerations as discussed below.

Character and appearance

- 7.6 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.7 Policy CP4 of the Local Plan requires proposals to be of a high quality design that is appropriate to its surroundings in respect of materials, scale, height and massing. Policy DM16 sets out that alterations and extensions to existing properties will respond positively to style and character of the building being extended, will be appropriately scaled and maintain or enhance the character of the streetscene.
- 7.8 The immediately surrounding area is mainly comprised of detached properties of similar styles and designs. The three front dormer windows are appropriately scaled in relation to the roof and incorporate a pitched roof design, reflecting the design guidance as set out in the Council's SPG relating to domestic extensions. As such it is considered that these dormer windows would sit comfortably upon the dwelling and not give rise to any harm to the streetscene. In terms of the two proposed dormers on the rear elevation, the property retains its permitted development rights in respect of roof alterations and as such these could be constructed without the benefit of planning permission. Notwithstanding this, they are also appropriately designed and being located on the rear roofslope will have a very limited impact upon visual amenities. A condition is recommended to require the external finishing materials to match the existing dwelling. The rooflight is also small scale and being located on the rear elevation gives rise to no harmful impacts to visual amenities.
- 7.9 The garage conversion would not alter the footprint and the windows on the front elevation would match the design of the existing dwelling.

7.10 Taking the above into account in respect of the character and appearance of the proposal the scheme is considered to comply with policies CP4 and DM16 of the Local Plan.

Living conditions

7.11 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight. Policy DM16 also requires that alterations or extensions to existing buildings protect residential amenity.

7.12 The garage conversion would not increase the footprint, and as a result there would be no additional harm caused in terms of being overbearing or giving rise to any overshadowing. There would be new windows which would replace the existing garage doors, however, these would look out towards the highway at ground floor level, in a manner no more harmful than existing windows on the property and therefore would not result in any unacceptable loss of privacy between properties.

7.13 The proposed three front dormers windows and the two rear dormers windows are of a small scale and therefore it is not considered they will give rise to any harmful levels of overshadowing or loss of light to neighbouring properties. The location of the dormers in the front elevation will not lead to any unacceptable levels of overlooking as they would face towards the frontage of properties on the opposite side of the highway, in a manner no more harmful than the existing windows on the front elevation. In terms of the two dormer windows and the rooflight on the rear elevation, these would face towards the side elevation of No.62 Maylam Gardens, with a slightly larger separation distance than the existing windows on the host property. In addition, there would be side on views of the rear garden of this property from one of the dormer windows (the view from the other would be largely blocked by the neighbouring dwelling itself at No.62). The distance between the dormer and the central part of the rear garden is approximately 18m. As this is a side on view it is not considered that this would give rise to an unacceptable loss of privacy, especially as there are already first floor windows afforded a not dissimilar view. In addition, weight is also given to the ability of the applicant to carry out these works on the rear roofslope without requiring planning permission.

7.14 It is noted that concern has been raised from a neighbouring occupier regarding increased levels of noise from the occupants of the proposed development. The existing property has 4 bedrooms, with the proposal creating an additional 3, totalling 7. However, it will remain in residential use and as such it is not considered that harmful levels of noise would be created.

7.15 Taking the above into account the proposal is not considered to have an unacceptable impact upon on the living conditions of surrounding dwellings and would therefore be in accordance with policies DM14 and DM16 of the Local Plan.

Highway safety and parking

- 7.16 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

- 7.17 The NPPF also states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 7.18 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm. SBC Vehicle Parking Standards Supplementary Planning Document (SPD) which is pursuant to Policy DM 7 of the Local Plan was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications.

- 7.19 In this case the development will increase the number of bedrooms at the property to seven. The adopted Parking Standards SPD sets out that for a 4+ bedroom property in a suburban location such as this, 3+ parking spaces should be provided. It is noted that the property currently has off road parking with a large driveway. The size of the existing driveway, assessed against the measurements in the Parking SPD is large enough to accommodate 4 car parking spaces and therefore the property has a sufficient amount of parking spaces within its curtilage to comply with the SPD. Although the agent has submitted a drawing showing an additional parking space to the front of the property (and only showing two cars parked on the existing driveway), this additional space is not considered necessary for the scheme to be acceptable as the amount of existing available parking has been underestimated on this drawing. However, regardless of this, if the applicant wished to use part of the front garden for parking, then as the agent has confirmed this would be constructed from permeable materials it would be permitted development.

- 7.20 It is noted that concern has been raised by the Parish Council regarding parking provisions and that the proposal would lead to the loss of the existing garage space. In terms of this, the space within the existing garage measures 5m in width and 5m in depth, which falls below the depth required for the minimum garage size of 3.6m x 7m as set out in the Council’s Parking SPD. However, regardless of this, as set out above there is sufficient room to accommodate the required number of vehicles on the existing hardstanding. As such the proposal is acceptable in this regard, and in accordance with the Council’s Parking SPD and policy DM7.

Ecology

- 7.21 From 2nd April 2024, minor developments are required to provide at least 10% Biodiversity Net Gain (BNG). There are exemptions to this, including applications made by householders as defined within article 2(1) of the Town and Country Planning

(Development Management Procedure) (England) Order 2015. This application amounts to householder development, and as such is exempt from the need to provide BNG.

Other Matters

- 7.22 Although the majority of the comments made by interested parties have been considered in the assessment above, of the matters that remain the following points are made. Firstly, it is considered that all relevant drawings have been provided to assess the application. Secondly, a building being constructed in the rear garden is a separate matter from the consideration of this scheme and details have been passed to the Planning Investigations team to explore further.

Conclusion

- 7.23 On the basis of the above, the scheme is considered to be in compliance with policies ST3, CP4, DM7, DM14 and DM16 of the Local Plan. It is recommended that planning permission is granted.

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with drawings PLN 03-05 and PLN 05-05.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

- (4) The accommodation provided in the 'proposed garage conversion plan' as shown on drawing PLN 03/05 shall not be occupied at any time other than for purposes ancillary and / or incidental to the residential use of the dwelling known as 64 Maylam Gardens.

Reason: In the interests of the amenity of the area.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (2023), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a

pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

