

<b>2.2 REFERENCE NO - 25/500098/FULL</b>			
<b>PROPOSAL</b> Garage conversion into a habitable space including changes to fenestration.			
<b>SITE LOCATION</b> 45 Lady Winter Drive Minster-On-Sea Kent ME12 2GF			
<b>RECOMMENDATION</b> 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.			
<b>APPLICATION TYPE</b> Householder			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Employee of Swale Borough Council is the applicants spouse and co-owner of the property.			
<b>CASE OFFICER</b> Julia Marshall			
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN</b> Minster-On-Sea	<b>COUNCIL</b>	<b>APPLICANT</b> Mr Paul Brockwell <b>AGENT</b> Mr Julian Poggenpoel
<b>DECISION REGISTERED</b> 09.01.2025		<b>TARGET DATE</b> 14.03.2025	
<b>BACKGROUND PAPERS AND INFORMATION:</b> <b>Documents referenced in report are as follows: -</b>  All drawings submitted.  The full suite of documents submitted pursuant to the above application are available via the link below: - <a href="#">25/500098/FULL   Garage conversion into a habitable space including changes to fenestration.   45 Lady Winter Drive Minster-On-Sea Kent ME12 2GF</a>			

## 1. SITE LOCATION AND DESCRIPTION

- 1.1 45 Lady Winter Drive is a detached, four bed property situated in the built-up area boundary of Minster-on-sea. The dwelling subject of this application forms one of a row of three properties of similar design and proportions in this location. The site lies within a modern estate where properties of a varying design and style can be seen in the surrounding area.
- 1.2 There is amenity space to the front of the property which is partially hard landscaped to allow for off-road parking and access to an integral garage. There is also amenity space to the rear.

## 2. PLANNING HISTORY

- 2.1 SW/04/0096 - Outline application for a residential development – Granted 28.06.2006.

2.2 (Adjacent Site – No.47 Lady Winter Drive) - 22/505981/FULL - Garage conversion into a habitable space including changes to fenestration and creation of 2no. parking spaces on drive way – Granted 12.06.2023.

### 3. PROPOSED DEVELOPMENT

3.1 This application seeks planning permission for the conversion of an existing garage into a home office. To facilitate this, the garage door would be removed and replaced with matching brickwork and a window.

3.2 Such works would normally constitute permitted development and would not require planning permission. However, in this instance, there is a planning condition (condition 15 of SW/04/0096) that restricts the garage to vehicle parking only, hence why this planning application has been submitted.

### 4. CONSULTATION

4.1 Minster-On-Sea Parish Council – No comments received.

### 5. REPRESENTATIONS

5.1 One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers.

5.2 No comments were received.

### 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**

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

6.4 Supplementary Planning Document - Swale Parking Standards.

### 7. ASSESSMENT

7.1 This application is reported to the Planning Committee as the co-owner of the property is employed by Swale Borough Council and is the applicants spouse. Considering the scheme that has been submitted, the Committee is recommended to consider the following points:

- The Principle of Development

- Character and appearance
- Living Conditions
- Highways 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 The site is located in the built up area boundary of Minster-On-Sea where policy ST3 of the Local Plan supports development in principle. In addition, policy DM16 of the Local Plan supports alterations to existing dwellings providing, amongst other relevant criteria, they are of an appropriate design and maintain or enhance the character of the street scene.
- 7.5 The principle of the development is therefore considered acceptable subject to certain criteria being met. These matters and other relevant material planning considerations are 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 In addition to the requirements of policy DM16 as set out above, policy CP4 of the Local Plan requires that all development proposals should be of a high quality design that is appropriate to their surroundings.
- 7.8 The proposed alterations to the dwelling itself comprise small scale changes to remove the garage door, replace it with brickwork, and insert one window. The use of matching brickwork and windows of a similar design would ensure that the alterations would appear visually compatible with the host dwelling. The proposal in visual terms would also closely match the development that was approved and undertaken at the immediately adjacent property (no.47).
- 7.9 Whilst the proposals would result in a modest change to the appearance of the dwelling, they would have sufficient regard for the character, setting and context of the site and appear both appropriate and sympathetic to the location. They would maintain the visual quality of the street scene.

7.10 Taking the above into account, the proposals are considered acceptable and in accordance 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 Given the nature, scale and location of the proposals, they would not give rise to any unacceptable impact on the living conditions of any neighbours.

7.13 Taking the above into account, the proposal is considered to be in accordance with policies DM14 and DM16 of the Local Plan.

### **Highways and parking**

7.14 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such.

7.15 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

7.16 Local Plan policy DM7 requires development to be in accordance with the Council's Parking SPD.

7.17 As set out in paragraph 3.2 above, condition 15 of the original outline permission (ref. SW/04/0096) restricts the use of the garage for parking only. The assessment therefore turns on the impact that this development would have on the parking available to serve the property following conversion of the garage.

7.18 In terms of parking requirements, Swale Borough Council's Parking Standards SPD suggests that for a four-bedroom house in a suburban location such as this, a minimum of three parking spaces should be available. In this case, the property has an existing hardstanding area to the front that is large enough to provide parking for at least two vehicles, together with the garage.

7.19 Whilst the proposals would see the conversion of the existing garage into habitable accommodation, the garage itself is undersized, as it is smaller than the minimum space

required to enable the parking of a vehicle as defined in the Parking Standards SPD (7m x 3.6m). The loss of the garage would therefore not reduce the amount of parking available to current or future occupiers when taking into account current parking standards – it would therefore have a neutral impact on the availability of parking at the property.

- 7.20 In view of the above and given that the quantum of parking available (two spaces to the front) would remain the same as existing, it is considered that the proposal would not give rise to any adverse impact on highways safety or convenience. As such, the scheme complies with policy DM7 of the Local Plan.

### **Ecology**

- 7.21 From 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.

### **Conclusion**

- 7.22 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:

001 - Cross Section

001 - Existing and Proposed Elevations

001 - Existing and Proposed Floor Plans

001 – Location and site plans

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.

### **The Council's approach to the application**

In accordance with paragraph 39 of the National Planning Policy Framework (NPPF), 2024 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.

