

Kings Hill
Kings Hill

7 February 2022

TM/22/00103/FL

Proposal: Partial conversion of garage to habitable room, single storey side extension and alteration to the ground floor rear elevation window and doors

Location: 59 Discovery Drive Kings Hill West Malling Kent ME19 4DJ

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1. Description:

- 1.1 Planning permission is sought for a garage conversion and a single storey front/side extension.
- 1.2 The application originally included an air conditioning unit to the side of the front/side extension. In light of advice from Environmental Health, the application drawings have been revised to remove this element and the description amended accordingly.
- 1.3 Garage conversions are typically permitted development – works which do not require the benefit of planning permission. However, on this occasion the garage conversion requires planning permission as condition 12 attached to outline planning consent TM/97/01183/OA stated:

“The details submitted in pursuance of Condition 1 shall show land, reserved for parking or garaging in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to reserved vehicle parking area without the prior approval of the Local Planning Authority.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.”

- 1.4 This planning condition is however dated as it relates to a policy position which no longer exists. This is because the currently adopted parking standards and approach to garage conversions as agreed by Councillors is that garages do not count towards to parking provision, irrespective of siting. This is because as such garage spaces are enclosed, they are rarely used for the parking of motor vehicles, instead being used for additional storage space.

- 1.5 The garage conversion works would be mostly internal, involving the conversion of the former double garage to a kitchen, larder and storage spaces. One garage door would be removed and replaced with matching brickwork and a window, alongside one skylight window.
- 1.6 The single storey front/side extension would be to the side of the existing dwelling and in front of the existing garage, with a mono-pitch roof and matching materials, measuring approximately 1.5 metres deep, 4.75 metres wide, 3.3 metres to the roof ridge and 2.4 metres to the top of the eaves.
- 1.7 The alteration to the ground floor rear elevation window and doors is permitted development and therefore does not require planning permission.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Chris Brown to enable the committee to consider the impact of the garage conversion upon the street scene and parking within the vicinity.

3. The Site:

- 3.1 The site is located within the urban confines of Kings Hill, to the north of Discovery Drive and east of Fortune Way and contains a link-attached dwellinghouse.

4. Planning History (relevant):

TM/97/01183/OA Grant With Conditions 30 June 1998

Outline Application: residential (approx 1300 dwellings), community hall, together with ancillary formal playing areas, open spaces, landscaping and road works

TM/00/01047/RM Grant With Conditions 25 Jul 2000

Construction of 89 dwellings with garages/parking spaces, roads and ancillary services, pursuant to outline consent ref: TM/97/01183/OA (residential development)

5. Consultees:

- 5.1 PC: No Objection
- 5.2 KCC (Archaeology): No comments received
- 5.3 Private Reps: 1 + site notice/0X/1R/0S: Letter of representation summarised as follows:
 - Understand that the proposed plans involve no additional height, any additional height would block sunlight

- What do the garage works entail and do they require a Party Wall Agreement
- Concerns about the aesthetics of and any noise pollution of the air conditioning condenser unit – ask for it to be sited in a different location
- Requested to be updated on the progress of this application

6. Determining Issues:

Principle of Development:

- 6.1 The application site is located within the urban area of Kings Hill. Policy CP11 of the TMBCS outlines that development will be concentrated within the confines of urban areas. Therefore, the principle of development is acceptable, complying with Policy CP11 of the TMBCS.

Residential Amenity:

- 6.2 Policy P4/12 of the TMBLP 1998 states:

“Extensions to residential properties will not be permitted if they would result in an adverse impact on: ...

(2) residential amenity of neighbouring properties in terms of light and privacy, and overlooking of garden areas.

Permission will only be granted for proposals which meet the design criteria contained in Policy Annex PA4/12...”

- 6.3 Additionally, paragraph 130 (f) of the NPPF advises that planning policies and decisions should ensure that developments:

“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...”

- 6.4 The garage conversion would involve the installation of a ground floor window and matching brickwork upon the existing rear elevation in place of the existing garage door. Additionally, a rear-facing roof window would be installed. The single storey front/side extension measures approximately 1.5 metres deep, 4.75 metres wide, 3.3 metres to the roof ridge and 2.4 metres to the top of the eaves. The extension would be sited approximately 1 metre from the east boundary, 1 metre from the neighbour’s attached garage to the east and 4 metres from the neighbour’s house to the east. As such, the proposed works are modest in nature and would be sited an acceptable distance from the neighbours’ properties.

- 6.5 Overall, due to the proposed design and prevailing site conditions, the single storey addition and garage conversion would not be overbearing or unacceptably harm neighbouring amenities by way of loss of light, sunlight, outlook and privacy.

The proposal therefore complies with Saved Policy P4/12 of the TMBLP and paragraph 130 (f) of the NPPF.

Design, character and appearance:

6.6 Policy P4/12 of the TMBLP 1998 states:

“Extensions to residential properties will not be permitted if they would result in an adverse impact on:

(1) the character of the building or the street scene in terms of form, scale, design, materials and existing trees;...

Permission will only be granted for proposals which meet the design criteria contained in Policy Annex PA4/12...”

6.7 Policy CP24 of the TMBCS sets out a number of key objectives in terms of design. It requires that:

“All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.”

“Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.”

6.8 Paragraph 130 of the NPPF details that:

“Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;...”

6.9 To facilitate the garage conversion, a matching window alongside matching brickwork would be installed in place of the existing garage door. Additionally, a

roof window would be installed to serve the kitchen. The proposed single storey front/side extension includes an in-keeping form to the existing building, a mono pitch roof and matching materials to the host dwelling. As such, the proposed works would appear visually cohesive with the existing dwelling, street scene and character of the area.

- 6.10 Overall the scale, form and materials are considered acceptable and the extension and garage conversion would respect the host dwelling, street scene and character of the area, complying with Saved Policy P4/12 of the TMBLP, Policy CP24 of the TMBCS and paragraph 130 of the NPPF.

Highway safety and parking provision:

- 6.11 Saved Policy P4/12 states:

“Adequate car parking provision, in accordance with Policy P7/18, [now MDE DPD Policy SQ8] and satisfactory vehicle access and manoeuvring areas will be required”

- 6.12 Policy SQ8 of the MDEDPD sets out a number of criteria in terms of road safety and parking. Of relevance to this application are:

“2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.”

“4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.”

- 6.13 Paragraph 111 outlines 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.”

- 6.14 Paragraph 112 goes on to advise that:

“Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

6.15 IGN3 sets out the adopted standards for parking provision across the Borough.

6.16 On 18th November 2014, the Planning and Transportation Advisory Board of Tonbridge and Malling Borough Council decided to adopt a slightly revised approach to the use of IGN3 when dealing with residential planning applications. The decision taken was that garages (and car barns unless the right to enclose them for use as storage is simultaneously removed by condition) would not form part of the supply-side in any parking provision calculation, irrespective of siting.

6.17 In August 2021 Tonbridge and Malling Borough Council released a position statement in relation to the use of IGN3. In summary, this outlined that the Council would afford substantially less weight to IGN3 when assessing planning applications. This is because it was considered that the evidence base which determined the number of parking spaces required for each dwellinghouse dated back to 2001 Census data and was therefore out of date. It was also considered that the standards were not privy to the latest national policy (the NPPF and associated material considerations such as the National Design Guide). Therefore, assessments as to these aspects of proposed parking schemes would be focused on the following:

- Individual detail of the development in question
- Site-specific circumstances, and
- Prevailing locational characteristics of any given case.

6.18 As such, it is accepted that IGN3 is now an aged document and associated evidence base, which means substantially less weight should be afforded to the standards it prescribes. It should be noted that IGN3 still remains a material planning consideration, albeit it carries less weight. The TMBC position statement raised concerns with the quantities of parking spaces stated within IGN3 due to the dated evidence base, therefore the assessment as to whether garages count towards parking provision within this document is still considered sound. IGN3 sets out that garages do not count towards parking provision within locations such as Kings Hill. This is because people rarely use garages to park vehicles.

- 6.19 The garage conversion would not result in the loss of actual parking provision as garages are not counted as parking spaces both within the adopted parking standards and within the approach to parking as agreed by members. Garages are rarely used for parking, instead being used most commonly for storage. Consequently there would be no impact upon parking provision within the area as a result of the garage conversion.
- 6.20 The application property has sufficient parking for such a size of dwellinghouse within an urban area, which remains unaltered by the proposal, being two spaces to serve the seven-bedroom dwellinghouse (the adopted parking standards require two spaces to serve all properties with four bedrooms and above in this location).
- 6.21 The development would adhere to the highways and parking design guidance within paragraph 112 of the NPPF and the development would not result in an unacceptable impact on highway safety, or cause residual cumulative impacts on the road network, in accordance with paragraph 111 of the NPPF.
- 6.22 Accordingly, the development would comply with the adopted parking standards and current position in relation to parking, therefore adhering to Saved Policy P4/12 of the TMBLP 1998, Policy SQ8 of the MDE DPD and paragraphs 111 and 112 of the NPPF.

Archaeology:

- 6.23 The site is within an area of archaeological potential. However, no comments have been received from Kent County Council's Archaeological Service. The application is for a minor domestic extension and garage conversion therefore it is unlikely that any undisturbed archaeological remains would be disturbed during the works.

Neighbour comments:

- 6.24 Neighbour comments regarding the Party Wall Act are a independent legal issue separate from the planning system. As such, they have no bearing upon the acceptability of the current proposal.
- 6.25 Neighbour comments regarding the air conditioning unit have no bearing upon the current application as the air conditioning unit has been removed from the proposed plans.

Concluding remarks:

- 6.26 The proposed garage conversion and extension unit would be of a high standard of design, in keeping with the surrounding area. No harmful impacts would arise to neighbouring amenity, parking, or highways safety as a result of the proposal. Accordingly, the application is recommended for approval.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Certificate B received 07.02.2022, Existing Plans and Elevations 1316.1 B received 07.02.2022, Proposed Plans and Elevations 1316.2 D received 10.06.2022, subject to the following conditions:

Conditions / Reasons

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.
- 2 All materials used externally shall match those of the existing building.

Reason: In the interests of visual amenity.
- 3 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed "This was approved in accordance with the following submitted details".

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

Contact: Andrew Longman