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<b>Wouldham</b> Burham And Wouldham	<b>1 December 2021</b>	<b>TM/21/02630/FL</b>
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Proposal:	Carport conversion into bar/BBQ built area and increase in height to existing side panel of the carport. (Retrospective).
Location:	10 Murdock Grove Wouldham Rochester Kent ME1 3GZ
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## 1. Description:

- 1.1 Retrospective planning permission is sought for a carport conversion into bar/BBQ built area and increase in height to the existing side panel of the carport (abuts the shared boundary of adjoining property to the south).
- 1.2 The application documents have been revised and the description amended accordingly.
- 1.3 Carport/garage conversions are typically permitted development – works which do not require the benefit of planning permission. However, on this occasion the carport conversion requires planning permission as condition 1 attached to outline planning consent TM/17/03461/RM stated:

*“Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no doors or other means of enclosing the car ports hereby approved shall be installed to the front elevation of the car ports.*

*Reason: Enclosure of the car ports could reduce their use for vehicle parking and development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking”.*

- 1.4 As result of the carport conversion, the following works have been carried out on site:
  - The existing side panels (labelled 1 and 2 on the submitted documents) have been removed. The existing rear panel (labelled 3) has been removed and reused to enclose the existing front elevation of the carport (labelled 5).
  - Part of the existing side panel has been infilled. This has resulted in further projection 500mm above the existing 1.66mm high side fence/panel (labelled 4).
  - The existing carport area has been converted into an outdoor bar area with BBQ facility.



TM/05/00989/OAEA (Formation of development platforms and creation of new community including residential development, mixed use village centre (including A1, A3 and B1 use) community facilities and primary school and associated highway works) subject to a new time limit to allow a further period within which to submit applications for the approval of reserved matters

TM/18/01897/RD      Approved      17 December 2018

Details of condition 29 (below ground excavations) pursuant to planning permission TM/15/01485/OAEA (Grant of replacement planning permission for TM/05/00989/OAEA (Formation of development platforms and creation of new community including residential development, mixed use village centre (including A1, A3 and B1 use) community facilities and primary school and associated highway works) subject to a new time limit to allow a further period within which to submit applications for the approval of reserved matters.)

## **5. Consultees:**

5.1 Private Reps: 5X/0R/6S: Letter of objections summarised as follows:

- Concerns of the increase height of the side fence and outlook being altered to their property
- No prior approval or consent was obtained prior to works being undertaken on site
- No certificate B were served, as the works abuts their shared boundary. No right of way to side of their property

6 letters of support have also been received making the following comments:

- Does not impact on neighbouring properties
- Adds to privacy and security on site
- Does not alter the character of the area
- Utilises garden space to its full potential

5.2 Further to document 2 being revised, due to a typographical error within the body of the text, as such officers undertook a further 7 days public consultation period on 21/06/22. As such, if any further comments are received, they will be reported to Members via an addendum prior to presenting the application to Area 3 Planning Committee.

## **6. Determining Issues:**

*Principle of Development:*

- 6.1 The application site is located outside the rural settlement of Wouldham and is sited within the countryside, although within the Peters Village development.
- 6.2 Policy CP14 of the TMBCS sets out to restrict inappropriate development in the countryside. It sets out a list of developments that the countryside should be restricted to which includes the one for one replacement, or the appropriate extension to an existing dwelling or conversion of existing building for residential use. Therefore, the principle of development for alterations/conversion of the existing carport is acceptable, complying with Policy CP14 of the TMBCS.

*Residential Amenity:*

- 6.3 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...”*

- 6.4 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...”*

- 6.5 The retrospective carport conversion has involved the installation of a timber fence across the existing front elevation (south) to fill the original opening to the carport. As such, the existing rear panel to the north (labelled 3) has been removed and reused to enclose the existing front elevation of the carport (labelled 5).
- 6.6 Additionally, part of the existing side panel to the carport has been infilled (west). This has resulted in an increase of 500mm above the existing 1.66m high side fence/panel (labelled 4). It is acknowledged that these works are sited within the curtilage of the application site to the rear garden and abut the shared side garden boundary fence with adjoining the property to the west. However, when comparing the existing to the current situation on site, the erected works are modest in nature and are sited in the same location as the erected carport in context of the adjoining properties to the west and east. As such, I consider that the proposal would not be overbearing or cause outlook issues to these neighbours to a degree to result in a significant impact on their residential amenity to warrant a reason for refusal.
- 6.7 Overall, due to the traditional design and prevailing site conditions, the carport conversion will 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:*

6.8 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...”*

6.9 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.”*

6.10 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;...”*

6.11 To facilitate the carport conversion, the original timber side panels have been repositioned with a panel across the front (south) in place of the rear and the gap

above the western panels infilled utilising panels from the east side. The erected alterations are still in-keeping with the form of the existing building and retain the original rustic character of the surrounding built environment and setting of the site. As such, the erected works would appear visually cohesive with the existing dwelling, street scene and character of the area.

- 6.12 Overall, the scale, form and materials are considered acceptable, and the modest alterations 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:*

- 6.13 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.”*

- 6.14 Paragraph 111 of the NPPF 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.”*

- 6.15 The NPPF at 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.”*

- 6.16 Kent Highways document IGN3 sets out the adopted standards for parking provision across the Borough.
- 6.17 On 18<sup>th</sup> 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.
- 6.18 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.
- 6.19 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. IGN3 sets out that open car ports or car barns are acceptable at all locations, subject to good design. This statement is considered unaffected by the most recent position statement as it is not impacted by the dated evidence base.
- 6.20 Upon referring to the GIS Maps and original plans submitted with the reserved matters application, the remaining driveway would measure approximately 12.5 metres deep and 3 metres wide. The Kent Vehicle Parking Standards as adopted by the Borough, within Appendix B, state that a car parking space measures 5 metres deep and 2.5 metres wide. As result of the carport conversion carried out on site, this will not result in loss of actual parking provision, as two existing off-street parking spaces would be retained in the existing side driveway located between the application site and side flank wall of the adjoining property to west.

- 6.21 Given the above, the property would retain a satisfactory level of parking both according to the adopted parking standards and at a level considered suitable for the area. Therefore, the proposal will not result in a significant adverse impact on parking provision to warrant a reason for refusal on this occasion as the proposal would not result in hazardous on-street parking.
- 6.22 In addition, the application property has sufficient off-street parking for such a size of dwellinghouse within this area, which remains unaltered by the proposal, being two spaces to serve the three-bedroom dwellinghouse (the adopted parking standards require two spaces to serve all properties with four bedrooms and above in this location).
- 6.23 The development will adhere to the highways and parking design guidance within paragraph 112 of the NPPF and the development will 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.
- 6.24 Accordingly, the development will 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.

Neighbour comments:

- 6.25 Neighbour comments regarding no prior of works notification and right of way are independent legal/civil issues separate from the planning system. As such, they have no bearing upon the acceptability of the current proposal.
- 6.26 Neighbour comments regarding no Certificate B served on them as result of the works abutting their boundary. Officers acknowledged that Certificate B was served on the neighbour on 1 December 2021, and the LPA are satisfied that the required 21 days notification period was carried out.

Concluding remarks:

- 6.27 The erected carport conversion and associated external alterations would be of a high standard of design, in keeping with the surrounding area. No harmful impacts would arise to neighbouring amenity, parking, or countryside or highways safety as a result of the proposal. Accordingly, the application is recommended for approval.

**7. Recommendation:**

- 7.1 **Grant Retrospective Planning Permission** in accordance with the following submitted details: Site location plan, Certificate B received 01.12.2021, Document 1, Amended Document 2 received 20.6.22, Existing and Proposed parking plans received 11.10.21



**Conditions / Reason**

- 1 All materials used externally shall match those of the existing building.

Reason: In the interests of visual amenity.

- 2 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.

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