

**D04**

**F/TH/19/0337**

**PROPOSAL:** Change of use of existing garage to 3-bed dwelling together with single storey side extension and alterations to roof

**LOCATION:** 4 Walnut Tree Cottages Coldswood Road Manston  
RAMSGATE Kent

**WARD:** Northwood

**AGENT:** Mr Mohamed Abdulla

**APPLICANT:** Mr S Southgate

**RECOMMENDATION:** Defer & Delegate

Defer and delegated for approval subject to the receipt of a satisfactory legal agreement and the following conditions:

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

**GROUND;**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered A1/102 received 1 April 2019.

**GROUND;**

To secure the proper development of the area.

3 The external materials and external finishes to be used in the development hereby approved shall be of the same colour, finish and texture as those on the existing property.

**GROUND;**

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

4 The area shown on the approved plan numbered A1/102 for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

**GROUND;**

Development without adequate provision for the parking or turning of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

5 Prior to the first occupation of the dwelling hereby approved the 1.8 metre high fence, forming the common boundary with the host dwelling within the rear garden, shall be erected in the location shown on approved drawing numbered 1A/102 and thereafter retained for that purpose.

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the property being occupied. For more information, please contact Waste and Recycling on 01843 577115, or visit our website <http://thanet.gov.uk/your-services/recycling/waste-and-recycling-storage-at-new-developments/new-developments/>

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

SITE, LOCATION AND DESCRIPTION

The site is currently part of the residential curtilage of No.4 Walnut Tree Cottages. The application relates to a detached double garage located adjacent to the western boundary of the site. The site is surrounded by agricultural land to the north, west and south, and as such long views of the site are possible. The Draft Local Plan to 2031, currently undergoing Examination, shows housing land allocated for 250 dwellings surrounding Coldswood Road (references S535 and S549).

PROPOSED DEVELOPMENT

The proposed development seeks planning permission to change the use of the garage to a 3-bed dwelling together with the erection of a single storey side extension towards the rear, projecting from the side, towards Walnut Tree Cottage. The eaves and ridge height of the roof would be raised by approximately 300mm with the roof shape and style kept as existing.

PLANNING HISTORY

F/TH/17/0987 - Change of use and conversion of garage to dwelling, with erection of first floor extension. REFUSE 03.10.2017

F/TH/15/1298 - Change of use and conversion of garage to dwelling, and erection of first floor extension REFUSE 09.03.2016

Both applications were refused for the following reasons:

1. The site is outside the built up area boundary of any settlement and, as such, represents an isolated form of unsustainable development within the countryside, contrary to Policies H1 and CC1 of the Thanet Local Plan and Paragraphs 49 and 55 of the National Planning Policy Framework.

2. The proposed development, by virtue of its scale, height, and design, and prominent location within the countryside, would appear obtrusive and incongruous, and out of keeping with the rural character of the area, contrary to Thanet Local Plan Policies CC1 and D1, and paragraphs 55, 56 and 64 of the National Planning Policy Framework.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan Policy (2006) Saved Policies**

CC1 - Development in the Countryside (urban and rural confines)

CC2 - Landscape Character Areas

D1 - Design Principles

D2 - Landscaping

H1 - Housing

H4 - Windfall Sites

SR5 - Play space

TR12 - Cycling

TR16 - Car Parking Provision

Draft Local Plan to 2031

QD03 - Living Conditions

QD04 - Technical Standards

## NOTIFICATIONS

Neighbouring residents have been notified, a site notice displayed and an advert placed in the Thanet Extra. No representations have been received.

**Ramsgate Town Council** - No objection

## CONSULTEES

**Southern Water** - requires a formal application for connection to the public sewer to be made by the applicant or developer.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**Natural England** - No objection subject to securing appropriate mitigation.

## COMMENTS

This application is brought before the Planning Committee as the proposal represents a departure from Policy H1 of the Thanet Local Plan, as the site is located in the countryside.

The main issues raised by this proposal are the effect of the proposal upon the character and appearance of the surrounding area, the impact upon the living conditions of the occupiers of nearby residential properties and whether there is a need for the development that overrides the need to protect the countryside.

### **Principle of Development**

The application site lies within an area designated as countryside as defined by the Thanet Local Plan and is therefore contrary to Policy H1 of the Thanet Local Plan, which requires that new residential development should be on previously developed land within the urban confines.

However it has been determined that the Council does not currently have a 5 year supply of deliverable housing sites as required by paragraph 49 of the NPPF. For residential development, this means that planning applications for housing should be considered in the context of the National Planning Policy Framework's presumption in favour of sustainable development (paragraph 14). This is because local policies (including defined development boundaries) relating to the supply of housing are no longer considered up to date (paragraph 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless; any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

Policy CC1 of the Thanet Local Plan states that within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside. There is a need for housing within Thanet, however, the need for housing has to be balanced against the impact on the countryside and the sustainability of the site.

Thanet Local Plan Policy CC2 states that care needs to be taken to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea.

The previous applications were considered to be contrary to Thanet Local Plan Policies H1 and CC1 and Paragraphs 49 and 55 of the NPPF, as the site lies outside the urban confines and, as such, was considered to represent an isolated form of unsustainable development within the countryside. Since these decisions were made, further evidence of appeal decisions made nationally by the Planning Inspector have shown that development cannot be considered as isolated where the proposed development is within close proximity of existing built development and local services and amenities. The site adjoins existing residential properties, and therefore less weight can be applied to the argument that the site is isolated in its location.

In this respect since the previous refusals the Draft Local Plan to 2031 has progressed and is now at Examination stage. The Draft Plan shows housing land allocated for 250 dwellings surrounding Coldswood Road (references S535 and S549). For now the Housing Allocation Sites within the Draft Local Plan have minimal weight; however the expectation is that these policies would be adopted, which would further support the justification for development on the basis that the urban boundary would be re-drawn to include the dwellings along Coldswood Road (Draft Local Plan Policy SP21 - Boundary of Urban Area).

Furthermore, paragraph 79 of the National Planning Policy Framework states decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhance its immediate setting. This application differs from the previous applications in that it now seeks to convert an existing detached double garage into a dwelling with the addition of a single storey rear extension and alterations to the roof, rather than a first floor extension; and therefore better complies with paragraph 79 of the NPPF than the previous refusals.

The proposed development therefore could be considered acceptable in principle as a departure to Local Plan Policy H1 subject to the visual harm of the proposed development to both the countryside and the Landscape Character Area, in addition to other material considerations, such as the impact upon living conditions and highway safety.

### **Character and Appearance**

This application follows two previously refused applications to convert the garage into a dwelling. Both previous proposals included the erection of a first floor extension which significantly enlarged the scale and height of the building resulting in an obtrusive and incongruous form of development out of keeping with neighbouring properties and its rural location.

The proposal now under consideration would include a modest single storey pitched roof extension, located towards the rear of the building, projecting 4 metres into the garden towards Walnut Tree Cottage. The eaves and roof height would be increased by approximately 300mm with the roof shape and style kept as existing. Long views of the existing garage can be seen across the surrounding agricultural land from Haine Road and the alterations proposed to convert the garage into a dwelling would likewise be visible.

Alterations to the front elevation of the building, facing the highway, would include the removal of the two large garage doors and the insertion of two white upvc windows. The windows would match other windows throughout the building, giving the finished dwelling a residential appearance. The roof tiles would be concrete interlocking tiles throughout and the bricks would be yellow stock to match. These alterations would be visible from the public realm but would, in my opinion, be a sympathetic conversion appropriate to its rural location.

The current access to the site would remain as existing and provide parking for both sites. The hardstanding to the front comprises block pavements. A 1.8 metre high wooden fence would divide the two plots, commencing from the rear of the hardstanding area, creating two separate private garden areas to the rear.

The modest enlargement of the building, with the extension located towards the rear of the site, would not result in the building appearing unduly dominant within the streetscene. The enlarged building would not extend further into the open countryside beyond its current residential boundary and would not result in the loss of agricultural land. Furthermore, the resulting dwelling would be seen in the context of neighbouring dwellings in Coldswood Road. With regards to Policy CC2 the proposed development is considered to have no greater material impact than the existing detached double garage, on the open character of the area, that this countryside policy aims to protect.

Paragraph 79 (previously 55) of the NPPF states planning decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply including the re-use of redundant or disused buildings and enhance its immediate setting and where the design would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. The existing double garage, with its two large doors, is utilitarian in appearance and is visually fairly prominent. The proposed alterations would, in my opinion, be sensitive to the character of the area by modifying the building to have a residential appearance and thereby enhancing its immediate setting in line with the aims of the NPPF.

### **Living Conditions**

The nearest neighbour to the dwelling would be the host dwelling, No.4 Walnut Tree Cottage. The proposed extension would project 4 metres closer to the host dwelling but maintain a gap of approximately 2 metres to the proposed 1.8 metre high timber fence forming the common boundary and an overall gap of 9 metres between properties at the closest point.

The windows proposed within the south and west elevations would look across open fields. The windows in the southern elevation would face the highway where there are existing public views. There are no windows proposed in the eastern elevation of the proposed extension and the existing windows and entrance door within the eastern elevation, facing the host dwelling, would serve a bathroom and a secondary window to the front bedroom and access to the entrance hall. At single storey, and facing the boundary fence, these windows and a door are not considered to result in unacceptable harm to neighbouring amenity. An additional window would be placed within the southern elevation of the extension, to serve a kitchen, but this would not directly face the host dwelling.

It is noted that there are two bedrooms located to the front of the property and the windows to these rooms would face directly onto the hardstanding area to be used for off-street parking. This has the potential for noise and disturbance from vehicles maneuvering within the parking area on occupiers using these rooms. However, given the width of this hardstanding area it is likely that the area in front of these windows would be used by occupiers of the new dwelling, rather than occupiers of the host dwelling, who are more likely to park closer to their property.

The main entrance door to the dwelling would be located on the eastern elevation approximately 13 metres from the rear corner of the host dwelling, however, with the separation distance, together with the height of the boundary fence, the use of this entrance would be unlikely to result in unacceptable noise disturbance from occupiers entering and leaving the site.

The proposal offers a good general layout and good sized rooms with each room receiving natural light and ventilation. The Council's Draft Local Plan to 2031 has now been submitted and Policy QD03 requires new development to be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in policy QD04. The internal space standards referred to in policy QD04 are the National Described Space Standards (March 2015) and recognises the Council's belief that everyone has the right to a high standard of residential accommodation with sufficient space to meet their own needs. The draft policy is in line with the aims of paragraph 127 of the National Planning Policy Framework which requires a high standard of amenity for existing and future users. The proposed development meets the National Described Space Standards.

With regards to amenity for future occupiers the site has ample space within the rear garden for clothes drying, refuse storage and general storage facilities.

The proposal is for a three bedroomed dwelling and as such would be required to provide safe doorstep play space for young children to meet the aims of Local Plan Policy SR5. The site has a private rear garden that would be able to comfortably provide safe play space to meet the aims of this policy.

It is therefore considered that the living conditions for future occupiers and neighbouring residential occupiers accord with the aims of Thanet Local Plan Policy D1, and paragraph 127 of the NPPF.

## **Highway Safety**

Policy TR12 requires provision of safe cycle storage. Cycles could be safely stored within the rear garden.

Policy TR16 requires satisfactory provision for the parking of vehicles. There is existing vehicular access and hardstanding to the front of the site with ample space for the parking and manoeuvring of several vehicles. The application proposes that this parking area would be shared parking for both the existing and proposed dwellings. Existing access onto the highway would remain unchanged.

It is noted that Coldswood Road is fairly narrow and on-street parking has the potential to result in the highway becoming congested. However, any additional vehicles temporarily visiting the property, such as delivery vehicles, would be able to pull into the wide opening of the site to allow additional vehicles to maneuver past the site, as appears to currently take place. Coldswood Road is not a main highway and serves very few properties and the number of vehicles using the road and their speed is unlikely to be high.

The site is currently outside the urban confines and lacks a continuous pedestrian pavement on the main highway connecting it to commercial facilities further to the north east. However the nearby development of 14 dwellings on land adjacent to Safari House to the north east included the provision of a surfaced footpath connection to be provided along the western boundary of the site adjacent to Haine Road, and the southern boundary of the site, allowing for a future connection through the proposed Eurokent development site and providing pedestrian access to the wider highway network when that development comes forward.

Overall the proposed development would not result in a significant impact upon highway safety, as off-street parking would be provided for both the existing and proposed dwellings and access into the site is existing. The impact upon highway safety is therefore considered to be acceptable the proposal accords with the aims of Thanet Local Plan Policies TR12 and TR16.

### **Planning Obligations**

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified. Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations and an appropriate assessment has been undertaken.



The agent has confirmed the applicant's willingness to sign up to the Unilateral Undertaking which provides the required financial contribution for the residential units to mitigate the additional recreational pressure on the SPA area, and therefore subject to the submission of a signed unilateral agreement, the impact upon the SPA is considered to be acceptable.

## **Conclusion**

The NPPF states that in the absence of a 5 year housing land supply, that permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The scheme would make use of an existing building and provide one dwelling, making a small contribution to housing in the area. The existing double garage is fairly large and utilitarian in appearance and its conversion to a residential property would have minimal impact on the overall character and appearance of the area. There is a good level of local services and facilities within reasonable reach of the site, and as such the site is considered to be in a sustainable location and would not result in the loss of agricultural land.

Given the modest scale of the development proposed it is considered that, on balance, the social and economic benefits of the proposed development through the provision of an additional housing unit outweighs the minimal visual harm to the surrounding countryside and environment, and as such the proposed development is considered to be in accordance with Policies CC1 and CC2 of the Thanet Local Plan, and the NPPF.

The impact of the proposed development on the countryside is not considered to significantly and demonstrably outweigh the benefits. In light of the above, it is therefore considered that the proposed development could be considered an acceptable departure to Thanet Local Plan Policy H1 and it is therefore recommended that Members defer and delegate the application to officers for approval, subject to the receipt of an acceptable legal agreement to secure the habitat mitigation and the safeguarding conditions proposed.

## **Case Officer**

Rosemary Bullivant

TITLE: F/TH/19/0337

Project 4 Walnut Tree Cottages Coldswood Road Manston RAMSGATE Kent

