

MC/14/1401

Date Received: 22 May, 2014

Location: 33 Goddington Road, Strood, Rochester, ME2 3DE

Proposal: Change of use from HMO to residential dwelling, also construction of a single storey extension to existing rear detached garage to facilitate the conversion of garage in to habitable living space

Applicant: Mr Graham Richards

Agent: Mr Keith Rogers KRC Design 6 Chada Avenue Gillingham Kent ME7 4BN

Ward Watling

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10 September, 2014.**

**Recommendation - Approval with Conditions**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Rev 0 - Existing floor plans 33 Goddington Road, 01 Rev A - Existing and proposed elevations and floorplans of garage and 01 Rev A - Existing and proposed block plans received 22 May 2014.

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

- 3 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 The hallway window in the rear elevation shall be fitted with obscure glass and, apart from any top-hung light shall be non-opening. This work shall be carried out and completed before the room is occupied and shall be retained

at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no further windows, doors or other openings shall be constructed in the rear elevation of the building than as hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 The area shown on the submitted drawings for vehicular parking shall be kept available for such use and, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, (or any Order 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 the reserved vehicle parking area.

Reason: To ensure that the development does not prejudice conditions of highway safety or efficiency.

- 7 The development hereby permitted shall only be occupied as an annex ancillary to the main dwelling and shall not be occupied as a separate hereditament.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003

- 8 An access gate to the rear garden space of number 33 Goddington Road shall be retained to allow for the curtilage to remain shared between the main dwelling and the annex herein approved.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

## **Recommendation**

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

## **Proposal**

This application seeks planning permission for a change of use from a house of multiple occupancy (HMO) to residential dwelling. This application also seeks

planning permission for the construction of a single storey extension to existing rear-detached garage to facilitate the conversion of garage in to habitable living space. The proposed extension to the garage would be approximately 7.2 metres wide, approximately 5.4m in depth and would be to the south elevation.

As a result of this proposed extension to the garage would facilitate two bedrooms, a shower room, kitchen and lounge/dinning room. As a result of this conversion from garage to habitable living space it is also proposed to remove the existing windows on the side elevation and install a window to the rear elevation (which is proposed be obscure glazed) and install an additional two windows to the front elevation.

### **Relevant Planning History**

MC/14/0880	Conversion of existing garage into habitable living space, involving the erection of a single storey side extension. <b>Decision Withdrawn - Invalid</b> <b>Decided 20 May, 2014</b>
MC/10/2499	Retrospective application for change of use from former Residential Rest Home (Class C2) to House in Multiple Occupation (Class C4). <b>Decision Approval With Conditions</b> <b>Decided 9 December, 2010</b>

### **Representations**

The application has been advertised by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Three** letters of objection were received raising the following summarised planning objection, all other concerns raised are not considered to be material planning considerations and therefore cannot be addressed in the determination of this application.

- Overlooking and loss of privacy from conversion of garage

### **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

### **Planning Appraisal**

#### *Principle*

With regards to the proposed change of use from HMO (Class C4 - HMO of upto and including 6 people) to residential dwelling (C3), Schedule 2, Part 3, Class I (a) of the

Town and Country Planning (General Permitted Development) Order 1995 (as amended) states that a change of use from HMO to residential dwelling is acceptable. As such it is considered that this element of this planning application does not require the benefit of planning permission, with matters now turning to issues of design, amenity and highways with regards to the proposed extension of the garage to the rear to facilitate its conversion into a habitable living space.

### *Design*

The proposed extension to the garage would essentially double the size of it continuing the ridge of the roof which would have a design to reflect the existing. The garage as existing can only be seen from the point of view of the adjoining neighbours and when boundary treatments are factored in, only the roof can be seen from the majority of angles. This being the case it is considered that in terms of scale and mass and because the proposed extension would only increase the width of the garage and not the height the proposed development is acceptable especially when it is also considered that matching materials would be used to respect the appearance of the existing garage. This being the case it is considered that the proposed extension to the garage conforms to the objectives of Policy BNE1 of the Medway Local Plan 2003. No changes to the existing main building of number 33 are proposed.

### *Amenity*

In terms of daylight and sunlight it is considered that the proposed development does not impinge on these amenities.

Whilst it is noted that the Local Planning Authority has received letters of objection to this application on the grounds of overlooking and privacy issues, it is considered that in terms of impact on amenity the proposed change of use of the garage into a habitable living space is acceptable. With regards to overlooking, whilst a window has been proposed for the rear elevation the plans submitted state that this window will be obscure glazed, as such it is recommended that a condition be added to ensure that this window to the rear remains obscure glazed to make sure that the neighbours to the rear of the application site cannot be overlooked should the existing boundary treatment be lowered at a later date. With regards to overlooking of the other adjoining neighbours (no 31 and 35 Goddington Road) it is considered that the removal of the existing side elevation reduces the amount of overlooking currently occurring. The proposal includes two additional windows as well as some folding windows to the front elevation. These windows look back into the garden and the rear of the main building of number 33 within the application site. Taking account of the height of the boundary treatment to the sides it is considered that no direct overlooking for no. 31 and 35 Goddington Road would occur as a result of this proposal.

In relation to the change of use of the garage, the habitable use would be as an annex ancillary to the main building at number 33 which is to become a residential dwelling in single household occupation. The change of use of the main building to a dwelling in single household occupation would be an improvement for the area in terms of the use generating lower levels of activities in terms of comings and goings

of people to the property. The change of use of the garage to an annex ancillary to the proposed residential dwelling of number 33 is considered acceptable subject to the imposition of conditions to ensure that it remains ancillary to number 33 and does not become a separate planning unit at a later date. As ancillary accommodation, the annex would share the curtilage of number 33, share utilities, postal address and access. As such activity levels within the rear of the site would be limited and of a level that would not be detrimental to the amenities of the occupiers of the adjoining properties in terms of noise and disturbance.

Bearing in mind the above it is considered that the proposed development conforms to the objectives of Policy BNE2 of the Medway Local Plan 2003.

### *Highways*

The conversion of the garage into a habitable living space creates two additional bedrooms for the application site. The application site has off road parking for approximately two cars. As the annex would be ancillary accommodation to the dwelling at number 33, it is considered that the proposed parking provision meets the requirements of the Council's Interim Residential Standards of a minimum of 2 spaces for a dwelling of 3 or more bedrooms. As such it is considered that this application conforms to both Policies T1 and T13 of the Medway Local Plan 2003.

### **Conclusions and Reasons for Recommendation**

The proposed change of use from HMO to a residential dwelling in single household occupation is considered acceptable by virtue of the fact that planning permission is not required. With regards to the extension of the garage and its change of use to a habitable living space it is considered that provided the accommodation remains ancillary to the main dwelling at number 33, this aspect of the development would have no detrimental impact on appearance of the area and would not result in any adverse impact on the amenities of neighbouring occupiers. The development is also considered acceptable in terms of highways matters and therefore is considered to accord with the provisions of the above-mentioned Development Plan Policies. The proposed development is therefore recommended for approval.

This application would normally fall to be considered under officers' delegated powers but has been reported for Members due to the number of letters in objection that have been received contrary to the case officers recommendation.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/dconline/AcolNetCGI.gov>

