

# ITEM 6(b)

**Application Number:** 20/00451/FUL

**Description** Single storey side extension, garage conversion & internal alterations

**AT** 52 Eridge Green, Kents Hill, Milton Keynes, MK7 6JE

**FOR** Mr & Mrs Tapping

**Target:** 30th April 2020

**Extension of Time:** Yes

**Ward:** Monkston

**Parish:** Kents Hill & Monkston  
Parish Council

**Report Author/Case Officer:** Carrie Chan  
Planning Officer

**Contact Details:** carrie.chan@milton-keynes.gov.uk  
01908 253421

**Team Manager:** Sarah Hine  
Development Management Manager  
Sarah.hine@milton-keynes.gov.uk

## 1.0 RECOMMENDATION

1.1 It is recommended that permission is granted subject to conditions set out in this report.

## 2.0 INTRODUCTION

### The Site

2.1 Application site is an irregular shaped plot located within the built-up residential area of Kents Hill and comprises of a two storey detached dwelling with onsite parking to the front, garden to the rear and attached garage to the side.

2.2 The application site is not within any designated area and there are no TPO trees nearby. Surrounding the application site are residential dwellings.

### The proposal

2.3 This application seeks planning permission for a single storey side extension, garage conversion & internal alterations.

- 2.4 The proposed single storey extension would be located to the side of the existing garage. It would measure 1.35m in width and 6.75m in depth with a ridge height of 5m which is the same as the existing garage.
- 2.5 Materials to match existing.
- 2.6 During the course of the application, amended plan were received following the applicant's agreement to remove the proposed side door.

Reason for referral to committee

- 2.5 This application has been requested to be determined by the committee at the request of Kents Hill and Monkston Parish Council due to suspicion that this is an attempt to create a separate dwelling or business premises for personal services without permission.

Scope of debate/decision

- 2.6 This application proposal is a full planning application and so all material planning matters are to be considered.

### **3.0 RELEVANT POLICIES**

#### **National Policy**

- 3.1 National Planning Policy Framework (NPPF) February 2019

Section 2 - Achieving sustainable development  
Section 4 - Decision making  
Section 12 - Achieving well-designed places

In addition, the Planning Practice Guidance (PPG) is also a material consideration.

#### **The Development Plan**

- 3.2 Neighbourhood Plan

None relevant

- 3.3 Plan:MK (March 2019)

Plan:MK was adopted at Council on 20 March 2019 and now forms part of the statutory development plan for Milton Keynes and includes the Policies Map that indicates land use in the Borough.

Policy CT10 - Parking Provision  
Policy D1 - Designing a High Quality Place  
Policy D2 - Creating a Positive Character  
Policy D3 - Design of Buildings

Policy D5 - Amenity and Street Scene  
Policy SC1 - Sustainable Construction

#### 3.4 Supplementary Planning Documents/Guidance

Parking Standards SPD (January 2016)  
New Residential Development Design Guide (April 2012)

#### 3.5 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

#### 3.6 Equality Act 2010

Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equality Act 2010.

### **4.0 RELEVANT PLANNING HISTORY**

4.1 17/02324/CLUP - Certificate of lawfulness for proposed garage conversion. Certificate issued in 2017.

### **5.0 CONSULTATIONS AND REPRESENTATIONS**

Initial comments:

#### 5.1 Kents Hill and Monkston Parish Council

Council request that the application be referred to the Development Control Committee/Panel for determination and will attend a meeting of the Committee/Panel where the application is heard.

We object to this application and request that it is rejected. We are suspicious that this is an attempt to create a separate dwelling or business premises for personal services without permission.

*Full response can be found in the Appendix section of this report.*

#### 5.2 Cllr Leo Montague

No comment received.

### 5.3 Cllr Jennifer Ferrans

I am extremely suspicious that this is an attempt to create a separate dwelling, or business premises for personal services, without permission and I wish to object to this application.

*Full response can be found in the Appendix section of this report.*

### 5.4 Cllr Vanessa McPake

No comment received.

### 5.5 Neighbour/Third Party Representations

No third-party comments received.

5.6 Kents Hill and Monkston Parish Council were notified of the amended plan and no further comments have been received.

## 6.0 **MAIN ISSUES**

Principle of Development  
Parking & Highways  
Design, Character, Appearance  
Impact on Residential Amenity  
Other Matters

## 7.0 **CONSIDERATIONS**

### Principle of Development

7.1 In this instance the principle of development is acceptable under Policy D3 of Plan:MK (2019) which state that extensions and alterations to existing dwellings are acceptable in principle subject to: 'The proposed scale and design of extensions to existing buildings relate well to the existing building and plot, and do not detract from the character of the existing building and the surrounding area'. Whilst a residential extension is not questioned in principle terms, this is subject to the material planning considerations discussed within the following sections of this report.

7.2 The Residential Design Guide SPD states that extensions should give due consideration to the impact of a development on the street scene by ensuring that the design properly integrates with existing building

### Highway Matters and Parking

7.3 The application site falls within Parking Standards Zone 3 as set out in the Milton Keynes Council Parking Standards SPD (2016). In accordance with the MKC Parking Standards SPD (2016) there is a need to provide 2 parking spaces on site for each dwelling with 3+ bedrooms.

- 7.4 As a result of the extension, the overall number of bedrooms within the host dwelling will remain unchanged and as such, there is no requirement to provide extra parking spaces.
- 7.5 Taking the above into account, the extension is considered to be a minor addition and does not impact on the existing parking situation. No objection is raised having regard to policy CT10 and the Milton Keynes Parking Standards SPD.

#### Design/character and appearance

- 7.6 Policies D1 to D3 of Plan:MK require that the scale and design of extensions to existing buildings should respond appropriately to the site and surrounding context and exhibit a positive character.
- 7.7 From the street scene of Eridge Green, the proposed extension would not be readily visible given the 'hour-glass' shaped plot and the siting of the host dwelling. As aforementioned, the proposed would incorporate matching design details and materials in order to integrate with the existing dwelling. The modest scale of the proposal means that the extension would sit comfortably between the existing built form and the common boundary. As such, the case officer considers that the proposed would not lead to a visual coalescence or the development appearing cramped.
- 7.8 Turning to the garage conversion. The replacement of the existing garage door with brickwork and window would have minimum impact to the character of the street scene and that it would not alter the appearance of the host dwelling to a degree that would warrant a refusal. Furthermore, the existing garage has no conditions restricting its use. Therefore having regard to Section 55 of the Town and Country Planning Act 1990, which defines 'development', the carrying out of maintenance, improvement or other alteration of any building which (i) affects only the interior of the building, or (ii) does not materially affect the external appearance of the building, does not constitute 'development' and does not require planning permission. In this case, the conversion of the garage into habitable accommodation and the associated works are not considered to change the appearance of the building such that it would materially alter the building's appearance. Therefore in respect of part (ii) of Section 55 of the above Act, in this instance it is considered that the conversion of the garage into habitable accommodation do not constitute development and does not therefore require planning permission, either by deemed consent or by express permission.
- 7.9 The case officer would like to add that a Certificate of Lawfulness for the conversion of the existing garage was issued in 2017 and should this application be refused, this could ultimately be the fall-back position.
- 7.10 Moving on to the proposed changes to the internal layout. The proposes changes to the internal layout of an existing dwellinghouse do not require planning permission.

- 7.11 Overall, the proposal has been designed and sited to respect the scale and proportions of the existing dwelling and would be constructed of the same materials to match existing. The proposed extension would satisfactorily integrate with the existing building and is considered acceptable in terms of its scale, design, character and appearance, and compliant with Policies D1 to D3 of Plan:MK (2019).

#### Impact on Residential Amenity

- 7.12 Policy D5 of the recently adopted Plan:MK (2019) seeks to ensure that development proposals do not cause an adverse impact on residential amenity. This includes the levels of sunlight and daylight within buildings, open spaces and garden areas. It seeks to ensure a reasonable degree of privacy is maintained throughout, with overlooking limited to an acceptable degree. It also states that new development is not overbearing upon existing buildings and open spaces.
- 7.13 The proposed extension is single storey and proposed to be constructed towards the rear half of the existing garage. Although the extension would protrude closer to the common boundary, it would retain a reasonable space of 0.5m to 2.3m. The officer is of the view that an additional 8.5m<sup>2</sup> of floor space would not result in an adverse impact on the visual outlook such that amenities of the neighbouring properties would be impaired to a significant degree that a reason for refusal could be sustained.
- 7.14 In terms of overlooking, the proposed would have one obscurely glazed opening on the outer side elevation facing the boundary wall. Given its single storey nature and partially screened by existing boundary fence, the extension and its window are not considered to pose an adverse impact to the privacy of any neighbouring properties.
- 7.15 Overall, the proposal would not give rise to unacceptable impacts on the amenities of neighbouring properties either in terms of creating an unacceptable visual intrusion, loss of sunlight or daylight or loss of privacy and overlooking. The proposed development is therefore considered acceptable and compliant with Policy D5 of Plan:MK (2019).

#### Other matters - the end use

- 7.16 Concerns relating to the end use are noted. As there is no restrictions to the use of the existing garage, provided the end use is ancillary to the main dwelling, planning permission is not required. To ensure the use is ancillary to the host dwelling, the officer recommends a condition to be added should planning permission be granted to restrict the use of the converted space to ancillary only.
- 7.17 Comments relating to the use of the converted space as an independent dwelling are also noted and the officer appreciates the concerns raised by the Parish Council; however, the converted garage along with the extension contains only a large reception area. Due to the minor nature of the amenities proposed within the space subject to this application, it is considered that a functional link and dependency to the host dwelling can be identified.

- 7.18 The case officer also acknowledged that the converted space can be accessed through the rear patio doors and without the need to pass through the host dwelling, however the facilities within the converted space are considered to be minimal, the development is, on balance, considered to be acceptable. In addition to this, the shared nature of the vehicular access, parking provision and rear garden space ensures that the space will not form a separate unit. Furthermore, as there is no boundary demarcation, adequate amenity space remains which is within the same ownership as the main dwelling and has a functional link with the main dwelling.
- 7.19 The proposed is therefore considered to be ancillary to the main dwelling.

## **8.0 CONCLUSIONS**

- 8.1 When considered cumulatively, and having regard to the above assessment of the proposal, it is considered that the proposed extension and the conversion of the existing garage by virtue of the design and positioning would appear subordinate to the size and scale of the host dwelling and would not appear visually intrusive within its plot.
- 8.2 The application is considered to be acceptable and therefore the recommendation is that planning permission be granted, subject to conditions.

## **9.0 CONDITIONS**

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

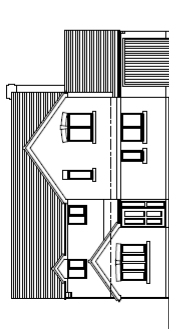
Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 91 of the Town and Country Planning Act 1990.

2. The external surfaces of the development hereby permitted shall be constructed only of materials of a type and colour which match those of the existing building except where indicated otherwise on the approved drawings.

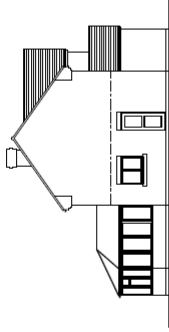
Reason: To ensure that the new work complements the existing building and to ensure the development does not detract from the character and appearance of the area in accordance with Policies D2 and D3 of the adopted Plan:MK (2019).

3. The development hereby permitted shall only be occupied in connection with and ancillary to the occupation of the main dwellinghouse on the site and shall at no time be occupied as an independent dwelling unit without written approval from the Local Planning Authority.

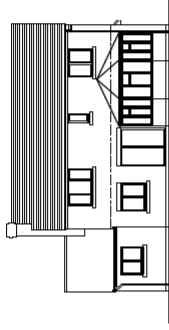
Reason: To prevent the establishment of an independent dwelling unit within the curtilage of the main dwelling to the detriment of the character of the property and locality.



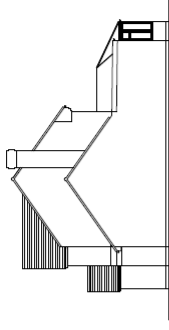
Existing Front Elevation



Existing Side Elevation



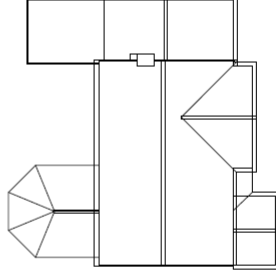
Existing Rear Elevation



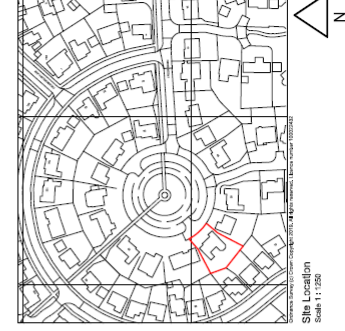
Existing Side Elevation



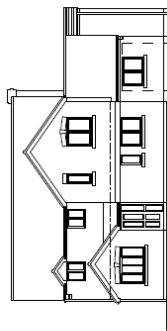
Existing Ground Floor Plan



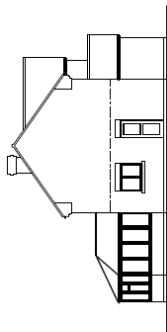
Existing Roof Plan



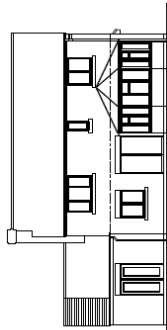
Site Location  
Scale 1:1,250



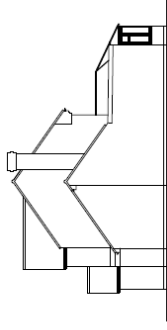
Proposed Front Elevation



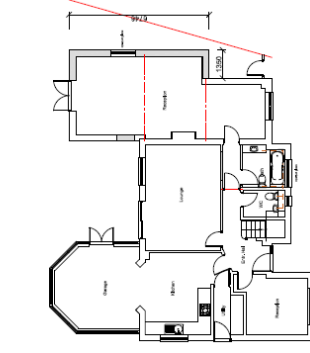
Proposed Side Elevation



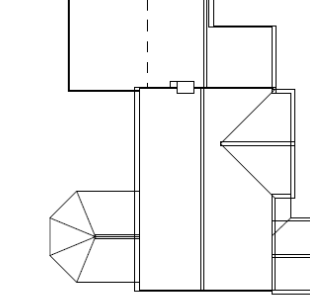
Proposed Rear Elevation



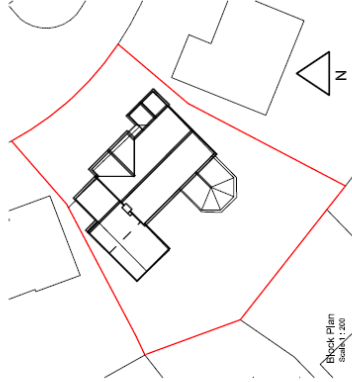
Proposed Side Elevation



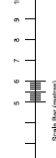
Proposed Ground Floor Plan



Proposed Roof Plan



Block Plan  
Scale 1:250



Rev A-20th March 2020 - revised after discussions with the LPA

**Bradbury Design Ltd**  
Tel: 01305 233338 Mobile: 07370 076249  
Email: info@bradburydesign.com

Client: Mr & Mrs Tagglog  
Project: 57 Elings Green,  
Kenilworth,  
Milton Keynes, MK7 6LE

Title: Proposed single storey side extensions, garaging  
conversion & internal alterations - GA drawing

Scale	Drawn By	Date	Drawn No.	Rev.
1:100	AT	19th Mar 2020	6520-01	A

Contractor to verify all places and dimensions on-site. Do not scale from this drawing.  
Copyright Bradbury Design Ltd



## Appendix to 20/00451/FUL

### A1.0 CONSULTATIONS AND REPRESENTATIONS

#### A1.1 Kents Hill and Monkston Parish Council

Please find Council's comment below to the above application. Council request that the application be referred to the Development Control Committee/Panel for determination and will attend a meeting of the Committee/Panel where the application is heard.

"We object to this application and request that it is rejected. We are suspicious that this is an attempt to create a separate dwelling or business premises for personal services without permission.

There are a number of features leading Council to that conclusion

- The blocking of the door into the garden, enabling separate outside areas
- The blocking of the door also gives privacy to the back part of the new "reception" room, enabling it to be used as a bedroom
- The fact that the only connection between the two areas is via a bathroom corridor which can easily be blocked off
- The creation of a new "front door"
- The creation of a new full bathroom – surely only needed if an extra bedroom was also to be included or the area used as business premises for personal services

This appears to be an attempt to get round the restrictions on the previous permission. There is no data on record about the number of bedrooms at present, but it's clear that there is no extra parking space for either residents or business customer. Can officers investigate further please. Thanks.

If officers are still minded to approve, can there be a reminder letter reminding the applicant that change of use permission would probably be required to use it either to accommodate a separate "household" or to use it for business purposes. Also if there is anything that might prohibit the incorporation of an extra bedroom, can the need for further permission for use as a bedroom also be added to the letter. Thanks."

#### A1.2 Cllr Leo Montague

No comment received.

#### A1.3 Cllr Jennifer Ferrans

Firstly, can I ask whether the proposed scheme of required documents has been adopted yet? I do not believe that this meets the new requirements, as that included a requirement to declare whether or not bedrooms are involved, but perhaps it's not implemented yet. If it has been implemented, can the applicant fill in the correct new form? Thanks.

I am extremely suspicious that this is an attempt to create a separate dwelling, or business premises for personal services, without permission and I wish to object to this application.

There are a number of features leading me to that conclusion:

- The blocking of the door into the garden, enabling separate outside areas
- The blocking of the door also gives privacy to the back part of the new "reception" room, enabling it to be used as a bedroom
- The fact that the only connection between the two areas is via a bathroom corridor which can easily be blocked off
- The creation of a new "front door"
- The creation of a new full bathroom - surely only needed if an extra bedroom was also to be included or the area used as business premises for personal services

I think this is an attempt to get round the restrictions on the previous permission without the building control or planning checks that would be required for a separate dwelling.

There is no data on record about the number of bedrooms at present, but it's clear that there is no extra parking space for either residents or business customer.

Can officers investigate further please. Thanks.

If officers are still minded to approve, can there be a reminder letter reminding the applicant that change of use permission would probably be required to use it either to accommodate a separate "household" or to use it for business purposes. Also if there is anything that might prohibit the incorporation of an extra bedroom, can the need for further permission for use as a bedroom also be added to the letter.  
Thanks.

A1.4 Cllr Vanessa McPake

No comment received.

A1.5 Neighbour/Third Party Representations

No third party comments received.