

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee: | Planning
Date: | 02.04.2024
Address/Location: | 52 Curtis Hayward Drive Quedgeley Gloucester GL2 4WL
Application No: | 20/00993/FUL
Ward: | Quedgeley Severn Vale
Expiry Date: | 05.04.2024
Applicant: | Mr Gordon Wake
Proposal: | Retrospective conversion of integral garage into habitable room
Report by: | Craig Stock
Appendices: | Site Location Plan

Site Location Plan



Scale 1:1250

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is 52 Curtis Hayward Drive, a two-storey detached dwelling in Quedgeley.
- 1.2 The dwelling benefits from a paved driveway and a small grassy area to its front, and a garden to the rear. The dwelling was originally constructed with an integral garage in a manner similar to many other dwellings on Curtis Hayward Drive.
- 1.3 Upon original submission of this application, the description of development read “Conversion of integral garage into habitable room”.
- 1.4 The initial round of neighbour consultation took place in November 2020. Neighbour comments noted that the ‘proposed’ works had in fact already taken effect; this was later confirmed by the applicant. The description of development was since altered such that *retrospective* permission is now sought for these works.
- 1.5 In terms of the external physical works, this consists solely of the replacement of the previous wood-panelled garage door with an additional ‘front’ door and a window either side.
- 1.6 Retrospective permission is sought for its use of converted garage space as a habitable room incidental to the use of the main dwellinghouse. At present, the room is used as a home office by the applicants and sometimes by the applicants’ daughter, all of whom work for a domiciliary care company providing care in the community.
- 1.7 The converted garage was also used as a home office during the COVID-19 Pandemic. At this stage, it served as something more akin to a base of operations for the company: it saw regular, appointment-only staff visits to collect personal protective equipment (PPE) and to undertake training sessions. As per information submitted by the applicants and observations made during two separate site visits, the use of this converted garage has since reverted to a standard home office.
- 1.8 The applicant has stated that they intend to use the room in the future as ancillary bedroom accommodation for one of the applicants, whose mobility is deteriorating such that ground floor, level access accommodation will be essential.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
99/00628/FUL	Convert Integral Garage into Study	Application refused	20.12.1999

3.0 RELEVANT PLANNING LEGISLATION

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:
- 3.2 **National guidance**
National Planning Policy Framework (NPPF) and Planning Practice Guidance
- 3.3 **Development Plan**

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies include:

SD4 – Design requirements

SD14 – Health and Environmental Quality

INF1 –Transport network

3.4 City of Gloucester Local Plan (Adopted 14 September 1983)

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 219 of the NPPF states that ‘...*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*’ The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 Gloucester City Plan

The Gloucester City Plan (“City Plan”) delivers the JCS at the local level and provides policies addressing local issues and opportunities in the City. It was adopted on 26th January 2023 and forms the development plan alongside the JCS. The following policies are considered relevant:

A9 – Extensions to existing dwellings

F1 – Materials and finishes

G1 – Sustainable transport and parking

3.6 Other Planning Policy Documents

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.

4.0 CONSULTATIONS

4.1 Highways Authority

Response – 15.03.2024

No objection.

No issues with the loss of the garage – the Manual for Gloucester Streets does not count garage parking within total parking provision: integral garages are generally too small to accommodate modern cars and provide sufficient circulation space.

The driveway currently has two large off-street spaces; alterations to the front garden could increase that provision to three. Site occupants could also park on-street directly outside of the dwelling.

Ward census data for four and five bedroom dwellings suggests an average of 2 to 2.5

vehicles per dwelling.

A collision records check has demonstrated no injury collisions in at least the past 5 years on Curtis Hayward Drive.

It is therefore not considered that the addition of a habitable room would result in detrimental impact on highway safety from any displaced parking.

4.2 **Quedgeley Town Council (QTC)** Initial Response – 27.10.2020

No Objection.

Second Response – 18.12.2020

Objection. The following reservations were noted in their response:

- The description of development as a 'spare room' seems inaccurate given the use of the room as an administrative base for a care business.
- The provision of an additional door to the front of the property is out of keeping; it does not enhance, respond positively nor respect the character of the site and its surroundings.
- Supplementary info submitted in support of the application mentions that additional staff parking is available at the nearby Local Nature Reserve; this parking should be for the use of that site. This car park was not intended as, and should not be used for, overflow parking for the staff employed at the care business.

Third Response – 17.12.2021

Objection.

- The application does not appear to have addressed the concerns raised previously, most notably in terms of design and visual appearance.
- The property is being used as a basis for a business which has clearly outgrown it.

Final Response – 22.02.2024

Objection.

- Reiterates concerns over 'business' use of the converted garage and the knock-on impacts upon parking.
- The applicants' statement that their driveway can provide 4 off-street parking spaces is incorrect.
- Recommends that an application is submitted to change the use of the garage to a business, such that the implications of this business use can be properly investigated.
- Recommends that a site visit is conducted by the case officer.
- Queries whether the property would benefit from sufficient off-street parking given the intention to utilise the converted garage as an additional bedroom.
- The provision of an additional door to the front of the property is out of keeping with the character of the area and is, accordingly, contrary to policy.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified on four separate occasions:

5.2 The first round of neighbour consultation took place in November 2020. 3 letters of objection raised the following issues (*NB – The following is the Case Officer's own summary of the issues raised in the neighbour objections*):

- Garage was being operated as a business, contrary to nature of application description.
- The physical works and the use of the site had already commenced.
- Staff vehicle movements and parking causing issues, not least given residential character of area.
- The plans are inaccurate, as they show a side door rather than the front door that had been installed.
- Operation of business from 'spare room' would constitute a material change of use. COVID meant that employees regularly visiting to collect equipment and attend meetings.
- Out of keeping with visual appearance of area, setting an unwelcome precedent.
- Congestion from staff parking and deliveries.
- Disappointment that alterations had already taken effect prior to submission of application, and prior to any consultation taking place.

5.3 Following this initial round of neighbour consultation, the applicant submitted a response to these comments seeking to clarify and/or rebut a number of the issues raised.

Amended plans were also submitted showing the 'as-built' front door and omitting the previously proposed side door. The description of development was also changed to reflect the retrospective nature of the application.

A second round of neighbour consultation took place in December 2020. 4 letters of objection raised the following issues:

- Information provided regarding anticipated levels of staff parking, and capacity of front driveway is inaccurate: often more than 3 cars parked up, and there is only really space for 2 cars, 3 if one overlaps the curb. (mentioned by multiple commenters)
- Staff meetings take place within the curtilage of the dwellinghouse, and staff turn up regularly throughout the day.
- The converted garage functions as a base of the company in a manner that exceeds that which could be reasonably considered ancillary to the dwellinghouse
- Design of office frontage resembles business park more than residential property - out of keeping. The applicants should seek to rent alternative office premises elsewhere.
- Frequency of visiting staff and vehicle movements cannot be accommodated by this cul-de-sac with limited parking space and a baseline level of pedestrian and cycle traffic using it as a cut through to shops.
- Use of nature reserve as overflow parking not an appropriate solution
- Applicant knowingly submitted misleading plans in the first instance.
- Conversation with applicant confirmed their intention to operate garage as office - description as 'habitable room' is misleading, it was never intended as such as per this conversation.
- Staff visits to collect PPE and attend training has a negative impact upon amenity of neighbouring residents
- The prospective future conversion into habitable room for applicant is not formally proposed, and there is no timeline provided for its conversion for these purposes. The current conversion is to commercial office space, and talk of future bedroom is a

red herring at this stage.

5.4 Following the submission of further information by the applicants and a visit to the site by the previous case officer and the former Enforcement Officer, a third round of neighbour consultation was launched in November and December 2021.

The comments received in this round of consultation have been lost as a result of the Cyber Incident the Council suffered in December 2021.

5.5 A fourth and final round of neighbour consultation was launched in January and February 2024. This neighbour letter invited those whose comments were lost in 2021 to resubmit their comments, and also welcomed any other new comments from neighbouring residents. One comment was received; the points raised are summarised below:

- The converted garage is still operated as an office; its purported 'interim' use as the care company's base appears to have continued as one member of staff is seen opening and locking up the office most days.
- Staff continue to arrive regularly at the office. There is not enough space on the drive to park 4 cars, as has been stated by the applicant.
- The knock-on pressure on on-street parking has been considerable. There have been instances where an emergency vehicle would have been unable to get down the road.
- The business has outgrown the converted garage from which it is being run.
- Concerns of Quedgeley Town Council reiterated regarding out-of-keeping design.

5.6 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 *Legislative background*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regards to this application are as follows:

- Principle
- Design, Layout and Landscaping
- Traffic and Transport
- Residential Amenity

6.5 **Principle**

6.6 Removal of Permitted Development Rights

In many cases, planning permission would not be required to convert a garage into a habitable room. There are occasionally exceptions whereby permitted development rights have been removed upon the granting of planning approval the original development.

The wider estate within which the application site is located was granted permission in 1992 under application reference 6000209/APP. Condition 6 of the decision notice read as follows:

The garages hereby authorised shall be retained for the parking of private vehicles or uses incidental to the enjoyment of dwelling houses only and shall not be converted to living accommodation without the prior permission of the City Council.

Therefore, at this site, garage conversions to form additional living space in existing garages require planning permission as permitted development rights have been removed. An application to convert the garage into a study was refused in 1999 on account of a loss of off-street car parking.

6.7 Would a change of use application be required?

To be clear, this application seeks retrospective permission to convert the existing garage into a habitable room. As well as this internal conversion, the scheme includes external alterations to the front elevation of the dwellinghouse: the existing garage door has been replaced by an additional 'front' door and a pair of windows.

6.8 Information regarding the use of the converted garage has been submitted by the applicants at various points during the determination period of this application. Two site visits have been carried out: one in November 2021 and one in February 2024.

On both occasions, the Case Officer and Enforcement Officer visited the site. Based upon the submitted information and the observations made during each site visit, it is adjudged that the usage of the converted garage is consistent with and/or ancillary to the residential dwelling house.

6.9 The nature and extent of the business use is as follows:

- The converted garage has an external door on the dwelling's front elevation. It also has an internal door into the adjoining utility room. In terms of internal layout and in terms of the manner in which it is used, it does not function as a separate, standalone room.
- The office is currently set out with two desks with computer monitors. These desks and the room are used by the applicants, and sometimes their daughter, to work from home.
- The applicants and their daughter are all involved in running a domiciliary care business. Whilst all three use the converted garage to work from home, other rooms within the dwellinghouse are also used for working from home. In other words, the business is not exclusively run from the converted garage.
- The care business employs a number of carers, each of whom conducts home visits for their clients to provide care. These employed carers will, on occasion, visit the site

to conduct corporate training.

- Some face masks and other personal protective equipment are stored within the converted garage. These are excess products that are left over from the pandemic, when a more robust level of PPE was required.
- The applicants have confirmed in writing that there will be no more than two staff visits per week, no more than one per day and that there would never be two staff members on-site at any one time. All staff visits are, and will be, appointment only, and the premises is only ever open to staff between 09.30am and 4.00pm Monday-Friday.
- The applicants intend to use the converted garage as a ground floor bedroom at some point in the near future. One of the applicants suffers from worsening mobility and will soon require level access accommodation.

6.10 In light of the above, it is considered that the manner in which the converted garage is currently being used does not materially differ from a standard 'working from home' setup. Since the onset of the COVID-19 Pandemic, many dwelling houses have seen rooms repurposed as 'home offices' or 'studies'. The use of the garage in this manner is therefore considered 'incidental to the enjoyment' of the dwellinghouse and as such does not constitute a material change of use to business use.

6.11 Use of the garage during the COVID-19 Pandemic

It is noted that the converted garage was, for a limited period during the COVID-19 Pandemic, used as the base of operations for the domiciliary care company in a manner more intensive than that described in paragraph 6.9. This has been noted in many of the neighbour comments, as outlined in paragraphs 5.1-5.5.

These comments are acknowledged, and it is recognised that this more intensive use of the garage gave rise to concerns amongst neighbouring residents in terms of amenity and parking issues. It is also acknowledged that, without prejudice, the use of the converted garage in this manner exceeded and contradicted the description of development for which permission is sought with this planning application, and that this use itself was never authorised.

6.12 This more intensive use had ceased by the time of the initial site visit in November 2021. The second site visit in February 2024 confirmed that the converted garage had returned to something more akin to a standard 'working from home' setup.

6.13 Restrictive Use Condition

Many of the neighbour comments express concern that the use of the converted garage to-date (to operate the domiciliary care business) has not been consistent with the description of development for which permission is sought. These comments further express concern that – were permission to be granted - the applicants would be given free reign to use the garage in a manner of their choosing.

To be clear, permission is sought for the use of the garage as a habitable room and it is under this basis that any permission will be granted.

A restrictive condition is recommended limiting the use of the converted garage to purposes ancillary to the residential use or 'incidental to the enjoyment' of the residential use of the dwellinghouse. Were the converted garage to be used in a more intensive manner such that

the Council considers it exceeds or contradicts this condition, it remains within the Council's control to initiate action to regularise this use.

Subject to the aforementioned condition and to consideration against other policy areas, the principle of development is considered acceptable.

6.14 Design, Layout and Landscaping

The NPPF states that new residential developments should be of high-quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network.

6.15 The garage conversion has seen the installation of a secondary front door with a window either side, all constructed in white UPVC.

A number of neighbour comments have raised concern that the design of the converted garage is out of keeping with the neighbourhood.

6.16 Whilst these comments are noted, it is considered that the design of the converted garage is acceptable. Other properties on Curtis Hayward Drive have similarly converted their garage and have installed windows in place of the garage doors.

The palette of materials and colours is in-keeping with those found elsewhere on the street and does not represent a major change when compared to the previous white garage door.

6.17 In light of the above, the application is considered acceptable with regards to design and the relevant planning policy.

6.18 Traffic and transport

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network

6.19 Multiple neighbour comments have been received expressing concern that the off-street parking provided on the driveway proved insufficient in light of the regular staff visits during the period of more intensive use. These comments question whether the driveway has capacity for four cars, consider it inappropriate to use the nearby nature reserve as overflow parking, and raise concern about safety issues as a result of resultant pressures on on-street parking.

6.20 A number of these comments relate to the period of more intensive use during the COVID-19 Pandemic, which has since ceased.

6.21 It is considered by Officers that the driveway would not be able to host four cars. The driveway would definitely accommodate two cars, but it seems likely that a third would overhang the public footway.

6.22 The dwelling currently has four bedrooms, and will have five bedrooms when the converted garage becomes used as a bedroom. The 2021 addendum to the *Manual for Gloucestershire*

Streets states that the minimum external car parking spaces the Highway Authority would seek for a four-bedroom dwelling is two, and that they would seek three spaces for a five-bedroom dwelling.

- 6.23 However, it seems unlikely that the business use of the converted garage would generate any considerable additional vehicle movements that would place strain on the highway network.
- 6.24 Any excess parking that exceeds the capacity of the driveway is therefore likely to only be occasional; this can be accommodated by on-street parking directly outside the dwelling. Curtis Hayward Drive has no parking restrictions and as such the occasional on street parking would not result in material harm in terms of highway safety: any such impacts would not be severe in accordance with the test in par.115 of the NPPF as stated in par.6.18 of this report above.
- 6.25 The Highways Authority were consulted on this application and recommended no objection. Their response notes that the integral garage would not have been of sufficient size to park most modern vehicles, and that a majority of such garages are no longer used for car parking anyway. Their response cites census data that suggests that four- to five-bedroom dwellings in Quedgeley Severn Vale typically have 2-2.5 cars per dwelling; Highways are content that any additional parking could be accommodated on-street directly outside the dwelling. They also suggest that alterations to the front garden could provide an additional off-street parking space
- 6.26 There are no substantive reasons upon which this application could be considered unacceptable in terms of Highways, traffic and transport; the application complies with the relevant policy.
- 6.27 ***Residential amenity***
Paragraph 135 (f) of the NPPF sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.28 Many of the neighbour comments express concern that their residential amenity has worsened as a result of the use of the converted garage for the operation of the domiciliary care business. The main issue raised in these comments is the comings and goings associated with the business and the knock-on impacts on parking and congestion on Curtis Hayward Drive (it is not suggested, for example, that the business activities themselves generate any excessive noise, odour or other problems). For the most part, this issue has already been covered in the Traffic and Transport section.
- 6.29 As mentioned in paragraph 6.13, a restrictive use condition would be attached to any permission if granted. This would ensure that the current business use (and any possible future one) stays within the parameters outlined in paragraph 6.9 such that it can be considered ancillary to the wider residential use and not of any detriment to residential amenity in the locality.
- 6.30 Any business operation that is considered to exceed these limits would be non compliant with the condition and action to regularize this matter would remain within the Council's control.
- 6.31 Subject to the restrictive use condition, the application is considered acceptable with regards to neighbour amenity.

6.32 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 **RECOMMENDATION OF THE HEAD OF PLACE**

7.1 That planning permission is GRANTED subject to the following conditions;

7.2 **Condition 1**

The development hereby permitted shall be carried out in accordance with the following approved drawing numbers/documents (all dated 17.06.2020 unless stated otherwise) except where these may be modified by any other conditions attached to this permission.

- 01 (Existing Floor Plans and Site Map)
- 02 (Existing Elevations)
- 03 (Proposed Floor Plans and Site Map)
- 04 (Proposed Elevations)
- 01 (Site Map, dated 17.06.2020 but received on 05.10.2021)

Reason

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

Condition 2

The converted garage hereby approved shall only be used for purposes ancillary to, or incidental to the enjoyment of, the residential use of the dwellinghouse known as 52 Curtis Hayward Drive only.

Reason

To ensure a satisfactory level of residential amenity, to ensure that the usage of the converted garage is appropriate within a residential area and to ensure that the local road network can safely accommodate the type and volume of traffic and parking generated by the development.

7.3 **Note 1**

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision.

You are advised to contact Gloucestershire Building Control Partnership (our shared service between Gloucester City Council and Stroud District Council) on 01453 766321 option 4,2 or building.control@stroud.gov.uk and www.gbcpartners.co.uk for further information or advice on your project.

Note 2

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Person to Contact: Craig Stock (396720)