



Delegated Report

Householder Planning Application

Planning Application No: 20230570

Location: 253 Rochester Road Gravesend Kent DA12 4TW

Description: Garage converted to habitable room with changes to fenestration & conservatory and new timber gate to existing rear garden fence.

Applicant: Mr M Ali

Site Visit Date: Site Visit for Osney Way conducted on 27.07.23
N/A - Photos provided with the application

Submitted Documents/Plans

Application Form;
Supplementary Information – Photos;
Site Location Plan (received on 19.06.23);
Block Plan (received on 30.05.23);
Drawing No. 01 – Ground Floor Plan – Existing;
Drawing No. 02 – First Floor Plan – Existing;
Drawing No. 03 – Roof Plan – Existing;
Drawing No. 04 – Elevations Front and Rear – Existing;
Drawing No. 05 – Side Elevations with Section – Existing;
Drawing No. 06 – Ground Floor Plan – Proposed;
Drawing No. 07 – First Floor Plan – Proposed;
Drawing No. 08 – Roof Plan – Proposed;
Drawing No. 09 – Front and Rear Elevations – Proposed; and
Drawing No. 10 – Side Elevation with Section – Proposed.

Relevant Planning History

Reference	Description	Decision	Decision Date
19970474	Erection of a conservatory at the rear	Permitted	21.08.1997
19910335	Erection of two storey side extension to form garage and utility room with bedroom at first floor level and demolition of the existing front porch and erection of a replacement porch.	Permitted	24.06.1991

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure

- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006); and
- Householder Extensions/Alterations Design Guide (2021).

Consultations, Publicity and Representations

Consultees

Local Ward Councillors

No comments received.

GBC – Highways Officer

Considering this application and what has been recently approved in the immediate neighbourhood I have no objections. There is sufficient space to accommodate two cars off street, although the ability to turn to permit a vehicle to enter and leave the site in forward gear may have been compromised. This should ideally be proven by swept paths, but as it has not been required elsewhere, it would be inappropriate to request it here.

As an additional bedroom is being created a secure cycle parking space is required, and as the garage could have been used for the storage of existing cycles, this increases to four cycle parking spaces in total.

I have no objections to the alterations to the rear fence, but the applicant needs to note they may not have any right of passage over the land at the rear of his property.

Neighbouring properties

3 surrounding properties were consulted and 15 responses were received objecting to the proposal. The overall consultation expiry date was on 12.07.23.

The objections only raised concerns with the installation of a gate within the existing rear garden fence, rather than the development as a whole. The responses have been summarised below. Please note, comments that are considered similar in nature have not been duplicated:

- Do not want Rochester Road houses to have access from Osney Way.
- The garden area at the top of Osney Way has been well maintained by No. 24 and is an extension of their garden.
- Allowing rear access to the application property would ruin the aesthetics of the garden space.
- In order to facilitate the rear access, steep steps would need to be built into the sloped garden which would come onto the road itself making it dangerous. There are drive ways in use and constant turning so the steps would cause difficulties for road users.
- Would not like other properties in Rochester Road to request access in the same way.
- We are a private road and do not want multiple houses having rear access into our road because they have built on their side access.
- The area in question has planting, has been used as a garden and tended by the community of Osney Way for more than 20 years.
- The application would take away a valuable parking space where parking is limited and there are not a lot of driveways.
- The top of Osney Way is decorated for community occasions e.g Christmas/Royal celebration.
- The application will affect the road of Osney Way in a negative manner.
- Not ideal.
- The area would be ruined plus there is a lot of wildlife there.
- This will cause a lot of problems for the residents of Osney Way.
- It is the turning circle for traffic as this is a cul de sac. People parking their cars to unload would be intolerable. People and vehicles would permanently be using and blocking this quiet residential area. The property has ample space at the front of the property for delivery and access.
- Not appropriate for this secluded street.
- This is a nice pleasant road and we do not want it spoilt anymore.
- There is already an alley way through so let them use that.
- As a community we intend to extend the flower bed along the stretch of the top of the road
- The development will have a detrimental affect on the street scene. The current layout has not been explained in enough depth to show what is on the other side of this proposed gate they want

The above are not material planning considerations in relation to the proposal for an inward opening (pedestrian) gate in an existing rear garden fence. The Design Character and Appearance of the proposed development, along with consideration to Parking and Highways, shall be assessed in the relevant sections of this report. As such, it is considered prudent to consider the concerns raised regarding the gate in this section of the report. For the avoidance of doubt the concerns raised by the objectors relate to land outside the redline boundary.

Permitted Development Rights

According to Class A of Schedule 2, Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)(as amended), the installation of the gate within the existing fence at the same height as already constructed **would not require planning permission**. The Planning Portal provides a useful summary of these matters:

<https://www.planningportal.co.uk/permission/common-projects/fences-gates-and-garden-walls/planning-permission>

Planning Permission

You will **not** need to apply for planning permission if you wish to erect a new; or alter, maintain, improve or take down* an existing fence, wall or gate if the following conditions are met:

- in regard to its height:
 - it is next to a highway used by vehicles (or the footpath of such a highway) and it would **not exceed** one metre in height (from ground level); or
 - it would **not exceed** two metres in height (from ground level) if elsewhere; or
 - if an existing fence, wall or gate already exceeds the limits above, that its height would **not be increased**.
- no part of the site is a listed building or within the curtilage of a listed building.
- no part of the fence, wall, gate or any other boundary involved, forms a boundary with a neighbouring listed building or its curtilage.
- the right to put up or alter fences, walls and gates has not been removed by an article four direction or a planning condition.

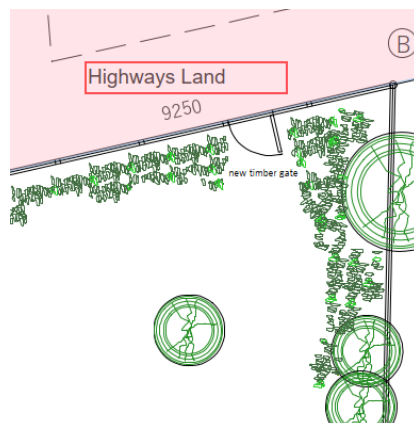
If any of these conditions are not met, then you will need to apply for planning permission.

Notwithstanding this, it does not mean that the gate could automatically be used for access purposes. The land in question has been identified by the Local Planning Authority as Highway Land.

Photo of land in question



Rough Indication of Highways Land



It is understood from the responses received, that the piece of land in question is important to the residents of Osney Way, who state they maintain the area and decorate it on special occasions, with number 24 incorporating the land into their garden. However, there is no planning history to indicate that No.24 Osney Way has changed the use of the land to form part of the residential curtilage of the property. It therefore remains, that the land is identified and classed as Highways Land.

Although access across third party land would not fall under a material consideration for this application, this may be controlled under other relevant legislation outside of the planning remit. There were concerns raised about the potential construction of steps to gain access - no steps are shown on the drawings and as aforementioned above, the land in question has been identified as Highway Land.

Officer's Analysis

253 Rochester Road is a two storey semi detached dwelling located north of the highway.

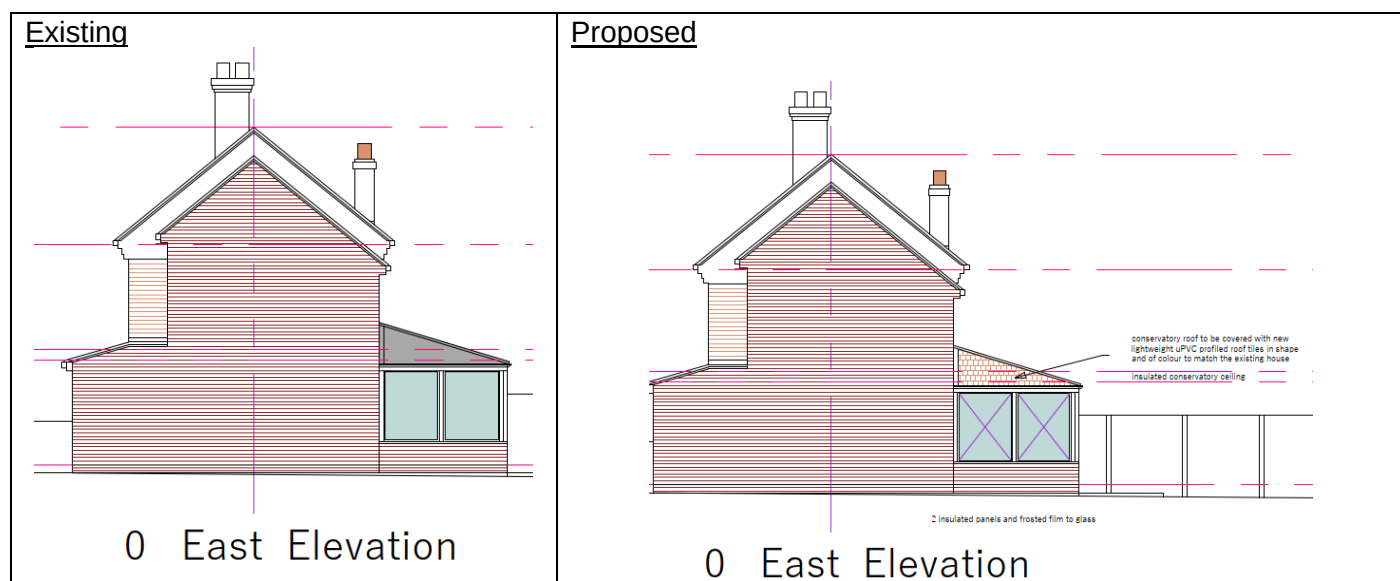
Photo provided with this application

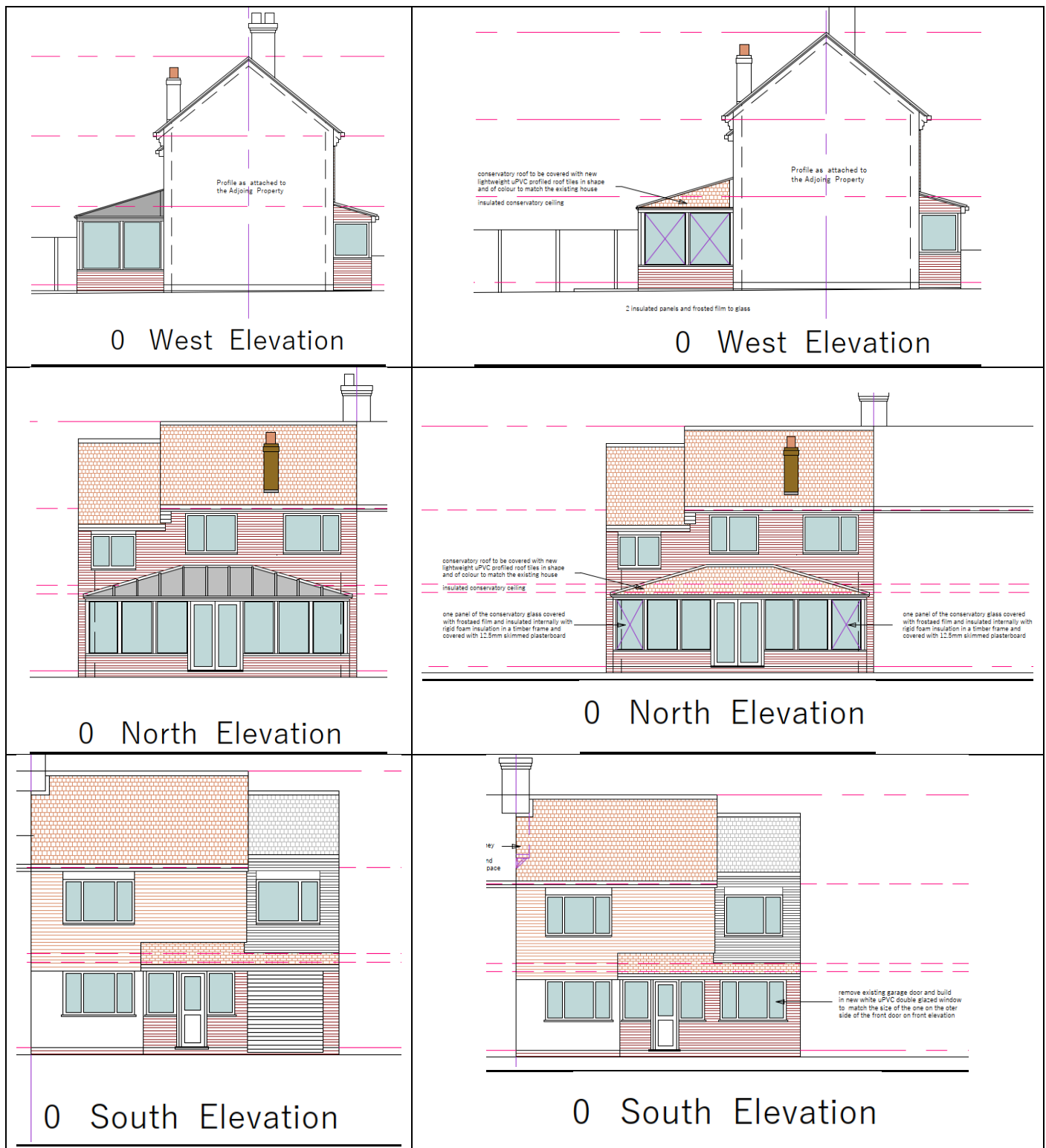


This application proposes to convert the existing garage to form an additional bedroom and ensuite shower room, enlargement of the shower room at first floor level, alterations to the fenestration and conservatory, along with the installation of a gate in the existing rear garden fence.

Proposed Development:

The proposed development does not include any extensions to the existing dwelling. External changes include replacement of the existing garage door with a window and brickwork to match the existing property. In addition, the conservatory would be covered with new lightweight uPVC profiled roof tiles that would be in the shape and colour of the existing house tiles, along with obscuring some of the conservatory windows with frosted film so they can be insulated internally.





Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area.

The proposed new window to replace the garage door is acceptable in terms of shape and size and has been designed to be sympathetic to the existing dwelling. The proposed external materials; uPVC window

and surrounding brickwork will match the existing dwelling.

In addition, the proposed alterations to the conservatory are considered acceptable. The tiles would have a similar appearance to those on the existing dwelling and the frosted appearance of the glass should obscure the new insulation.

Overall, the development would have a minimal impact on the street scene and is not considered to detrimentally affect the character of the existing dwelling or the surrounding area.

As such, the development is in accordance with Policy CS19 Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2021.)

Amenity of Future Occupiers

Gravesham's Residential layout guidelines (RLG) amended June 2020 sets out minimum private garden area and depth, and the proposal complies with the requirements for a 4 bedroomed dwelling. The RLG (2020) also sets out room sizes. At 7.83m, the new bedroom (bedroom 4) could only be used for single occupancy, and the guidance requires a bathroom/w.c. to have a minimum floor area of 3.60sqm, which the proposed shower room at ground floor level falls below, at 2.22sqm. While the room is undersized in regard to the RLG, the proposed shower room only contains a shower basin that takes up significantly less space than a bath, and therefore the space required is reduced. Moreover, an undersized shower room is not sufficient grounds to refuse the application. In addition, the altered shower room at first floor level results in less floor space for bedroom 1, which is only suitable for single occupancy. The altered shower room falls below the RLG (2020) at 2.17sqm, however this is an improvement on the existing floor space and would not be sufficient grounds to refuse the application, as indicated above. Therefore, the proposed development is considered to provide acceptable garden and room space to safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) (2014) and Section 12 (NPPF) (2021).

Neighbouring Amenity

As aforementioned above, 15 responses were received following the consultation process for this application. None of the responses received, raised concerns in terms of impact on neighbouring amenity in terms of loss of light, privacy, outlook or concerns regarding a sense of enclosure. Notwithstanding this, neighbouring amenity is assessed below.

The proposal would include the conversion of an existing garage to a bedroom and as such, it is important to ensure there is sufficient privacy distance between the new development and neighbouring properties. The plans show the privacy distance is met in accordance with the RLG (2020). As such, the proposal would not affect neighbouring amenity in terms of loss of privacy, light, outlook or cause a sense of enclosure, and therefore is considered to safeguard the amenity of neighbouring properties in accordance with Policy CS19 (LPCS) (2014) and Section 12 (NPPF) (2021).

Highways and Parking

The garage would be lost as a result of this proposal and an additional bedroom would be created. However, the garage is substandard in size and sufficient off-street parking would be retained post-development. As indicated by comments received by Gravesham's Highways Officer; *considering this application and what has been recently approved in the immediate neighbourhood I have no objections. There is sufficient space to accommodate two cars off street, although the ability to turn to permit a vehicle to enter and leave the site in forward gear may have been compromised. This should ideally be proven by swept paths, but as it has not been required elsewhere, it would be inappropriate to request it here.*

As shown by the below 2018 google aerial image, the (smaller) pre-existing hardstanding area has been used to accommodate two cars:



The existing (and proposed) plans for this application show that the frontage incorporates a larger surface area for the hardstanding, which is an improvement on the previous provision and is acceptable.

Gravesham's Highways Officer has requested secure cycle storage be provided to comply with SPG 4 - KCC Parking Standards (2006). It is considered that there is sufficient space within the garden to provide this.

As aforementioned in this report, the Highway's Officer has also highlighted that although *there are no objections to the alterations to the rear fence... the applicant needs to note they may not have any right of passage over the land at the rear of his property.*

Taking the above into consideration, the proposal is not considered to raise concerns in terms of Highways and Parking.

Any Other Material Planning Considerations

Archaeology

The site lies within an area of multi-period archaeological potential. However, the proposed development is unlikely to have any archaeological impact.

Contamination

There could be some contamination in terms of oil and other contaminants derived from garage use. As such, a watching brief condition could be added to the decision notice if permission was to be forthcoming.

Biodiversity

Concerns have been raised in terms of the loss of biodiversity due to the proposed gate in the rear fence leading to steps being incorporated into the land to facilitate access. As aforementioned in this report, no such proposal has come forth, and the land in question has been identified as Highways Land and it outside the redline boundary of the application site.

Conclusion

The application has been fully considered and is in accordance with local and national planning policy. The proposed conversion of the existing garage to bedroom and ensuite shower room would have a minimal impact on the street scene, there is sufficient off-street parking and the proposed external materials would match the existing. The proposed alterations to the conservatory are not considered to detrimentally impact the character and appearance of the existing dwelling. Moreover, the development will safeguard the amenity of future occupiers and will not harm the amenity of neighbouring properties.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	08.08.2023	Dated:	9th August 2023