



Delegated Report

Variation of Condition Application

Planning Application No: 20250914

Location: Annexe At 3 Havisham Road Gravesend Kent

Description: Application for variation of condition 4 attached to planning permission reference number 20160561 for variation of condition 4 attached to planning permission reference number 20140252 relating to demolition of garage and erection of detached garage with extended footprint to for a wc and kitchenette at ground floor, and office area with work space area above on first floor, incorporating three dormer windows in the rear roof slope; to allow the use for office/residential accommodation ancillary to the main dwelling; to allow the residential accommodation to be rented out to people other than to family members with the condition to read 'The building shall not at any time be sold as a separate unit of living accommodation and no trade or business shall be carried on therefrom.'

Applicant: Mr and Mrs S and M Hornby

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Drawing No. 100 – Site Location and Existing & Proposed Block Plan;
Drawing No. 101 – Existing and Proposed Floor Plans;
Drawing No. 102 – Existing and Proposed Elevations; and
Planning Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20160561	Variation of condition 4 attached to planning permission reference number 20140252 relating to demolition of garage and erection of detached garage with extended footprint to for a wc and kitchenette at ground floor, and office area with work space area above on first floor, incorporating three dormer windows in the rear roof slope; to allow the use for office/residential accommodation ancillary to the main dwelling.	Permitted	22.12.2016
20150044	Application for non-material amendment to planning permission reference number 20140252 to allow the replacement of the barn hips to the roof to gable ends.	Approval of Non-Material Amendment	16.02.2015
20140252	Demolition of garage and erection of detached garage with extended footprint to form a wc and kitchenette at ground floor, and office area with work space area above on first floor, incorporating three dormer windows in the rear roof	Permitted	20.05.2014

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Development Plan

Gravesham Local Plan Core Strategy (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 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 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)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

We have no comments with regards to this application.

Neighbouring properties

11 surrounding properties were consulted with an overall consultation expiry date of 8th October 2025. No comments have been received.

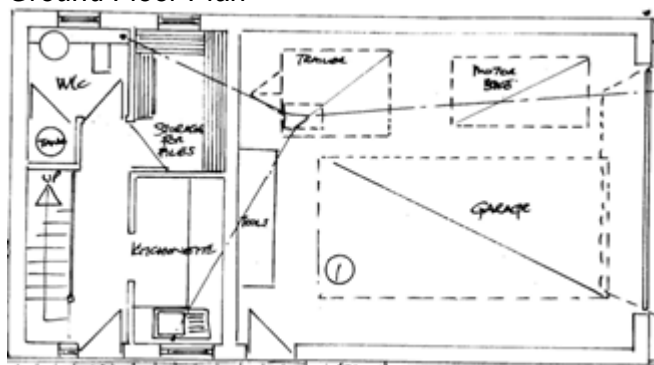
Officer's Analysis

Procedural Note

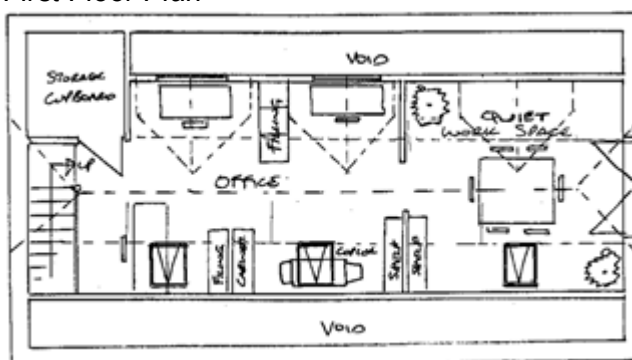
This application relates to Condition 4 of planning permission reference 20140252 for the *Demolition of*

garage and erection of detached garage with extended footprint to form a wc and kitchenette at ground floor, and office area with work space area above on first floor, incorporating three dormer windows in the rear roof slope. The proposed variation is to allow for the annexe to be rented out to persons other than family. It must be noted that the original planning permission was not for an annexe but for a detached garage with kitchenette and toilet on the ground floor and office space and quiet office area on the first floor. There was no intention of this building at the time of this application, for it to be used as an annexe. This is shown by the discrepancies with the approved plans for planning permission 20140252 and the newly submitted existing and proposed plans, as shown in the following images;

20140252 Approved Floor Plans
Ground Floor Plan

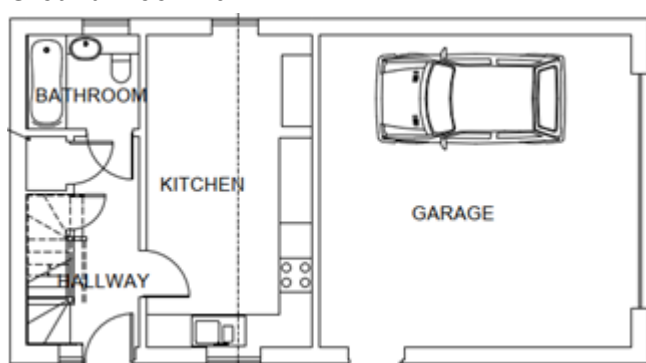


First Floor Plan

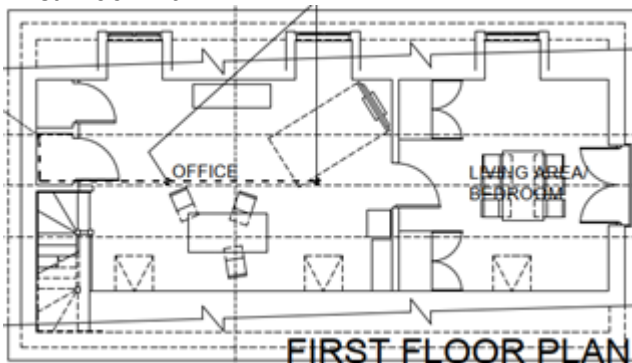


A subsequent application was submitted in 2016 for the Variation of condition 4 attached to planning permission reference number 20140252 relating to demolition of garage and erection of detached garage with extended footprint to for a wc and kitchenette at ground floor, and office area with work space area above on first floor, incorporating three dormer windows in the rear roof slope; to allow the use for office/residential accommodation ancillary to the main dwelling (Application Ref. 20160561).

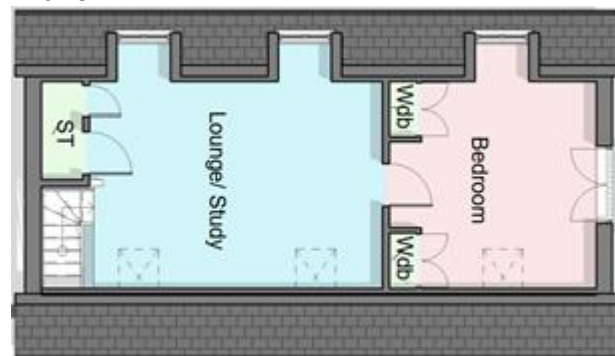
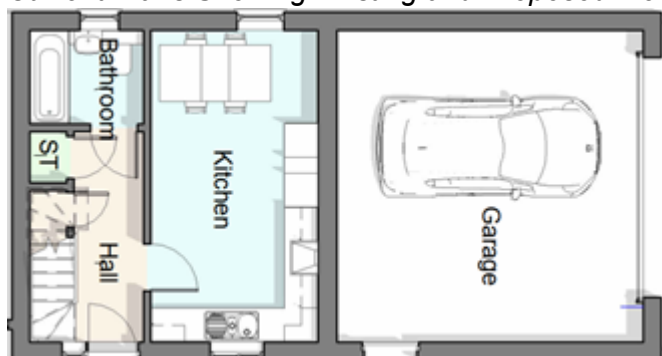
20160561 Approved Floor Plans
Ground Floor Plan



First Floor Plan



Current Plans Showing Existing and Proposed Floor Plans



Despite the discrepancies in what the existing plans are now showing the layout of the building to be and

how it is being used for, Planning Application 20160561 highlighted that the building is being used as an annexe and permission was given to that affect and to regularise an enforcement enquiry that had resulted. The building has therefore been in use as a garage and office/annexe and Condition 4 of 20140252 and 20160561 were imposed for the building to remain ancillary to the main dwelling of No. 3 Havisham Road and therefore the assessment of this application will be the same.

Condition 4

Condition 4 of 20140252 states:

4. *The double garage hereby permitted shall be used only for the accommodation of a private motor car for the occupants of 3 Havisham Road as a private dwelling house and for home office purposes ancillary to the main dwelling and for no other purpose and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order, without the prior approval, in writing, of the Local Planning Authority.*

Reason *In order that any other proposed use of the garage may be the subject of a planning application which the Local Planning Authority would wish to consider on its own merits having regard to the amenity of the area and the planning policies prevailing at the time.*

Condition 4 of 20160561 states:

4. *The double garage hereby permitted shall be used only for the accommodation of a private motor car for the occupants of 3 Havisham Road as a private dwelling house and for home office purposes ancillary to the main dwelling with one room on the first floor used for ancillary sleeping accommodation, in accordance with Drawing No. D_01 and for no other purpose and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order equivalent to that order in any statutory instrument evoking or re-enacting that Order with or without modification, without the prior approval, in writing, of the Local Planning Authority. The building shall not at any time be sold, parted, let or exchanged as a separate unit of living accommodation and no trade or business shall be carried on therefrom.*

Reason *In order to restrict the occupancy of the outbuilding and to ensure that the development is in accordance with policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).*

The proposal is to vary these conditions to;

The building shall not at any time be sold as a separate unit of living accommodation and no trade or business shall be carried on therefrom.

Design, Character and Appearance

The application site is No. 3 Havisham Road which is a single family dwelling located within a residential area. The detached garage/office/annexe building is located to the front of the dwelling, separated by driveway hardstanding. Due to the layout of the property, its relationship with the garage and its location, the garage benefits from a frontage on to Havisham Road with its own vehicular access and driveway.

Streetscene



Satellite Image



Externally there would be no alterations to the building, however due to the location, size, design and means of access, it gives the impression of being a separate residential dwelling. The reasoning for the imposition of Condition 4 is to ensure that the building remains ancillary to the host dwelling and cannot be subdivided, sold or let out separately.

By allowing the annexe to be accommodated by persons that are not family, you are encouraging the use of the building as a separate residential unit. The rewording of Condition 4 to the proposed wording, would be difficult to enforce and the building would no longer be ancillary to the main dwelling, which would alter the wording of the description of both planning application 20140252 and 20160561. The proposed wording would go directly against the reasons for Condition 4, ensuring that the building is not let out and remains ancillary and incidental to the residential dwelling of 3 Havisham Road. As such, the proposed amendment is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Change of Description

Paragraph: 014 Reference ID: 17a-014-20140306 of the National Planning Policy Guidance states that a Section 73 application cannot be used to change the description of the development. As this part of the development is described as a 'erection of detached garage with extended footprint to for a wc and kitchenette at ground floor, and office area with work space area above on first floor, incorporating three dormer windows in the rear roof slope', in the originally approved description (App. Ref. 20140252), and the description of 20160561 being 'Variation of condition 4 attached to planning permission reference number 20140252 relating to demolition of garage and erection of detached garage with extended footprint to for a wc and kitchenette at ground floor, and office area with work space area above on first floor, incorporating three dormer windows in the rear roof slope; to allow the use for office/residential accommodation ancillary to the main dwelling', this proposed amendment to the condition wording would essential amend the development to a detached residential unit and therefore change the description of the original development to a 'two storey detached dwelling' simply by virtue of being a private let to people other than family. As such, the description would be changed. Therefore this Section 73 application is the incorrect procedure to seek these changes and a Full Planning Application for the change of use of the detached garage to a detached two storey dwelling should be used to achieve such changes. However, for completeness, a full assessment will follow.

Amenity

The NPPF (2024) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

Occupier Amenity

As a detached garage with office and living accommodation ancillary to the host dwelling, there are no formal internal space standards. Furthermore, it would not require private amenity space as the host dwelling would have this and the assessment of the size of the retained garden would have been assessed at the time of the planning application for the building.

As a separate residential unit, the Nationally Described Space Standard (2015) for a one bedroom two-person two storey dwelling would have a minimum internal area of 58m² and would require a double room to have a minimum size of 11.5m². The internal area of the building, excluding the garage area, is 72.27m² and would have a bedroom area of 16.35m².

Due to the location of the building to the front of the property, it does not benefit from private amenity space and as such would fail to provide adequate private amenity space for future occupiers and would be contrary to SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020, which requires a one bedroom property to have a private amenity area of 37.2m².

Overall, the proposed one-bedroom residential dwelling would not provide adequate private amenity area for future occupiers and would be contrary to Policy CS19 of the Local Plan Core Strategy (2014), Section 12 of the NPPF (2024) and SPG2 – Gravesham Residential Layout Guidelines (2020).

Neighbouring Amenity

In terms of neighbour amenity, the detached building is already constructed and in use and it is therefore unlikely that the proposed rental changes would result in an unacceptable impact on neighbouring amenities. In terms of overshadowing, loss of privacy or outlook, this was assessed in the previous applications which did not raise any objections to the structure.

Highways and Parking

The number of bedrooms proposed by this scheme would not be altered from that approved. The parking provision and accesses are not proposed to be altered by this amendment. As per the approved scheme.

Adequate parking provision would be retained for the main dwelling and for the one-bedroom unit. The proposal would therefore be in accordance with saved Policies T1 and P3 of the Local Plan First Review 1994 and Policy CS11 of the Local Plan Core Strategy (2014).

Conclusion and Recommendation

The proposed amendment to Condition 4 of 20140252 and 20160561 would allow for the building to be privately let, therefore resulting in a separate residential dwelling and would no longer be ancillary to the host dwelling of No. 3 Havisham Road. As such this would result in a change to the description works approved under planning approval references 20140252 and 20160561. As such, a Section 73 (Town and Country Planning Act 1990) application, is the inappropriate method to seek consent for this alternative scheme, as per Paragraph 14 of the National Planning Policy Guidance. The scheme therefore cannot be approved via this method of application.

The proposed change to the wording of Condition 4 of 20140252 and 20160561 directly contravenes the purpose of the condition, which is for the development to remain ancillary to the host dwelling of No. 3 Havisham Road, by the building not at any time be sold, parted, let or exchanged as a separate unit of living accommodation. As such, the proposed amendment would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

The proposed development would fail to secure adequate private amenity space for future occupiers and as such would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2024).

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	6 th November 2025	Dated:	7th November 2025