



Delegated Report

Householder Planning Application

Planning Application No: 20231112

Location: 25 Harman Avenue Gravesend Kent DA11 7RJ

Description: Erection of a part retrospective outbuilding with roof lights in the rear garden.

Applicant: Mr Harpreet Singh Sathi

Site Visit Date: Previous Visit for planning reference 20221276 - 26th January 2023

Submitted Documents/Plans

Application Form
D01 – Pre-Existing Ground Floor Plan
D02 – Existing Ground Floor Plan
D03 – Proposed Ground Floor Plan
D04 – Existing Roof Plan
D05 – Proposed Roof Plan
D06 – Existing Elevations
D07 – Proposed Elevations
D07A – Pre-Existing Block Plan
D08 – Block Plan
D09 – Site Location

Relevant Planning History

Reference	Description	Decision	Decision Date
20231125	Prior approval application for a single storey rear extension with a depth of 6.00 metres, maximum height of 3.27 metres and eaves height of 3.00 metres.	Prior Approval Granted	11.12.23
20221279	Retention of outbuilding	Refused	09.02.2023

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

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- 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);
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

Consultees

Ward Councillors: No comments received.

Neighbouring properties

The final date for submission of comments ended on 27th November. 3no. surrounding properties were consulted, and 4 comments were received from members of the public. 3 of the comments were objecting and one comment was a representation.

Summary of objections:

- Issues arise with the combined works from both applications being built together.
- The building is higher than the existing boundary fences.
- The drawings appear to show both the proposed rear extension and the proposed outbuilding once complete will become one entire building taking up the entire garden.
- Sunlight to neighbouring buildings will be obstructed.
- The outbuilding is an overwhelming structure and would impact neighbours.
- Design blocks sunlight to the east.

Summary of Representations:

- No objections provided the outbuilding is in keeping with the area, does not overshadow or overbear neighbouring gardens and there is no fire risk from the close proximity with neighbouring properties.
- In combination with the other application for rear extension it would be a substantial footprint.
- Comments are contingent on the removal of the existing outbuilding which was refused under planning reference 20221279.

Officer Note: Please note that the following matters cannot be considered as part of the assessment of this application as they are not material planning considerations:

- Obstruction of Views
- Value of properties

Officer's Analysis

Proposal

This application follows recent planning refusal reference 20221279 which sought part retrospective consent to erect a single storey outbuilding with a courtyard style layout.

At the time of the site visit, the construction appeared as follows:



Since that scheme was refused, a photograph was provided to the enforcement team showing the western 'arm' of the building as demolished, as below:



This alternative proposal reflects this change. The western leg of the courtyard would be removed, leaving an 'L' shaped outbuilding. The eastern leg of the building would be increased in depth from 11.3m to 16.7m. This building would serve as a study room and a gym. It would be timber clad, with a flat roof with felt finish and upvc windows and doors. It is noted that this is a part retrospective application.

The decision for planning refusal 20221279 listed 2 reasons for refusal:

1. *The proposed development by reason of its scale, dominant projecting features, significant depth and poor design layout would result in significant harm to the character of this area and would as a result fail to comply with the requirements of the Householder Alterations/Extensions Guide, Policy CS19 (Development and Design Principles) of the Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework (2021) in terms of design, character and appearance.*
2. *By virtue of the excessive depth of the proposed projecting features at the boundary with adjoining neighbours, the proposed single storey outbuilding would result in harm to the living environments of future occupants of both neighbouring properties at 23 Harman Avenue and 27 Harman Avenue. The rear gardens would experience a significant loss of light and overbearing bulk creating an oppressive and enclosing atmosphere. The proposal would therefore fail to provide a high standard of amenity for neighbouring's sites which conflicts with the requirements of the Householder Alterations/Extensions Guide, Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 126 and 130 of the National Planning Policy Framework 2021.*

This application will focus on assessing whether this alternative scheme will overcome the two refusal reasons.

For consistency this assessment will reflect the assessment of the previous application.

Principle of Development

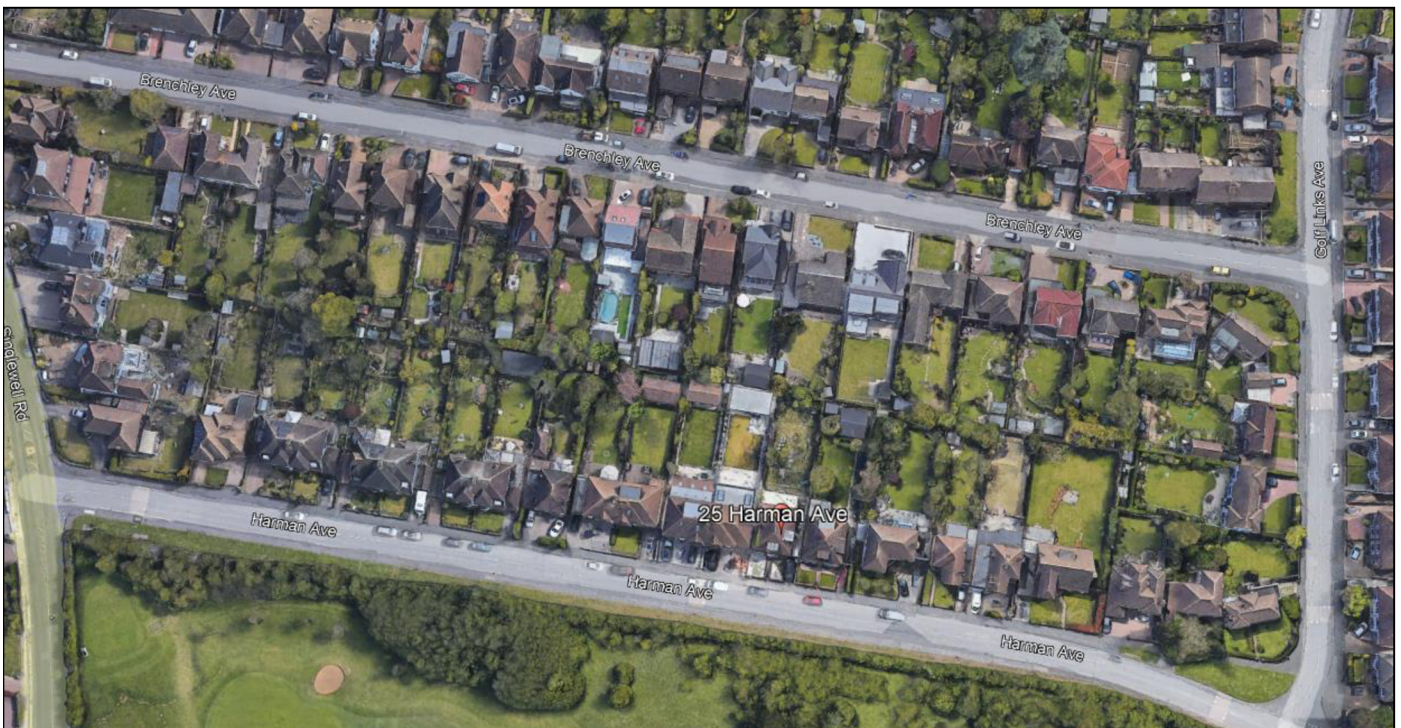
This application is located inside the Urban Boundary, where alterations and extensions to residential buildings are generally acceptable in principle as per Policy CS02: Scale and Distribution of Development. However, all other relevant matters should be considered.

In this instance, the main points to consider would be the potential impact on; Visual Amenity (Design, Character and Appearance), Amenity of Future Occupiers and Residential Amenity of neighbours.

Design, Character and Appearance

The proposed outbuilding would have a limited impact on the streetscene, given its single storey height and rear location. However, that is not to suggest that based on its location it would automatically be appropriate to the character of the area. And so, further consideration of the scale, layout and design of the outbuilding would be required to fully assess its impact on the character of the area.

This particular area is largely residential and as can be seen in aerial views of the area, outbuildings are common. And so the introduction of an outbuilding in principle is not uncharacteristic for this locality. However, these outbuilding tend to be smaller in footprint than that proposed and located discreetly to the rearmost end of the garden.



Aerial views show outbuildings in the rear gardens of the local area.

The area of the proposed outbuilding is approximately 88m², which is slightly larger than the previously refused outbuilding which was 86.6m². When compared to the main dwellinghouse with an area of 117 m², this outbuilding would have a footprint which is 75% of the size of the main dwellinghouse. Whilst this is less than the main dwellinghouse, simply being less does not make a building appear subordinate. This outbuilding, as altered would impose a significant amount of footprint in relation to the main dwellinghouse, in a manner uncharacteristic to the area with a long projecting 'arm which extends the length of almost the entire depth of the rear garden and extends along its entire width. Given its scale not only would the building not be subservient to the main dwellinghouse, but it would also lend itself to future sub-division and potential use as separate living accommodation.

As stated in the previous assessment, paragraphs 10.14 – 10.16 of the Householder Extensions/Alterations Guide provide clear guidance on this:

Outbuildings & Garages

Outbuildings

10.14 An outbuilding should normally only be used for purposes incidental to the enjoyment of the house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and summer houses. A purpose incidental to a dwelling house does not include use as separate self-contained accommodation, or other primary living accommodation incorporating such components as a bedroom, bathroom, or kitchen. Proposals to provide separate accommodation or a commercial use (unless it constitutes working from home) in an outbuilding requires planning permission.

10.15 Outbuilding should not deprive the existing property of adequate private garden space and should be subordinate in scale to the existing dwelling and to the plot. In assessing proposals, the Council will consider factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment.

10.16 As with all extensions, outbuildings should not detract from the character of the area (this is especially important where the outbuilding will be visible from the street) and should be unobtrusively located to the side and rear of the existing dwelling. They should also not have an adverse impact on the amenity of the surrounding properties in terms of noise and disturbance created through access or overlooking / overshadowing of existing properties.

Policy CS19 of the Core Strategy 2014, also insists upon the importance of the design, layout and form of new development and its cohesiveness with the context within which it would be situated:

- Using the collaborative approach advocated in Building for Life 12 and in line with the guidance set out in Kent Design, the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings. Account will also be taken of the wider site context, including strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place;

This outbuilding despite its alterations would still be a large, obtrusive, uncharacteristic addition to the rear garden of this dwellinghouse, which would appear prominent and would have a significant level of built form in this rear garden, resulting in a cramped and overdeveloped plot and lending itself to future sub-division to form an independent dwellinghouse. This would be harmful to the character and setting of this area.

On balance, the proposed development would **NOT** comply with the requirements of Policy CS19 of the Core Strategy 2014, Paragraphs 10.14-10.16 of the Householder Extensions/Alterations Design Guide (2023) and paragraph 130 of the NPPF (2023) in terms of design, character, and appearance.

Amenity of Future Occupiers

There are no minimum internal space standards for rooms used as a gym, or study. The depth of the garden from the rear wall of the dwellinghouse would be 16.3m and the area would be 136m². This exceeds the maximum required garden depth and area.

The rooms meet the required minimum space standards and the dwellinghouse would continue to have adequate rear garden depth and area as per SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020.

Neighbouring Amenity

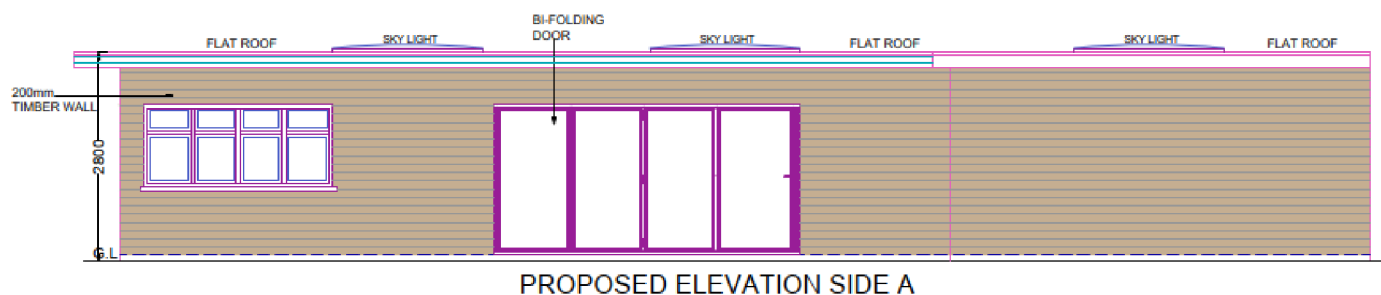
There are 3 neighbours directly adjoining this plot. To the sides 23 and 27 Harman Avenue and to the rear; 27 Brenchley Avenue.

23 Harman Avenue

This neighbour is located to the east. The proposed outbuilding would have a reduced impact on this

neighbour given its reduced scale. Given the location of the outbuilding, with its rear section having similar depth to this neighbour's outbuildings and the projecting section located to the western boundary, the impact on this neighbour would be reduced in terms of bulk and overbearing impact.

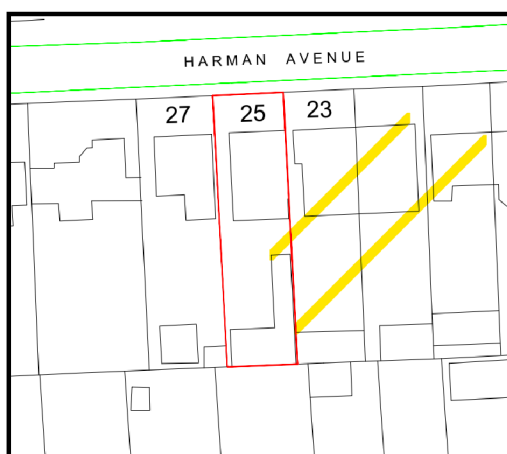
The side elevation facing this neighbour would be as shown below (not to scale);



At ground floor, these windows would be partially obscured by the boundary treatment. However, given the length and extent of this large projection, which would result in 8 windows facing a large extent of this neighbour's rear garden depth, this does raise concerns regarding the imposing nature of the elevation on this neighbour.

27 Harman Avenue

This neighbour is located to the west.

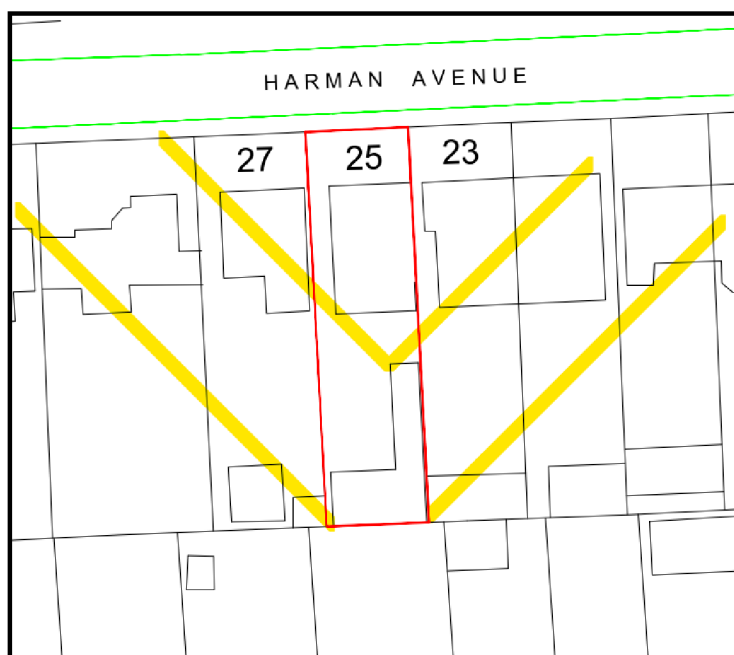


A 45 degree test shows that there could be significant overshadowing of openings on this neighbour's outbuilding. However, no concerns regarding overlook occur for this neighbour given the lack of east-facing openings.

23 and 27 Harman Way

Paragraph 9.5 of the Householder Extensions/Alterations Guide makes clear that regard should be had to the impact on overshadowing of private gardens and notes particular this could be a concern for single storey extensions on the boundary with long projections, such as in this case.

9.5 Depending upon the orientation and position of neighbouring windows and private amenity areas, problems of overshadowing can occur from an extension. This is particularly so if the neighbouring property is to the north of the proposed extension. Extensions should not create an unreasonable amount of overshadowing of neighbouring properties. Account should be taken of the orientation and position of neighbouring properties, and in particular any impact that the extension will have on neighbouring windows and private gardens. Where an extension would result in a significant reduction in light, or cause excessive overshadowing, planning permission may not be granted. In particular, care should be given when proposing extensions on the boundary with neighbouring properties that are either single-storey with a long projection, or are two-storeys in height. When considering overshadowing the Council will have regard to the 45 / 25 degree rule (see Appendix 1), as well as the Vertical Sky Component (VSC) Average Daylight Factor (ADF) and the Annual Probable Sunlight Hours (APSH) methods where necessary. See the BREEAM guidance for detailed information on these.



Using A 45 degree test, it is clear to see there would be significant overshadowing of the garden at 23 and 27 Harman Avenue. The significant overshadowing would be at its highest in the morning for 27 Harman Avenue and in the evening for 23 Harman Avenue given the sun's east to west, southerly route.

In addition, paragraph 7 states:

9.7 An extension close to a neighbouring properties window, or a large extension on the boundary, can cause a loss of amenity by appearing overbearing and creating a sense of enclosure and dominance. Careful consideration will therefore need to be given to the relationship to existing neighbouring windows and to the size and design of an extension that may change the outlook from a neighbouring property.

Given the significant depth of the projection on the east side close to the boundary with the neighbour to either side, the outbuilding would result in an overbearing level of bulk, creating a sense of enclosure, contrary to this policy.

27 Brenchley Avenue

This neighbour is located to the south. Its front elevation faces south, and so the rearmost end of this neighbour's garden meets that of the subject dwellinghouse. The proposed building would be single storey and would be 22.8 metres from this dwellinghouse's rearmost elevation. Given the significant distance from the main dwellinghouse, the lack of rear facing openings and single storey nature of the building, it would not likely significantly harm the residential amenity of this neighbour's property.

Summary of Residential Amenity

Policy CS19 of the Core Strategy 2014 states:

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| <ul style="list-style-type: none">• New development will be located, designed and constructed to:• safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land; |
|--|

The outbuilding as partially erected, would result in a significant level of overshadowing of neighbouring gardens, an exceptional level of overbearing bulk at the boundary result in a sense of enclosure. The resulting impact would be significantly harmful to adjoining neighbours at 23 and 27 Harman Avenue.

The scheme would not overcome refusal reason 2.

The proposal is therefore considered to **harm** the amenity of neighbouring properties in contravention with policy CS19 of the Core Strategy 2014 and the Householder Extensions/Alterations Guide.

Conclusion & Recommendation

The development would be a significantly, large and prominent building, despite its single storey nature, uncharacteristic for this residential setting and harmful to the character of the area. It would also result in significant overbearing overshadowing of neighbouring gardens and prominent and dominating bulk at the boundary with adjoining neighbours, significantly harming the residential amenity enjoyed by those occupiers.

This would be contrary to the Householder/Extensions Guide, CS19 of the core Strategy 2014 and Paragraphs 130 of the National Planning Policy Framework 2023. The recommendation is therefore to refuse this application.

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

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	12th December 2023	Dated:	13 th December 2023