



Delegated Report

Householder Planning Application

Planning Application No: 20240007

Location: 134 St Hildas Way Gravesend Kent DA12 4AY

Description: Erection of a single storey annex in the rear garden.

Applicant: Mr Abayomi Ajayi

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form Dated 05/01/2024;
Site Location Plan;
Block Plan – Existing and Proposed; and
Drawing Number 01 (Floor Plan and Elevations – Proposed).

Relevant Planning History

Reference	Description	Decision	Decision Date
20170809	Erection of a single storey rear extension.	Permitted	30.08.2017
20170121	Erection of a single storey rear extension.	Permitted	23.05.2017

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

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 and beautiful 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);
- Householder Extensions/Alterations Design Guide (2021).

Consultations, Publicity and Representations

Consultees

National Amenity Society - We have no comments to make on the above-ground heritage impacts of this proposal. However, we note that the site location is within an Area of Archaeological Potential, and we therefore recommend that an appropriate condition related to archaeological mitigation is agreed with your local planning authority's archaeological officer prior to any permission being granted.

Neighbouring properties

5 surrounding properties were consulted and a site notice was displayed on 22.07.2024. No comments were received and the consultation period ended on 9th August 2024.

Officer's Analysis

Design, Character and Appearance

134 St Hilda's Way is a two storey semi-detached dwellinghouse located on the Eastern side of the highway. The property is hard standing to the frontage to provide off road parking.



The application proposes the erection of a single storey annex to the rear garden which will comprise of an

open plan living area with kitchenette and toilet/shower room.

The outbuilding will have a flat roof and be set in from the neighbouring boundary by a minimum of 0.8m. The dimensions of the outbuilding are listed below:

Depth (max): 4.27m

Width (max): 7.5m

Height (max): 2.7m

The outbuilding is finished with a fibreglass flat roof and a brick finish to match the existing dwelling. There will be a door and 2no windows to the front elevation and a window to the rear elevation. Any window serving a WC is required to be obscure glazed to Pilkington Level 3 or above and will be conditioned to be so.

Overall, the outbuilding is not excessive in size or bulk, is constructed using appropriate materials and is not visible from any public vantage point. Therefore, the outbuilding is considered acceptable in terms of design and accords with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) (2023).

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users'. The policy goes on to state that all 'new developments will located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants' and accord with the adopted Residential Layout Guidelines' (RLG) (2020).

The proposal will increase the bedrooms at the property from 3 to 4 bedroom. Post development, the garden would have an area of 103.83msq and a depth of 11.61m and as such would be in accordance with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) (2023).

If the proposed annexe were to be severed from the main dwelling and becoming a separate dwelling increase of annex, there would be amenity concerns. Given the small size of the proposed annexe with an internal floor area of 25.32m², it would not adequately serve as an independent self-contained unit of accommodation on a long-term basis, as it is below the 39m² space required in the NDSS 2015 for a 1 bedroom, 1 person single storey dwelling. Furthermore, there would be likely to be an inadequate amount of amenity space for the occupier of the annexe, and privacy concerns.

There is a potential for the proposed annexe to be occupied independently as it is detached from the main dwelling and separate access could possibly be gained to it. However, it is in close proximity to the main house and the off road parking will remain at the front of the existing dwellinghouse. Furthermore, the modest size of the accommodation would not adequately serve as a separate self-contained unit of accommodation. The application needs to be taken on face value and considered as an annex, even if it has the potential to become self contained in the future, as per the recent appeal decision at 49 Gouge Avenue (20230243). The Inspector stated the following;

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15. Case law, including *Uttlesford DC v SSE & White [1992]*, has held that, even if the accommodation provides the capability for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling. That is a matter of fact and degree. An appropriately worded condition could restrict the occupancy and plot severance.
 16. Even if the development could be used as a separate dwelling, such a proposal is not before me. If the structure is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted.
 17. Accordingly, based on the evidence before me, the proposed development would not constitute a separate dwelling, I find no conflict with Policy CS02 of the Core Strategy which is concerned with the scale and distribution of development.

A condition restricting the annexe as ancillary accommodation related to the existing main dwelling would help prevent any adverse impacts on amenities. A condition restricting the physical subdivision of the plot with fencing etc. would also be appropriate. Based on the imposition of these conditions, the proposal would be acceptable in terms of amenity impact.

Therefore, the proposal is in accordance with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) (2023).

Neighbouring Amenity

The outbuilding is located to the base of the rear garden and will be set away from neighbouring properties. Furthermore, there are no proposed windows to the flank elevations and as such the proposal will not cause material harm to the amenity of any adjoining properties in terms of outlook, privacy or sense of enclosure. It should be noted that both neighbour properties have substantial outbuildings at the rear of their gardens.

The outbuilding will provide a kitchenette and showerroom, with modest open place living space (no separate bedroom). It is modest in scale and as such is not considered to contain any primary living accommodation and will be conditioned to remain that way.

As such, the application is considered to safeguard the amenity of neighbouring properties in accordance with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) (2023). No neighbour representations have been received.

Parking and Highways

The application increases the number of bedrooms at the property from three to four.

It is considered that there is sufficient vehicular parking to the front of the property for two cars. Furthermore, the site is located in a sustainable urban location and there have been no objections in relation to parking.

Therefore it is not considered that there would be any significant pressure placed on parking in the area as a result of the annexe use and as such the proposal would comply with Saved Policies T1 and P3 of the Local Plan First Review 1994 and Policies CS11 and CS19 of the Core Strategy 2014.

Conclusion

The application is in accordance with local and national planning policy. It is not excessive in size or bulk, will be constructed using appropriate materials and will not impact on the amenity of future occupiers or neighbouring properties. As such it is recommended that the proposal is permitted subject to conditions.

Recommendation

Permission

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

Case Officer:	Mrs Nina Goodbody	Team Leader:	Miss Faye Hobbs
Signed:	<i>N Goodbody</i>	Signed:	
Dated:	20 August 2024	Dated:	21 August 2024