



Appeal Decision

Site visit made on 22 November 2023

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 8th January 2024

Appeal Ref: APP/K2230/D/23/3327987

4 Tradescant Drive, Meopham, Kent DA13 0EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Aujeet against the decision of Gravesham Borough Council.
 - The application Ref 20230540, dated 18 May 2023, was refused by notice dated 17 July 2023.
 - The development proposed is the erection of a first floor side extension to form an annex along with part of ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor side extension to form an annex along with part of ground floor in accordance with the terms of the application, Ref 20230540, dated 18 May 2023, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. I have adopted the description of the proposed development as it appears on the Council's decision notice, rather than on the application form, as that more accurately reflects the development being proposed.
3. In the appellant's grounds of appeal, an alternative internal floorplan arrangement was put forward as a means of overcoming part of the Council's concerns. However, the Council has not had a formal opportunity to consider such plans and therefore for the avoidance of doubt, I have reached my decision based on the submitted plans.
4. At my site visit, the appellant commented that since lodging the appeal, the Council has since granted permission in October 2023 for an alternative scheme under application reference no 20230880 (the 2023 permission). The Council has since forwarded details of that application, and I have had regard to that permission as a material consideration in reaching a decision on the proposal before me.

Main Issues

5. The main issues are: the effect of the proposal on the character and appearance of the area; the acceptability or otherwise of the formation of an

annex at the property; and whether the proposed annex would provide adequate living conditions for future occupiers.

Reasons

Character and appearance

6. The appeal property comprises a large two storey detached house located on the corner of Tradescant Drive and Dormers Drive. It has been extended in the past with extensions to the rear and to either side and also at the front with a porch which forms part of a single storey extension extending across the front of the house. The existing side extension on the southern side of the house has a pitched roof which is set down below the main ridge level.
7. The character of the area is wholly residential but with a mixture of detached houses and bungalows of differing designs.
8. The proposal involves a first floor extension over the existing extension on the southern side of the house. It would have the same ridge height as the main roof and with a front elevation set forward of the main elevation slightly and set into the small pitched roof extension across the front of the property. From a design point of view, the Council is concerned that the extension would not appear subservient to the main house and in combination with other extensions it would result in an over dominant dwelling. Concern is also raised that it would fill the remaining gap between the host dwelling and the neighbouring property No 2 Tradescant Drive.
9. I acknowledge that in pure design terms it is usually preferable to design an extension so that it appears subservient to the host dwelling, often by adopting such features as setbacks or difference in ridge heights. Indeed, I note that the revised 2023 permission incorporates such features. However, the critical issue is whether the proposal before me would cause harm sufficient to withhold permission for that reason. In that respect, the adjacent property No 2 has already been significantly extended. Similarly, I noted that No 7 & 8 Tradescant Drive also appear to have been extended in the past. In the case of No 8 there is also no break in the ridge line so that the appeal property would appear similar to that in many respects. Notwithstanding the number of extensions therefore, No 4 would not appear out of place in the streetscene. Additionally, although the appeal property is prominent as one enters Tradescant Drive, it is for a short distance only because of the bend in the road to the north which largely screens the property in the wider streetscene.
10. With regard to the gaps between properties, I acknowledge that is a characteristic of the immediate area, particularly on the opposite side of the road where there are no first floor side extensions. However, there would still be a gap at first floor level between the appeal property and the adjacent property at No 2 and in any case, it is only perceived for a short distance in either direction because of the regular alignment of properties. I also note that the 2023 permission would reduce the gap at first floor level in a similar way, other than the ridge height being set down slightly.
11. Drawing the above together, I find that whilst perhaps not ideal in design terms, the proposed extension would not appear out of place in the streetscene and would cause no harm to the character and appearance of the area. It would therefore be consistent with Policy CS19 of the Gravesham Local Plan

Core Strategy 2014 (LP) in that it would conserve the character of the built environment and integrate well with the surrounding area.

Formation of Annex

12. The submitted plans show that the proposed changes to the internal accommodation would provide for a senior relative's annex. This would consist of a kitchen and separate lounge/diner on the ground floor and a bedroom and ensuite bathroom at first floor accessed by an internal staircase. There would be an external access door in the south elevation at ground floor, which already exists, and further internal connecting doorways to the main house from the existing porch and to the kitchen of the host dwelling.
13. The Council is concerned that the extent of self containment within the property, and particularly the full range of living facilities, could mean that it could function as an independent unit of accommodation and that on balance it would not be subordinate to the main host dwelling. As such it could easily lend itself to a separate occupation, harmful to the character of the area.
14. However, what is before me in the way of submitted plans, is clearly an annex in my opinion, with internal connecting doors to the main dwelling and no indications that there would be subdivision of the garden curtilage or changes in parking arrangements. The fact that there would be separate kitchen facilities is not unusual in an annex and other than generalised concerns on the Council's part, there is no other information before me to suggest that the accommodation is to be anything other than annex accommodation. Safeguarding conditions, as the Council suggests, could ensure that would be the case and therefore should the position change at any point, the appellant would be required to apply for permission, either to remove conditions or for a new proposal altogether. At that point the Council would be in a position to assess the merits of any alternative form of living accommodation.
15. In addition to the above, the Council has referred to emerging Policy RES3: Residential Annexes, from its Development Management Policies Document as part of the Regulation 18 Stage 2 Consultation on the new Local Plan Partial Review. That Policy is yet to be subject to a formal examination through the Local Plan process and therefore does not carry significant weight in my decision making. However, although the proposal might not comply with all criteria listed, I note that other criteria for an annex to be acceptable includes: there is a functional link with the main dwelling; it is interconnected with the main dwelling; it could be used at a later date as an integral part of the main dwelling; there is adequate parking; and there is no subdivision of the garden area. In these respects, and subject to the safeguarding conditions I have referred to, it seems to me that the proposal is generally consistent with that emerging policy.
16. For the above reasons I find that the proposed annex would not cause any harm to the character and amenity of the area and therefore there is no conflict with Policy CS19 of the LP.

Living conditions for future occupiers

17. The Council also raises concerns that the proposed internal arrangement would result in an overall living area of sub standard size when compared to the National Technical Housing Standards (THS 2015). Additionally, the proposed

bedroom and lounge/diner would be 0.6 sq. m and 4.2 sq. m respectively, smaller in size than recommended by the Council's SPG Residential Layout Guidelines 2020. However, as the Council acknowledges, neither document refer specifically to annexes, and it seems to me that despite some degree of independence, any occupants of the annex would also share or use facilities of the host dwelling. That being the case, and provided the room sizes are fit for purpose, which in my view would be the situation as proposed, then I consider they would provide a reasonable standard of living for use as their role as annex accommodation. It might be different for a completely independent unit of accommodation which has no link to the host dwelling, but as referred to above, that is not what is before me to consider.

18. Having regard to the above, there would be no harm to amenity of future occupants and therefore no conflict with Policy CS19 of the LP.

Other Matters

19. The Council raises no objections in relation to parking provision, impact on neighbouring amenity or any adverse impact upon the landscape character of the area. Having considered those matters, I see no reason to take a different view.

Conclusion

20. For the reasons set out above, there would be no harm to the character or appearance of the area in terms of the design of the proposed extension, and no harm to the amenity of the area or to the living conditions of future occupiers as a result of the accommodation being used as an annex.

21. Conditions for the development to be built in accordance with the approved plans and for matching materials, are necessary in the interests of certainty and visual amenity. Conditions restricting the use of the extension for ancillary purposes to No 4 Tradescant Drive, the formation of internal connecting doorways before first occupation, and for no subdivision or enclosure of the garden, are necessary in order that the Council may first consider any land use or amenity implications of the annex being used as an independent unit of accommodation unconnected with No 4 Tradescant Drive. A condition restricting any new openings in the south elevation of the extension is necessary in the interests of safeguarding adjoining residential amenity.

22. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LOCPLAN/01; BLOCPLAN/01/A; TP/BR/01; TP/BR/02; TP/BR/03; TP/BR/04; TB/BR/05; TP/BR/06; TB/BR/07; TB/BR/08.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of No 4 Tradescant Drive.
- 5) The internal access doors from the porch to the kitchen of the annex and between the kitchen of the host dwelling and the lounge/diner of the annex, at ground floor level, shall be formed before the extension hereby permitted is first occupied and shall be maintained in place for perpetuity and remain openable at all times.
- 6) Notwithstanding the provisions of Article 3 of Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any provision equivalent to that Class in any Order replacing, revoking or re-enacting that Order, with or without modification) no gate, fence or other means of enclosure shall be erected or constructed on the site which would have the effect of subdividing the existing residential garden.
- 7) Notwithstanding the provisions of Article 3, and Part 1 Classes A and G of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended, or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, with or without modification, no window, door or other form of opening shall be formed in the south elevation of the extension hereby permitted.