



Delegated Report

Householder Planning Application

Planning Application No: 20211126

Location: 59 Astra Drive Gravesend Kent DA12 4PZ

Description: Erection of an outbuilding in rear garden to be used as home office/gym.

Applicant: Mr Parminder Mand

Site Visit Date: 28 October 2021

Submitted Documents/Plans

Householder Planning Application form;
Red line site boundary plan;
Drawing no. 210103 Rev. 002 Existing and proposed block plans;
Drawing no. 210101 Rev. 001 Existing dwelling elevations;
Drawing no. 210102 Rev. 002 Proposed outbuilding layout and elevations; and
Email from the agent dated 28 September 2021.

Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20210042	Erection of an outbuilding to be used as home office/gym.	Refused	30.03.2021

Two pre-application enquiries have been determined relating to the proposed erection of an outbuilding at the application site.

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
- CS20 – Heritage and the Historic Environment

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;

Consultations, Publicity and Representations

Shorne Parish Council

The Parish Council has no objection in principle to this proposal, subject to there not being significant valid objections from neighbours.

We have the following comments:

- The proposed garden building is now smaller than as proposed in the previously refused planning application (Ref: 20210042) now being 7m by 6m.
- It could perhaps be rotated by 90 degrees so that it protrudes less into the remaining useable garden space.
- We remain concerned that the building will have a shower room as this raises concerns about possible residential use, which we again request should be limited by suitable Conditions.

Highways England

We will be concerned with proposals that have the potential to impact on the safe, reliable and efficient operation of the SRN, in this case, particularly the proposed route of the Lower Thames Crossing in the vicinity of Gravesend.

We have assessed the application from two perspectives

- a) Impact of traffic attracted to or generated by the proposed development. Given the location and small scale nature of the potential development we have no objection from this perspective.
- b) Impact on the construction and/or operation and maintenance of Lower Thames Crossing. The site is located close to the current red-line boundary for the Lower Thames Crossing. However, if the site is developed it should not affect the Crossing's construction and/or operation and maintenance. Therefore we have no objection from this perspective.

It should be noted that it is assumed that the applicant is fully aware of the proximity of the Lower Thames Crossing route to the site as will be any future investor, developer, purchaser or occupant and that any party will make any decision in full knowledge of the potential consequences of that proximity.

On this basis, we are content that the above proposed development will not unacceptably impact on the safety, reliability and/or operational efficiency of the current and proposed SRN (the tests set out in DfT C2/13 and MHCLG NPPF2021).

Consequently, we have No Objection to application 20211126.

Neighbouring properties

The application was publicised by a site notice and to five neighbouring properties by letter. Two representations (objecting to the proposal) have been received and are summarised as follows;

- The proposed development would set a precedent in the surrounding area.
- The proposed use is queried, why would shower and w.c. facilities be required?

- Due to the slope of the land, the proposal would be visible from the kitchen/living room of no. 57 Astra Drive.
- The proposal would overlook no. 57 Astra Drive.
- This is the second application for the same building with only an alteration to the front window.
- The proposal is for habitable accommodation not a gym/office

Officer's Analysis

Design, Character and Appearance

The application site is comprised of a two storey, semi-detached family dwelling, located within the urban area of Gravesend. To the front of the property is a driveway with parking for up to three cars. To the rear is a good sized back garden, surrounded by close boarded timber fencing, with an existing garage and shed within it. Outbuildings in rear gardens are a common feature of the area surrounding the application site.

The application site is located within the urban boundary but backs onto the Green Belt and is within the Higham Arable Farmlands Landscape Character Area (LCA). One of the key characteristics of the LCA is the open, gently undulating farmland, which provides high visibility across the area. The overall condition of the landscape is poor and has moderate sensitivity. It is recommended that key landscape elements should be restored and created and proposals that introduce extensive or obtrusive elements within visually sensitive areas of the open landscape should be resisted.

The application site is located in an urban housing estate where domestic outbuildings are commonplace. The proposed development would be single storey, with a flat roof and constructed from brick and blockwork and as such, the general design would be in keeping with the surroundings.

The proposal is a resubmission following a refusal of planning permission for a similar outbuilding (under application reference 20210042). The current proposal would be 1.3 metres less wide, 0.6 metres less deep and 0.1 metres less tall than that refused. The applicant has confirmed that the proposed home office and gym would be for use by the applicant only and that no business use would take place. In addition he has confirmed that the internal layout would consist of two desks and chairs, a running machine, a cycling machine with possible weight frame (dependant on final dimensions). Whilst the proposed outbuilding would still be of substantial size, it would just about be subservient to the existing dwelling and would not be excessive in terms of floor area for the uses proposed.

In terms of the landscape impact, as the application site is within the urban boundary and the proposed development is within the garden boundary, within the context of surrounding residential properties, it is considered that the proposed development would not adversely impact on landscape character area.

Overall the proposed development would be of appropriate design and would not be out of character with the surrounding area and as such, it would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Amenity of Future Occupiers

The proposed development would lead to a reduction in the available amenity space at the application site. At present the usable garden space at the property is 130 square metres in area and has a depth of 19 metres. Following the proposed development, the usable garden space would be 93 square metres, with a depth of 12 metres. As a four bedroom dwelling, the Borough Council's adopted Residential Layout Guidelines (RLG) require at least 100 square metres area and 10 metres depth of amenity space. Therefore the proposed development would fall just short of this requirement.

It is noted that using permitted development rights, the applicant could erect an outbuilding with a larger footprint, if the height was 2.5 metres or lower. It is also noted that the proposed outbuilding would be 14 square metres less in area than the proposal that was refused planning permission under application 20210042. Therefore on balance, it is considered that the shortfall in private amenity space would not be a justifiable ground of refusal in this case.

In order to ensure that the residual garden area is not further reduced in future, a condition can be attached to any planning permission granted to ensure that no further outbuildings are erected. In addition, the removal of the existing shed should be the subject of a planning condition, because if retained, the residual garden space would be significantly below the RLG requirement.

Overall the proposed development would not be detrimental to the residential amenity of future occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

The closest neighbouring properties to the application site are nos. 57 and 61 Astra Drive, located immediately to the east and west, respectively.

Due to the design of the proposed outbuilding (single storey, flat roof) and due to the screening provided by existing boundary treatments (two metre tall close boarded fencing), there would be no adverse overlooking, overshadowing or overbearing impacts to the occupiers of surrounding residential properties.

Overall the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Any Other Material Planning Considerations

It is noted that the proposed outbuilding would be accessible via an existing side entrance at the application property and as such, it would be appropriate to restrict its use and to ensure that no boundary treatment is erected, to ensure that the outbuilding does not become severed from the dwelling at the application site. Planning conditions can be attached to any planning permission granted to ensure this.

The application site is within an Area of Archaeological Potential. In response to the consultation regarding application 20210042, KCC Heritage stated that the site lies within an area of multi-period archaeological potential and it is considered unlikely, however, that the proposed works will have a significant archaeological impact. The current proposal is smaller than the refused scheme and as such, it is considered that there would be no adverse impacts to any archaeological features and the proposed development would be in line with Policy CS20 of the Gravesham Local Plan Core Strategy (September 2014).

The application site is located in the Lower Thames Crossing buffer zone. However, Highways England have raised no objection to the proposal. As the proposed development is within the confines of an existing residential garden, there would be no adverse impacts to the Lower Thames Crossing. In line with Highways England's comments, the applicant should be made aware of the proximity of the proposed Lower Thames Crossing, by way of an informative attached to any planning permission granted.

Local residents have raised a number of concerns regarding the proposed development, these are summarised and commented upon below;

- The proposed development would set a precedent in the surrounding area – there are numerous existing outbuildings in the area and the proposed use would be incidental to the existing dwelling at the application site. Therefore no precedent would be set.
- The proposed use is queried, why would shower and w.c. facilities be required – it is not unreasonable for a home gym to include a shower/w.c. and such facilities would not indicate a habitable use in themselves. As such, the proposed facilities would be incidental uses and be appropriate in a domestic outbuilding.
- Due to the slope of the land, the proposal would be visible from the kitchen/living room and overlook no. 57 Astra Drive – there is no right to a view under planning legislation and due to the screening provided by boundary treatments, there would be no adverse overlooking impacts to the occupiers of no. 57 Astra Drive. It is noted that at present a person can be in the garden at the application site

and look towards the rear windows of various neighbouring properties.

- This is the second application for the same building with only an alteration to the front window – this is incorrect, the proposed development has also been amended to reduce its size.
- The proposal is for habitable accommodation not a gym/office – the application must be determined as it has been submitted. If a different building/use is constructed/undertaken, then the Borough Council can investigate and if expedient, take enforcement action to regularise the situation.

Shorne Parish Council does not object to the proposal but has made a number of comments, these are summarised and commented upon below;

- The proposed building could be rotated by 90 degrees so that it protrudes less into the remaining useable garden space – As sufficient garden area would be retained there is no need for the applicant to amend the proposed design.
- Concerned that the building will have a shower room as this raises concerns about possible residential use, which we request should be limited by suitable conditions – this issue has been discussed in the above paragraphs and an appropriate condition would be attached to any planning permission granted.

Suggested Conditions

Time Limit

Development in accordance with the approved plans

Materials as set out on application form

Obscure glazing to shower room window

Use shall not be separate from the dwelling

No separation of garden

No further outbuildings or extensions

Removal of existing shed prior to first use of outbuilding

It should also be noted that a Lower Thames Crossing informative is required.

Conclusion & Recommendation

The proposed development complies with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	02 November 2021	Dated:	3 November 2021