
GSP PROJECT REF: [3949.PN](#)

HOUSEHOLDER PLANNING STATEMENT

196 LOWER HIGHAM ROAD, CHALK, GRAVESEND, KENT, DA12 2NN

SEPTEMBER 2023

1.0 INTRODUCTION

- 1.1 This Householder Planning Statement is prepared in support of the submission of a householder development for the following:

Erection of detached garage and home office

- 1.2 The land affected by this proposed development is the subject of the following Land Registry title(s). The first title is owned by the applicant, whilst the owners of the second title have been served the appropriate land ownership certificate:

1. K965521 (196 Lower Higham Road, Gravesend, DA12 2NN);
2. TT43769 (land at Readers Close, Gravesend, DA12 2FN).

2.0 SITE CONTEXT

- 2.1 The 0.1 hectare Site comprises a large detached property on the southern side of Lower Higham Road, set within the built-up area of Chalk, to the east of Gravesend. The plot includes a lengthy rear garden at about 30m long. Also within the application site is a privately owned driveway that serves recent additions to Gravesend's housing stock in the form of three detached and two semi-detached dwellings all located to the rear of 194 to 196 and forming Readers Close, whilst along the front of Lower Higham Road, 194 forms part of that same recent development and now comprises two detached properties.

3.0 PLANNING HISTORY

- 3.1 The following planning history relates to the subject site:

- [Erection of a single storey rear extension, side dormer for loft conversion to form bedroom and bathroom, and a canopy above the front door. Modifications to external finishes of elevations.](#)

Ref. No: 20140442 | Status: Application Permitted

- [Erection of single storey rear extension, the construction of two dormer windows in the west roof slope including the raising of the roof ridge height by 1 metre, erection of a canopy above the front door.](#)

Ref. No: 20150075 | Status: Application Permitted

- [Application for a non-material amendment to planning permission reference no. 20150075 to allow insertion of two additional windows on front elevation.](#)

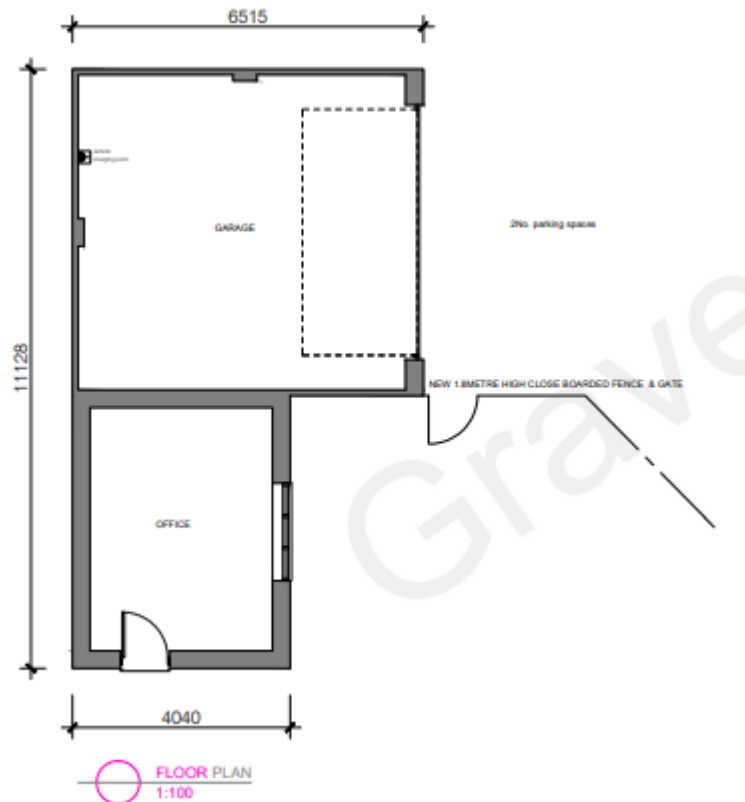
Ref. No: 20150574 | Status: Approval of Non-material amendment

- [**REVISED APPLICATION FORM, REVISED PLANS** Erection of a detached garage, with car port and office/garden room](#)

Ref. No: 20210287 | Status: Application Refused on grounds of loss of amenity to neighbouring dwelling due to scale.

▪ [Erection of detached garage and home office.](#)

Ref. No: 20211056 | Status: Application Permitted. The plans showed a layout as follows:

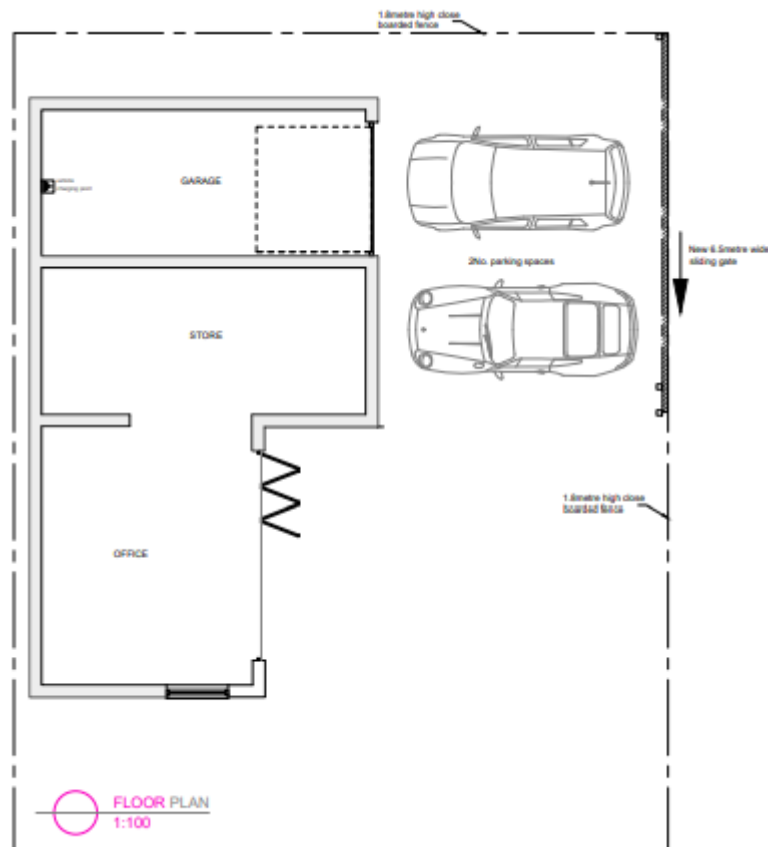


▪ [Application for non-material amendment to planning permission reference number 20211056 relating to variation to garage layout and home office.](#)

Ref. No: 20230716 | Status: Refusal of Non-Material Amendment on the following grounds: “The Local Planning Authority is of the opinion that the proposed changes to the outbuilding/garage including a reduction in parking provision and installation of a sliding metal gate represents a material change to the original permitted application. The proposal therefore cannot be dealt with as a non-material amendment and the application is refused.” The implications of such a decision mean that either an application is made to vary conditions of that permission or a fresh application is submitted.

The accompanying delegated report confirmed that the proposed changes, as set out below, would conflict with the requirements of conditions 3 (in regards to vision splays due to the introduction of an electric sliding gate), 4 (removal of any right to change the openings of the garage) and 5 (use of the garage for the parking of cars only). The plan submitted included using half of the garage as a

store instead of a double garage with a single double-width door, as shown in the extract below:



4.0 PROPOSED DEVELOPMENT

4.1 In light of the above history, a partially retrospective planning permission is now sought by way of an alternative to the previously approved development. The overall size, design, shape and incidental use of the outbuilding remains as before, but, as detailed below, planning permission is now being requested for the following changes through a fresh submission:

- Internal layout amendments involving a single garage instead of a double;
- Also, a store room that interconnects with the office;
- Parking to be provided in the form of the retained single garage and one space in front of the single garage door.

4.2 It is understood that planning permission is only required for this outbuilding due to the fact that the height exceeds 2.5m (2.8m) and it is within 2m of the boundary shared with No.198 to the east. In all other regards, it is householder permitted development, as are any fencing or gates up to 2m high subject to not adjoining the public highway.

5.0 PLANNING POLICIES

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 5.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates this, whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.3 Paragraph 38 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.
- 5.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

Development Plan

- 5.5 The Development Plan for the area within which the application site is located comprises the Gravesham Local Plan Core Strategy (CS) (adopted September 2014) and the Saved Policies of the Gravesham Local Plan First Review (LPFR) (adopted November 1994).
- 5.6 The policies in the CS that are considered to be the most relevant for determining this application include:
- CS01: Sustainable Development;
 - CS19: Development and Design Principles.
- 5.7 Relevant Development Plan policies in the LPFR include:

- P3: Vehicle Parking Standards.

Other Material Considerations

- 5.8 Despite their age, there are also a number of relevant supplementary policy documents, including SPG2 Residential Layout Guidelines (updated 2020) and SPG4 the Kent County Council Vehicle Parking Standards (2006).

6.0 PLANNING ASSESSMENT

- 6.1 The proposed householder development has been assessed by Graham Simpkin Planning against the following matters:

Matter	Policy	Comment	Position
Design	CS19	The design of the outbuilding has already been considered acceptable. That permission remains extant	Compliant
Daylight	CS19	The 2021 approval was found to have successfully addressed the reason for refusal in regard to the previous application	Compliant
Outlook	CS19	The siting of the modest outbuilding to the far end of the rear garden or on the opposite side of the private access road will ensure no loss of outlook for existing or neighbouring residents	Compliant
Overbearing	CS19	The height of the outbuilding will be no greater than 2.8m, just 0.8m above the height of a standard rear garden boundary enclosure. Such a scale will not result in any material overbearing impact, particularly in relation to 198 to the east and the relatively new properties in Readers Close, with 7.3m between the nearest neighbouring front elevation and the southern side wall of the garage	Compliant
Overlooking	CS19	The structure is single storey and of a sufficient distance from the nearest neighbouring property meaning the development will not lead to any material loss of privacy	Complaint
Parking	P3	The previously approved plans for the double garage only indicated 2 parking spaces in front of the garage, not within it. A matching provision is shown on the plans on this occasion, with a space within the single garage and a second space in front of it	Compliant
Highway safety	CS19	No material intensification of the existing access will occur as a result of the	Compliant

		development. Regarding visibility, the relocation of the second space from outside the double garage to being within the single garage will improve visibility to the north	
Use	CS19	The outbuilding has not been created to form a separate residential dwelling, but instead will be used in connection with the main dwelling. Internally, there is to be an office, single garage and store, the first two room uses having already been approved	Compliant
CONCLUSION			Compliant

Use of Conditions

- 6.2 It is noted that the previous permission was subject to conditions that related to pedestrian vision splays (2m by 2m and no obstruction above 0.6m within them), the removal of any right to change the openings of the outbuilding, the use of the garage solely for parking (notwithstanding the lack of plans showing the garage to be used for parking) and a requirement for the garden curtilage to be fully enclosed (even restricting the type of boundary enclosure to a fence). With exception to the vision splay condition, which was justified on the basis of the requirement of policy CS11, all others were said to be needed on the basis of CS19.
- 6.3 Paragraph 55 of the Framework states that: “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.”
- 6.4 Paragraph 56 sets out six tests that all need to be met in regard to the imposition of any conditions, adding that they should also be kept to a minimum. The tests are that they must be:
1. Necessary;
 2. Relevant to planning;
 3. Relevant to the development to be permitted;
 4. Enforceable;
 5. Precise;
 6. Reasonable in all other respects.
- 6.5 In reviewing the previous condition for vision splays, no part of CS11 relates to this point. Furthermore, the previous delegated report confirms the highways officer response to the application was: “Whilst it would be beneficial to have a vehicle sight line (2.4m x 11m for 10mph) where the drive meets the access, this arrangement is no different to other rear access arrangements throughout the country and so would be impossible to sustain at appeal.” There are two issues arising from this consultation response: (1) there is no mention of the splays that ended up being the subject of condition 3 of planning permission 20211056, and; (2) the highways officer is quite clear that any condition requiring sight lines for this type of access would likely result in an allowed appeal against its imposition. A third point is that CS11 doesn’t require the condition either.

- 6.6 On the other conditions, an amended parking layout is proposed involving one parked vehicle within the garage and one in front. Alterations to the openings can of course be secured through this alternative application. Finally, regarding boundary enclosures, this does not appear to be necessary to make what requires planning permission acceptable. Outbuildings of this nature are commonly found at the rear end of gardens. The requirement for 2m high fencing appears to be attempting to improve the amenities of neighbouring occupiers in regard to the use of the land in front of it, but of course it is already lawful residential garden land. The new housing to the south would have been approved in the knowledge that a garden existed to the north. Such a condition therefore has no relevance to the matter that requires planning permission, which is simply the detached outbuilding.
- 6.7 The applicant therefore argues against the case for any of the above conditions, with exception to a condition that seeks to ensure sufficient parking spaces are provided for the two vehicles as shown on the submitted plans.

7.0 CONCLUSIONS

- 7.1 In accordance with paragraphs 11 and 38 of the Framework, and in consideration of all relevant development plan policies and material considerations, this alternative application for the outbuilding should be viewed positively by the authority and it is respectfully requested that this submission is approved.