



Delegated Report

Householder Planning Application

Application No:	20220787
Location:	56 Downs Road, Istead Rise, Gravesend, Kent, DA13 9HG
Description:	**REVISED DESCRIPTION** Retention of an open sided single storey pergola and retaining fence and wall
Applicant:	Mr Veli Veli
Site Visit:	10 th June 2022 / 26 th September 2022

Preliminary Matters

The application has been submitted seeking retrospective approval for the erection of an outbuilding within the garden. On the site visit it was evident that a retaining wall and fence had been erected onto the adjoining cul-de-sac Rosegarth. The fencing exceeds the height of fencing fronting a highway within the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and therefore requires planning permission. Moreover, the description of the structure as an outbuilding was incorrect, as it is an open sided pergola with a roof.

The agent was contacted regarding these matters and submitted revised plans showing the retaining fence and wall, confirming the roof materials and agreed to a revised description to read:

****REVISED DESCRIPTION****

Retention of an open sided single storey pergola and retaining fence and wall

Submitted Documents/Plans

Application Form - dated 13/07/2022;
Supplementary Information - Email from agent confirming roof materials (received 04/10/2022);
Ordnance Survey Site Location Plan (scale - 1:1250);
Drawing no. Pr100 - Proposed Floor Plan;
Drawing no. Pr101A - Proposed Roof Plan;
Drawing no. Pr200 - Proposed Front Elevation;
Drawing no. Pr201 - Proposed Rear Elevation;
Drawing no. Pr202A - Proposed Flank Elevation;
Drawing no. Pr203 - Block Plan (scale 1:200).

~~Drawing no. Pr101 - Proposed Roof Plan - SUPERSEDED;~~
~~Drawing no. Pr202 - Proposed Flank Elevation - SUPERSEDED.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20200120	Formation of a vehicular crossover to RoseGarth.	REFUSED	21.04.2020
20190402	**REVISED DESCRIPTION** Erection of two storey rear extension, raising the roof height, hip to gable roof alteration and construction of two dormer extensions in the rear elevation and one dormer extension in the front elevations, conversion of roof space into habitable rooms and retention of boundary fencing fronting the highway.	PERMITTED	18.09.2019
20180617	Erection of single storey rear extension, raising the roof height, hip to gable roof alteration and construction of two dormer extensions in the rear elevation and one dormer extension in the front elevations and conversion of roof space into habitable rooms.	PERMITTED	17.08.2018
20020144	Erection of single storey rear extension to form bedroom.	PERMITTED	09.04.2002

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

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards

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)

- 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)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

Local Ward Councillors - No comment received.

Neighbouring properties

A notice was displayed on site 11th August 2022.

In addition, five surrounding properties were consulted and four representations were received, all of which registered objection to the proposed development. The comments have been separated into material and non-material planning considerations.

Please note only the material planning considerations are relevant to this decision.

Material Planning Considerations

- Overdevelopment
- Noise from use
- Unattractive boundary wall and fencing - impact on the street scene
- Removal of the Hedgerow - impact on street scene

Non-Material Planning Considerations

- Litter and Rubbish on the driveway
- Other development on the site not relating to this application

The consultation period expired 2nd September 2022.

Officer's Analysis

56 Downs Road is a detached bungalow in use as a single family dwelling. The property has an integral garage which will be maintained. The property has been extended by two storeys at the rear and into the roof space with a dormer on the front elevations (ref. 20190402).

This application seeks to retain an open sided single storey pergola within the garden and the retaining wall and fence fronting Rosegarth. The photographs below show the structure and retaining wall:





Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Section 12 of the NPPF sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Gravesham's Householder Design Guidance SPD (2021) discusses outbuildings and states that their use should be incidental to the enjoyment of the dwellinghouse, should not occupy a significant amount of the garden, be subordinate to the main dwelling and should not be prominent or impact on the street scene.

The structure is steel framed and has been constructed on a raised patio platform (0.55m), which is screened from the adjacent cul-de-sac by the retaining wall and fence. The structure will remain open sided and is essentially a pergola, with a bitumen corrugated roof. The pergola has the following dimensions:

- Depth - 7.5m
- Width - 5.35m
- Height (max) - 2.8m
- Height (eave) - 2.55m

Although irregular compared to a traditional outbuilding, the open sided pergola is not considered to dominate the garden space and will remain subordinate to the main dwelling. It is open sided which serves to reduce its perceived bulk and as referenced earlier is screened from public vantage points by the retaining wall and fence.

As part of this application, the boundary wall onto Rosegarth will be rendered and painted white, with the fencing above also painted. This will improve the visual appearance of the boundary treatment and improve the appearance of the street scene as it currently appears now.

A number of neighbour representations raised concern with the incongruous appearance of the boundary treatment and the removal of the hedgerow, which is its current condition is not disputed. As such the Local Planning Authority contacted the Agent regarding the appearance of the wall and fence, and it was agreed that the wall and fence would be rendered and painted. This is considered an acceptable compromise and will be conditioned accordingly. However, the hedgerow is not within the ownership of the applicant or the Council, and is believed to be Kent County Council highway land. As such, the highway authority are responsible for the verge and hedge, and it is not a consideration within this application.

Overall, the pergola will have no impact on the street scene and is screened from view by the retaining wall and fencing. The fencing and boundary wall will be rendered and painted, which will be secured by planning condition, and will improve the appearance of the street scene. As such, the proposed development is

considered acceptable in design terms, in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Amenity of Future Occupiers

The proposal will provide acceptable living conditions that safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Neighbouring Amenity

The pergola is not considered to impact on the amenity of any neighbouring properties in terms of overlooking, overshadowing, sense of enclosure or outlook.

A number of neighbour representations have been received for this application. The objections related to design and impact on the street scene, as well as the removal of the hedgerow, both of which are covered in other sections of this report.

One representation registered concern with noise from the use of the pergola. It is acknowledged that the structure will provide shelter for use of the patio, however the noise resulting from its use is not considered to materially impact the amenity of neighbouring properties, as the dwelling will remain a single family dwelling under the same use.

Overall, the retention of the pergola will safeguard the amenity of surrounding residents in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Any Other Material Planning Considerations

Impact on landscape - the application site is located within Istead Arable Farmlands Character Area. This area is characterised by gently undulating topography of open arable farmland, dissected by minor open roads with the exception of the larger A227. The site is located within the Istead Rise housing development.

Policy CS12 of Gravesham Core Strategy (2014) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

The development will not have an impact on the landscape character area as it will be similar to surrounding properties and is located within the rural settlement. Therefore it is in accordance with Policy CS12 (LPCS).

Hedgerow - as aforementioned within this report, the verge fronting the boundary of the application site is Kent County Council highway land. Therefore, neighbour concerns relating to the reinstatement of the removed hedge should be directed towards the landowner and do not form part of this planning application.

Other development on site - a neighbour representation expressed concerns with a concrete base being formed at the end of the garden. This was seen on the site visit and seems to be a base for an outbuilding. Outbuildings can be constructed under permitted development and the formation of a concrete base itself does not require planning permission. A lawful development certificate should be applied for to ensure that the outbuilding would comply with the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended and any development without consent is at financial risk.

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

The pergola structure is large, but does not dominate the garden area and is subordinate to the main dwelling. It is screened from public vantage points by a retaining boundary wall and fencing, which will be rendered and painted to improve its appearance and improve the character of the adjacent street scene on

Rosegarth. The development safeguards the amenity of future occupiers and neighbouring properties, and will have no impact on the landscape.

As such, it is recommended that planning permission is granted subject to conditions.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	5 th October 2022	Dated:	06 October 2022