

Delegated Report

Full Planning Application

Application No:	20220900
Location:	Dillybank, Dillywood Lane, Higham, Rochester, Kent, ME3 7NT
Description:	Demolition of the existing dwelling and erection of a 3 bed detached house with associated parking and amenity space.
Applicant:	Mr Shoker
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

The application comprises the following documents and plans:

Application Form - dated 12/08/2022;
Planning, Design and Access Statement (received 17/08/2022);
Drawing no. 001 - Rev. A - Site Location and Existing Block Plan;
Drawing no. 002 - Rev. A - Proposed Block Plan;
Drawing no. 003 - Rev. A - Existing Floor Plans;
Drawing no. 004 - Rev. A - Existing Elevations;
Drawing no. 005 - Rev. A - Proposed Floor Plans;
Drawing no. 006 - Rev. A - Proposed Elevations;
Drawing no. 007 - Rev. A - Existing and Proposed Garage Plans and Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20210553	**REVISED DESCRIPTION** Alterations to roof, loft conversion with skylight windows to rear, erection of a rear first floor. Demolition of single detached garage, relocation and replacement with a double garage. Existing single storey side extension to have new flat roof with a roof lantern.	PERMITTED	22.10.2021
20030366	Erection of a conservatory at the rear.	REFUSED	30.04.2003
20020504	Erection of a conservatory at the rear.	REFUSED DISMISSED ON APPEAL	27.08.2002 27.02.2003

19810170	Erection of two storey rear extension to form dining room with bedroom over and single storey rear extension to form enlarged lounge	PERMITTED	06.04.1981
19970377	Change of use of agricultural land at the rear to residential garden; demolition of existing garage & utility room and erection of single storey extension on the north eastern elevation to form lounge, bedroom with ensuite shower room/wc & utility room; erection of open sided porch at the front and detached garage in the front garden.	PERMITTED	09.10.1997
19540248	Erection of house and garage	PERMITTED	04.08.1954

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS12 - Green Infrastructure
- CS18 - Climate Change
- CS19 - Design & Development Principles

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 - Vehicle Parking Standards
- C13 - Extensions to Dwellings in the Countryside

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.

Other material considerations

National Planning Policy Framework (2021)

- Section 2 - Achieving Sustainable Development
- Section 12 - Achieving Well-Designed Places
- Section 13 - Protecting Green Belt Land
- Section 15 - Conserving and Enhancing the Natural Environment

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)
- Gravesham Householder Extensions/Alterations Design Guidance (SPD) (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Internal consultees

GBC - Highways Officer - I have no objections to the proposal there is adequate off street parking to comply with standards and an existing access is used

Local Ward Councillors - No comment received.

External consultees

Higham Parish Council - No comment received.

Neighbouring properties

A notice was displayed on site 25th August 2022.

In addition, five surrounding properties were consulted and three representations were received. There were two objections to the development and one registering support. The supportive comment stated that the proposed dwelling is well proportioned and presented, but also raised concern with impact on the lane and neighbours through demolition works. The objections 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

- Out of character / keeping – modern design and materiality
- Parking Issues

Non-Material Planning Considerations

- Matters dealt with by Building Regs - Drainage / Cess pits
- Damage to road
- Hours of building work - covered by informatives

The consultation period expired 16th September 2022.

Analysis

Site Description and Context

The application site lies within the Green Belt on the south-eastern side of the highway.

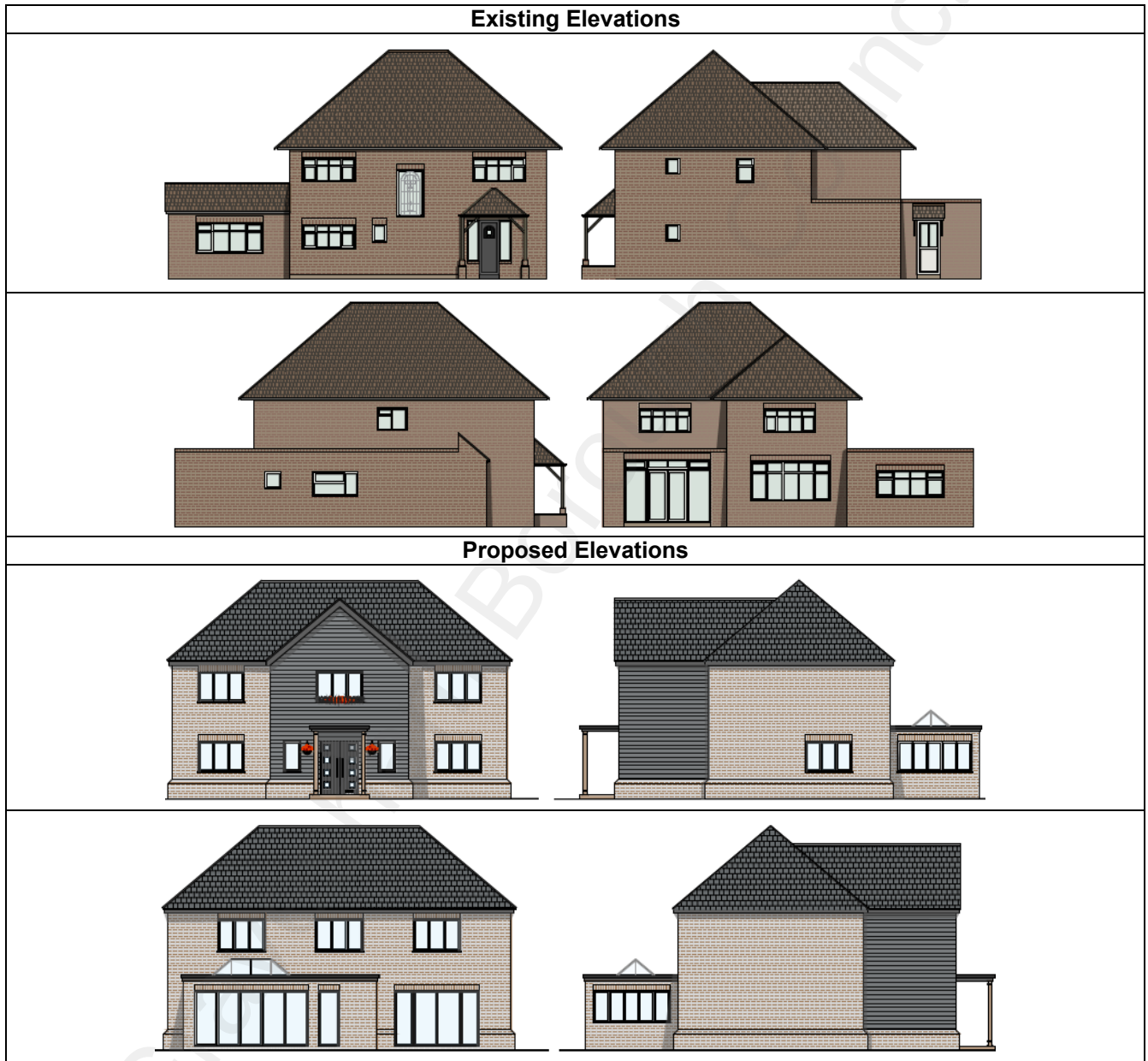
Dillybank is a large detached two-storey dwelling in use as a single-family dwelling. The property is located on the eastern side of Dillywood Lane, is set back from the highway and has a large driveway. There is a detached single garage and a large lawn area on the frontage.



The surrounding properties are large and have been significantly extended, as shown in the satellite image above.

Proposed Development

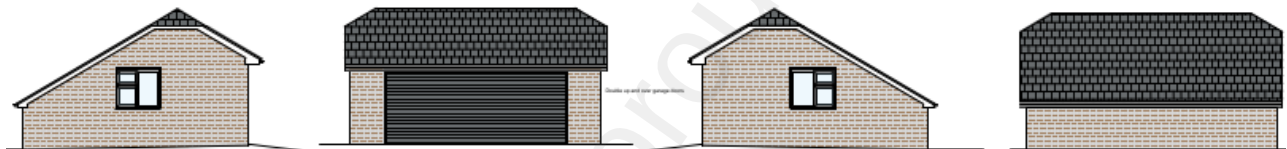
This application seeks planning permission for the erection of replacement dwelling and associated works:



The dwelling would have a width of 13m, a depth of 14m, with a maximum height of 8.42m and an eave height of 5.55m. It will be positioned closer to the front boundary than the existing dwelling, by approx. 2.3m. Internally, at ground floor, there would be an open plan living/kitchen/diner, an additional lounge, a study, wc/cloak room, store and utility room. At first floor there would be three en-suite bedrooms, two with a walk-in wardrobe and a second home office/library.



As part of the application the existing garage will be demolished and replaced by a new detached double garage. The proposed garage is identical to the previously approved garage under ref. 20210553. It will be repositioned closer to the front boundary and will face towards the property. It is larger than the single garage it is replacing, with a height of 3.55m, a depth of 6m and a width of 6.65m. It is designed with a catslide roof and will have a flat window on each side elevation.



Green Belt

The application site is located in the Green Belt and as such Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) (2014) is relevant. Development in the urban area is prioritised as the sustainable location for development. In the rural area, Policy CS02 states that development will be supported within rural settlements that are inset from the Green Belt and defined on the policies map. Development outside those settlements, i.e. in the Green Belt, will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the LPCS.

There are five principle issues in determining this application;

1. Is the proposed development appropriate in the Green Belt?
2. The effect of the proposal on the openness of the Green Belt;
3. Any very special circumstances?
4. Final balancing exercise on Green Belt issues;
5. The effect on the character and appearance of the area;
6. Impact on the Landscape; and
7. Other matters.

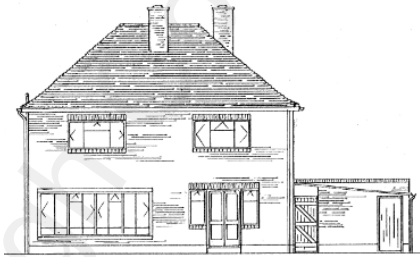
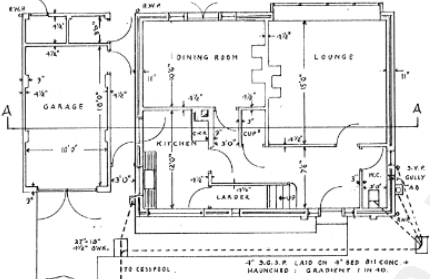
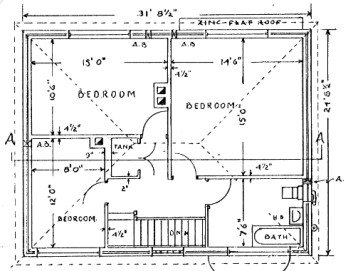
1. Is the proposed development appropriate in the Green Belt?

Replacement Dwelling

There are strict policy considerations within the Green Belt whereby paragraph 147 of the National Planning Policy Framework (NPPF) (2021) states that inappropriate development is, by definition,

harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it falls within the specified exceptions. An exception given within the NPPF includes (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Therefore, it is important to first establish the extent of the original property and then consider any additions or extensions. The original property was granted planning permission in 1954 and has since been extended, as demonstrated in the screenshots below:

Original Permission - 19540248	
	
	
Existing Dwelling	
	
	

Using the assessment above, it would appear that the original building consisted of the main body of the house and the single storey side projection used as a garage. The original garage was demolished, moved closer to the property and converted into habitable rooms. The plans from 1954 (ref. 19540248) are considered by the Local Planning Authority to be the original dwelling.

The proposed replacement dwelling has an external floor area of 136.2m², which is approximately 16% smaller than the existing dwelling. In terms of dimensions, the proposed dwelling is smaller by 1.5m in width, 0.5m in total depth, and 0.25m in overall height. However, it is important to compare the proposed dwelling to the original dwelling.

	Original Dwelling	Proposed Dwelling	% increase
Footprint (m²)	80.3m ²	136.2m ²	69.6%
Internal Floorspace (m²)	139.6m ²	216.8m ²	55.3%

Table 1 - Original and Proposed Comparison

Saved Policy C12 of the Gravesham's Local Plan First Review (LPFR) (1994) relates to replacement dwellings in the countryside. This states that there will be a strong presumption against allowing the replacement of existing dwellings, which will only be set aside if the listed criteria are met. Criteria (iii) states that the 'replacement dwelling must be of similar scale and mass to the existing dwelling and must be no larger than the existing dwelling, unless it can be demonstrated that modest enlargement is required to allow the provision of essential basic amenities such as a bathroom, toilet or kitchen, which currently do not exist or are clearly inadequate or to meet the special needs of the occupants'.

As aforementioned in this report, this application follows planning permission for extensions to the property (ref. 20210553). Therefore, it is a material planning consideration to compare the proposed replacement dwelling with the permitted extensions. The table below compares the footprint of the current proposal with the previous permission:

	Previously Approved	Proposed Dwelling	% difference
Footprint (m²)	165.15m ²	136.2m ²	-17.5%
Internal Floorspace (m²)	251.49m ²	216.8m ²	-13.8%

Table 2 - Previously Approved and Proposed Comparison

The proposed replacement dwelling is larger than the original building, however is notably smaller than the extensions previously approved and does not represent a significant increase. Given that saved policy C13 (LPFR) allows a one third limit increase on extensions to properties within the Green Belt, a reduction in footprint by 17.5% from the previous permission is considered to be appropriate within the Green Belt setting. Therefore, the proposed replacement dwelling is considered to accord with saved policy C12 (LPFR), but the impact of the dwelling on the open character of the Green Belt.

Nevertheless, the dwelling will be significantly larger than the original property and does exceed the one third limit. Therefore, a condition will be attached to the decision notice to remove permitted development rights for extensions to the dwelling under Classes A, B and D of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Erection of a Garage

The principle consideration of this part of the application is that the property falls within the Green Belt which is subject to strict policy constraints. Unfortunately, there are no specific development plan policies on the provision of outbuildings in the green belt. However, adopted Core Strategy policy CS02 requires development to be compatible with national policies for protecting the Green Belt.

It is noted that while saved Policy C13 (vii) of the Local Plan First Review sets out that the Council's approach to assessing proposals for outbuildings in the countryside and makes clear that they will be considered on their individual merits, it is out of step with the National Planning Policy Framework (NPPF). Therefore, it should be attributed minimal weight for the following reasons;

National Green Belt planning policies are detailed under Section 13 of the NPPF "Protecting Green Belt land". Paragraph 149 states that the construction of new buildings in the Green Belt is inappropriate development. It goes on to list six exceptions to this, however ancillary residential outbuildings do not form one of the exceptions specifically listed.

Paragraph 149(c) has some relevance, starting that the construction of new buildings (paragraph 149) is considered to be 'inappropriate' development in the Green Belt except where this involves (amongst other things) the:

- *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

However, it is clear that domestic outbuildings, including garages, do not specifically fall within this list and as such they are considered to be inappropriate development per se.

In line with paragraph 147, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 sets out that substantial weight should be given to that harm and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In relation to saved policy C13 (vii) of the Gravesham Local Plan First Review, paragraph 219 of the NPPF sets out that 'Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Core Strategy policy CS01 also sets out in paragraph 4.1.8;

Where there are no policies relevant to the application for relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.*

This second bullet point is in line with paragraph 11 of the NPPF. Examples of the policies that indicate that development should be restricted are set out in a footnote in the NPPF and include land designated as Green Belt.

In addition, when considering proposals in the rural area, Policy CS02 gives further support to the policy approach set out in the NPPF stating that development outside those settlements, including affordable housing and proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan.

On the basis of the above, it is considered that only minimal weight can be given to this part of saved policy C13.

2. The effect of the proposal on the openness of the Green Belt

Paragraph 137 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence.

The openness of the Green Belt has both spatial and visual aspects, and any new built form of development is harmful to its open character. The proposed replacement dwelling will have a reduced impact on the openness of the Green Belt, compared to the previously approved extensions (ref. 20210553). However, the new dwelling is wider at first floor level than the existing or previously approved property, with a two storey front gable projection. Notwithstanding these increases the front gable projection is subservient and the overall height of the property has been reduced and the roof is hipped, which serves to reduce the perceived bulk of the replacement dwelling.

Moreover, the extent of hardstanding and built form will be reduced as part of this development, to the benefit of the open permanence of the Green Belt. As such the replacement dwelling is not considered to cause any detrimental harm to the openness of the Green Belt, over and above the existing or previously approved extensions.

Reference back to paragraphs 147 and 148 of the NPPF informs us that inappropriate development in the Green Belt should not be approved except in very special circumstances and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether the development causes any other harm and whether there are any other relevant considerations to balance the overall planning argument, should now be considered.

3. Very Special Circumstances

No specific arguments have been put forward by the applicant in relation to the assessment of 'very special circumstances'. However, the supporting documents highlight the previous permission (ref. 20210553) as justification for the development and as referenced earlier in this report is a material planning consideration.

4. The Effect on the Character and Appearance of the Area

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.

The proposed dwelling has a hipped roof design and is characterized by a two storey front gable projection. The gable projection is set-down and subservient from the main ridge of the property and will be clad in grey timber, with the main body of the house facing red stock brick. There will be a single storey part width extension at the rear and a canopy porch on the front elevation. The

layout and proportion of fenestration on the proposed dwelling is considered acceptable, and no first floor flank windows are proposed.

Gravesham's newly published Householder Extensions/Alterations Design Guidance SPD (2021) set out key principles for new developments. Generally, the SPD highlights the importance of new development complimenting and corresponding to existing character and the wider context. In this case, the existing character of the dwelling is less relevant given that the application proposes a replacement.

The surrounding context is made up of large properties, many of which have individual characteristics and design (as demonstrated in the satellite images below).



Therefore, given the surrounding context and character, the proposed dwelling would not be out of keeping with the area. Although the new dwelling will have a modern material palette, by virtue of the mixture of brick and cladding, this is also not considered to be out of character with the variety within the street scene.

The new garage, as referenced earlier in this report, is identical to the previously approved garage. It is large, however is designed with a catslide roof which reduces the bulk and is screened by the mature hedgerow along the front and side boundaries. A landscaping condition will be attached to the decision notice to ensure that the hedgerow is maintained and the garage is screened in the future.

Overall, the proposed dwelling is well proportioned and will not alter the character of the street

scene. The extensions will be constructed using a modern material palate, with bricks that are not dissimilar from the existing property, the front gable is subservient and the single storey is part width and will not dominate the property. Therefore the proposal is in accordance with Policy CS19 (Development and Design Principles) (LPCS) and Section 12 of the NPPF.

5. Other matters

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' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The Nationally Described Space Standards (NDSS) (2015) require a two storey dwelling, with different floor areas depending on the number of occupants. The proposed dwelling has three double bedrooms and would therefore have a maximum capacity of six persons, however for the purpose of this assessment will be compared to the five person dwellings within the NDSS. For a five person dwelling the floor area should have a minimum 93m², with built in storage space of 2.5m². Given that the gross internal floor area of 136.2m², the proposed dwellings accord with the recommendations within the Nationally Described Space Standards (2015).

Notwithstanding this, Gravesham's RLG breaks down the measurements further, recommending minimum floor areas for specific rooms as shown in the table below. These recommended minimum floor areas have been compared to the proposed room sizes within the property for comparison.

	RLG (minimum floor area)	Proposed Room Size
Living/Kitchen/Diner	25.2m ²	48.05m ²
Lounge	13.2m ²	31.84m ²
WC	1.3m ²	2.42m ²
Double Bedroom	11.2m ²	14.88m ²
		15.82m ²
		14.88m ²
Ensuite	3.5m ²	4.39m ²
		4.07m ²
		4.39m ²
Utility Room	-	6.45m ²
Store	-	2.03m ²
Office	-	11.43m ²
		12.28m ²
Walk-in Wardrobe	-	4.39m ²
		4.39m ²

Table 3 - Room Sizes

Further to the room sizes, the RLG states that new developments should provide acceptable private amenity space. The RLG states that a garden area for a three bedroom property should have a minimum depth of 10m and a minimum area of 60m. The garden for proposed development significantly exceeds the guidance, with an area of 760m² and a depth of 35.6m. Therefore, the amenity space provided is in accordance with the RLG.

In addition, the new property will not be overlooked or overshadowed.

The replacement dwelling will provide acceptable living conditions for future occupiers, sufficient private amenity space as well as good levels of natural lighting and ventilation. As such, the development is considered to safeguard the amenity of future occupiers and is in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and paragraph 127 of the NPPF (2021) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

The proposed dwelling is not considered to impact on the amenity of any neighbouring properties in terms of overlooking, overshadowing, sense of enclosure or outlook. The proposed dwelling is detached from the two neighbours and is a minimum of 1.6m from the boundary, which reduces the potential for loss of light, outlook or sense of enclosure. Moreover, there are no flank windows are first floor level that would impact on privacy.

There were representations received from neighbouring properties, both objecting to the development and registering support. The material planning considerations related to the design and the parking, which are discussed in other sections of this report. The non-material planning considerations related to matters covered by building regulations (drainage), damage to the road and building works (covered by informatives), which are not relevant to this decision. Therefore, the proposed dwelling will safeguard the amenity of surrounding residents in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Parking and Highways

There are no parking or highways issues related to this proposal. The driveway for the property is large with sufficient space for vehicular parking and the garage can accommodate two vehicles. Therefore the development is not considered to impact on parking within Dillywood Lane and the concern raised by the neighbours may relate to the issues arising from the construction period, which is not a material planning consideration. As such, the development accords with Gravesham's adopted parking standards (SPG 4) (2006).

5. Impact on the Landscape

In addition to being within the Green Belt, the site is located within the Higham Arable Farmlands Landscape Character Area. This area is characterised by very gently undulating topography of open arable farmland with pockets of orchards and garden nurseries. The developments spread from the original Saxon settlement of Lower Higham in the North, with more contemporary developments in the South around main road networks.

Policy CS12 (LPCS) 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 proposed development is not considered to have an impact on the Higham Arable Farmlands Landscape Character Area, due to the properties location in a relatively built up area along Dillywood Lane.

Conclusion

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

The proposed dwelling is not excessive in size or bulk, is a reduction in built form from previously approved extensions and is therefore considered appropriate development that preserves the open character of the Green Belt. The dwelling itself is well designed and will provide acceptable living conditions for future occupiers. The amenity of neighbouring properties will be safeguarded, will provide adequate parking provisions and will not impact on the wider character of the landscape.

Recommendation:

Permission - subject to conditions

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	4 th October 2022	Dated:	6 th October 2022