



SUMMARY REPORT

Application Ref:	20211305
Site Address:	53 Nickleby Road Gravesend Kent DA12 4UQ
Application Description:	Retrospective application for erection of an outbuilding in the rear garden to be used as home gym, games and family room.
Applicant:	Mr M Sheikh
Agent:	Mr Jonathan Bolton, Synergy
Ward:	Chalk
Parish:	Non-Parish Area
Decision due date:	14 December 2021
Publicity expiry date:	10.11.2021
Decision Level:	Planning Committee
Reason for referral:	At the request of Cllr Hills
Recommendation:	Approval

Summary of Reasons for Recommendations

The design of the proposed development is considered to respect the character of the surrounding area. It also safeguards the amenity of future occupiers and neighbouring properties. As such, the proposal is in accordance with Policy CS19 of the Local Plan Core Strategy 2014 and the NPPF 2021. On this basis, the officer recommendation approval.

MAIN REPORT

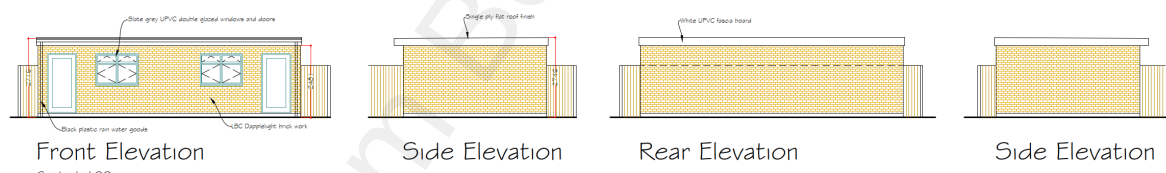
1. Proposal and Site Description

- 1.1. The proposal seeks planning permission for a flat roofed outbuilding approximately 2.8 metres in height towards the rear of the garden, along the shared boundary with 216 Lower Higham Road. The outbuilding would be incidental to the enjoyment of the dwellinghouse and used as a family/games room and/or gym.
- 1.2. An extract of the outbuilding has been taken from the proposed plans;

Proposed block plan



Proposed plans



- 1.3. The application site is comprised of a two-storey semi-detached dwelling on the northern side of 53 Nickleby Road, a residential street of similar architectural character.
- 1.4. In keeping with neighbouring properties, the front elevation of the dwelling has a front porch and a drive capable of accommodating two vehicles. A side gate to the western flank wall provides access to the rear garden.
- 1.5. The rear garden is approximately 26 metres in depth and the extent of the private amenity space is 268 sq.m. Most neighbouring properties also have outbuildings situated to the rear of their respective gardens, although they are of varying designs and scales.

2. Relevant Planning History

2.1. The relevant planning history is as follows;

Application Ref. No.	Description	Decision
20100348	Application for Lawful Development Certificate for the proposed laying out of a new hardstanding at the front.	Lawful Development Certificate Granted
20100349	Erection of single storey front extension to form an enlarged garage and porch.	Approved
20210576	Erection of single storey front and rear extensions and the conversion of the existing garage into habitable rooms.	Approved
20211344	Application for variation of condition 2 attached to planning permission reference no. 20210576 for Erection of single storey front and rear extensions and the conversion of the existing garage into habitable rooms to allow amendment to make a change for the rear elevation from hip to gable roof and adding roof light windows to rear roof slope.	Approved

3. Planning Policy, Development Plan and other Material Considerations

3.1. The relevant policies for this proposal are as follows:

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

3.2 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.

3.3 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.

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

- P3 – Vehicle Parking Standards

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- Residential layout guidelines including Housing Standards Policy Statement October 2015 SPG2 (adopted 1996, amended June 2020);
- Householder Extensions/Alterations Design Guide SPD (October 2021);
- SPG 4 - KCC Parking Standards (2006)

4. Consultations and Publicity Responses

Consultations

- 4.1. 14 surrounding properties were consulted and the consultation expired on 10.11.2021. One comment of support was received stating there were no objections.
- 4.2. The Ward Councillor for Chalk has also been consulted but no formal comments have been received.

5. Planning Analysis and Service Manager Planning Comments

- 5.1. The application site is located within the urban area where the principle of development is acceptable providing it meets the criteria of the Policies listed below.

Design, Character and Appearance

- 5.2. The application site is comprised of a two-storey semi-detached property in use as a single family dwelling in an urban area of Gravesend. The proposed development is for the erection an outbuilding in the rear garden.
- 5.3. The outbuilding would have a flat roof and would be approximately 2.8 metres in height. The development would be of a brick construction using LBC Dapple light facing bricks (facing brick to be used on all elevations) with a single ply flat roof finish. The elevation facing the rear of the host property would have two windows and two separate doors towards each end of the outbuilding. The remaining three elevations of the outbuilding do not include any openings. The internal floorspace of the outbuilding would be approximately 37 sq.m.
- 5.4. Policy CS19 (Development & Design Principles) of the Gravesham Local Plan Core Strategy (LPCS) states that new development will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards.
- 5.5. It is acknowledged that the application is retrospective and that works have already been commenced at the site. Notwithstanding this, the outbuilding would not be out of character in the immediate locality given that a number of surrounding properties have a number of outbuilding towards rear of their gardens. Furthermore, there is limited visibility to the rear of the site from the street scene.

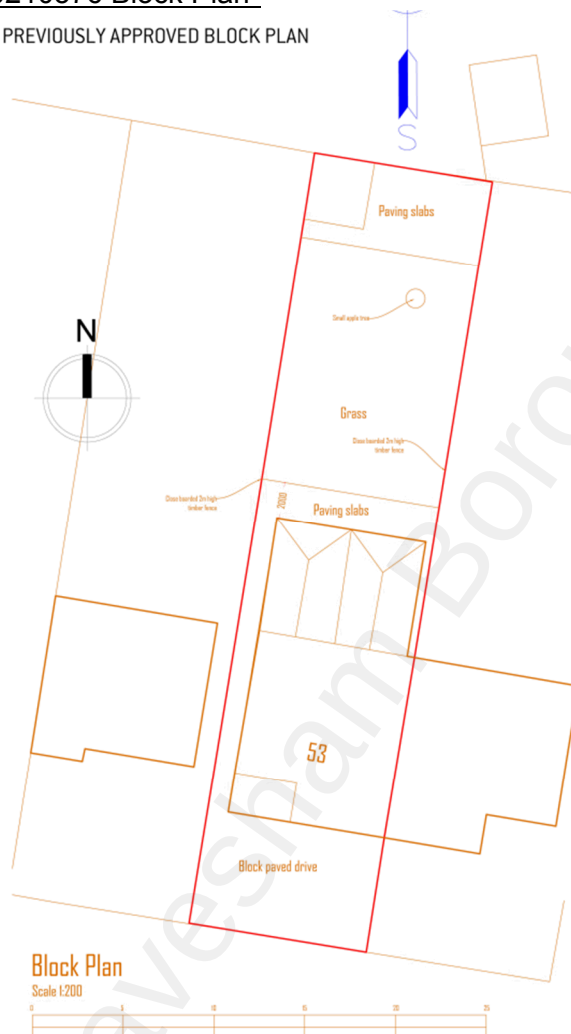
- 5.6. On balance, the proposal is considered to be in keeping with the local character, and accords with CS19 Development and Design Principles in this regard.

Amenity of Future Occupiers

- 5.7. A material consideration in this application is the recent approval for the single storey rear extension approved under 20210576 and subsequently amended under 20211344. The single storey rear extension, as approved, is over 6 metres in depth. With regards to the outbuilding, the concern is that there would be insufficient private amenity space retained at the site for future occupiers, when the proposed development and the development permitted under 20211344 are considered together.

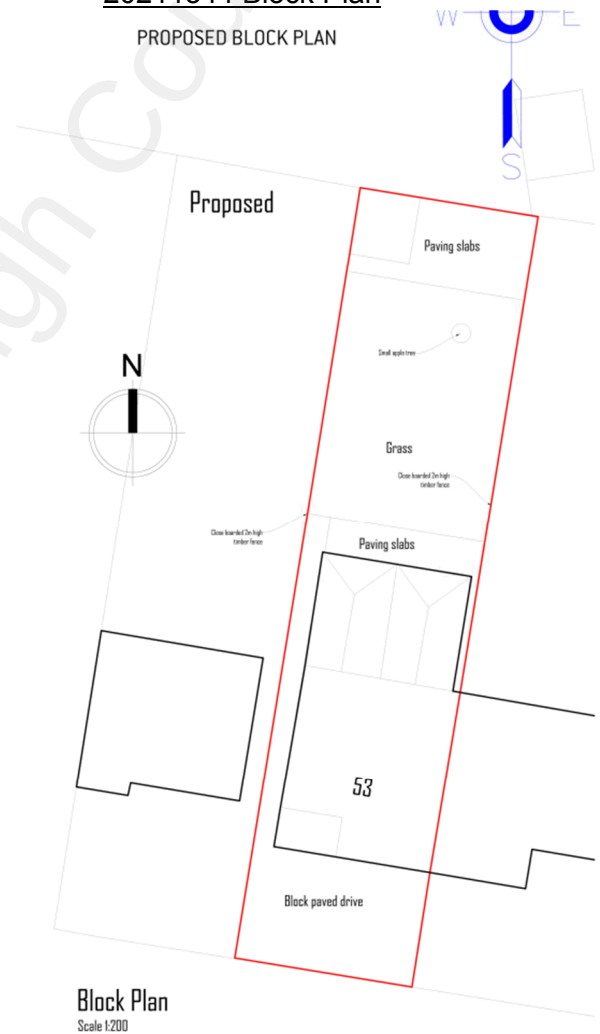
20210576 Block Plan

PREVIOUSLY APPROVED BLOCK PLAN



20211344 Block Plan

PROPOSED BLOCK PLAN



- 5.8. However, the depth of the rear garden from the rear wall is approximately 26 metres and the depth of the single storey rear extension would reduce the garden depth to slightly under 20 metres. The area where the outbuilding would be situated would result in a further loss of private amenity space which would mean the final garden depth would be approximately 14 metres with an overall area of 140 sq.m.
- 5.9. The Residential layout SPG2 (2020) states that for a property of 4 or more bedrooms the minimum garden area retained at a residential property should be 100 sq.m and a garden depth of 10 metres.

- 5.10. Therefore, it is considered the outbuilding would comply with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) in respect of the living conditions for future occupants of the dwelling.

Neighbouring Amenity

- 5.11. The outbuilding is proposed to be used as a gym/family room and it is considered that this would be incidental use of the host property which is a single family dwelling.
- 5.12. The proposed development exceeds Permitted Development height allowances by approximately 30cm. When considering this fall-back position, it is considered that the scale of the outbuilding would not create significant harm to adjoining neighbouring properties in terms of being an over dominant and/or overbearing structure in the rear garden.
- 5.13. The applicant has not provided sufficient detail regarding the internal layout of the proposed development, therefore, a condition will be added to ensure that the additional space created in the garden remains incidental to the host property in the interests of neighbouring amenity.
- 5.14. It is considered that the proposal complies with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) in respect of design and neighbouring amenity.

6. Conclusion

- 6.1. The proposed development is recommended for approval, as it is considered that it's design and scale respects the character of the surrounding area, whilst safeguarding the amenity of future occupiers and neighbouring properties. The proposal is therefore in accordance with Policy CS19 of the Local Plan Core Strategy 2014 and the NPPF 2021.

Recommendation

The recommendation is for the application to be **APPROVED** Planning Permission, for the following reasons:

The proposed outbuilding is recommended for approval and considered it is appropriately designed and respects the character of the surrounding area. The amenity of future occupiers and neighbouring properties is safeguarded. The proposal is in accordance with Policy CS19 of the Local Plan Core Strategy 2014 and the NPPF 2021.

CONDITIONS

1. The development as carried out shall accord with the following plan:
 - Drawing No. 21/346/01 – Proposed Plan and Elevations

Reason: For the avoidance of any doubt and in the interest of proper planning.

2. The outbuilding hereby permitted shall be occupied only for purposes incidental to and in conjunction with the use of the existing property as a single dwelling house and not as a separate or independent unit of residential accommodation.

Reason: To ensure that the accommodation remains incidental to the existing dwelling house and does not create a separate or independent unit to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].