



Delegated Report

Householder Planning Application

Application No:	20230519
Location:	Land To Rear Of 20 Lewis Road, Lewis Road, Istead Rise, Gravesend, Kent, DA13 9DA
Description:	Erection of an outbuilding to be used as garage
Applicant:	Mr Ronnie Barnard
Site Visit:	14 th November 2022

Submitted Documents/Plans

Application Form - dated 15/05/2023
Supplementary Information - Pre-Application Decision Letter (ref: PRE20210138);
Drawing no. 001 - Site Location Plan (scale - 1:1250);
Drawing no. 002 - Rev. E - Existing and Proposed Block Plans (scale - 1:500);
Drawing no. 003 - Rev. F - Proposed Floor Plans and Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220779	Erection of an outbuilding to be used as garage	REFUSED	15.11.2022
20201352	Erection of an outbuilding to be used as office space.	REFUSED	26.02.2021
20200802	Erection of new outbuilding to be used as office space.	REFUSED	08.10.2020
20010742	Erection of single storey rear extension to form family room, kitchen/diner and bathroom/wc.	PERMITTED	22.10.2001

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

Other Supplementary Planning Guidance

- Department for Transport's Manual for Streets (2007)
- Kent County Council vehicle crossing guidance (2022)

Consultations, Publicity and Representations

Internal Consultees

GBC Highways Officer - This application raises some concerns, it is described as garage, but the pre-application advice related to an office. It is also noted that both previous applications were for an office and not a garage. To be usable as garage the existing dropped kerb would need to be extended, a lamp column relocated and possibly a manhole adjusted, none of which is impossible but increases the cost and raises the concern that whilst the building is described as garage it may be used for other purposes, particularly when the garage is large for a single vehicle whilst inadequate to accommodate two. Also, the plot of land is independent of the applicant's and is separated from it by a rear access to the properties on Lewis Road, so could easily be sold.

I also note that visibility splays of 2m x 2m are not achieved in the current layout given the size of the building and cannot be achieved due to the size of the plot at some 6 metres wide unless land is borrowed from adjacent land. It may be possible to provide the visibility splays required by Kent County Council, but this requires a relocation of the building and including land that crosses the adjacent accessway. I would also require a condition if a suitable arrangement can be achieved that the building can only be used as place to park a vehicle, as any other use could result in a situation which needs further assessment.

As presented I would recommend refusal based on inadequate sight lines being provided at the back edge of footway for pedestrians.

Local Ward Councillors - No comment received.

Neighbouring properties

A notice was displayed on site 6th June 2023.

In addition, six surrounding properties were consulted and one representation was received. The representation registered objection to the proposed development, raising the following material planning considerations which are listed below:

- Concern with commercial use of the garage

- Excessive in size and height
- Unsightly

The consultation period expired 23rd June 2023.

Preliminary Matters

The site has been subject to numerous planning applications for the construction of a building on this site. The applications have proposed an office building (refs. 20200802 / 20201352) and for a garage (ref. 20220779), all of which were refused by the Local Planning Authority. The latest refusal proposed the “Erection of an outbuilding to be used as garage” and is most relevant to this application. This was refused on the following grounds:

1. *The development by reason of its location, scale, form, design and plot coverage would introduce an uncharacteristically prominent addition to an awkwardly small plot which would erode the established spacious and open character of this part of Elwill Way to the detriment of the visual amenities of the local area, contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).*
2. *The proposed garage is harmful to the amenity of surrounding residents, by virtue of overhanging eaves and guttering which limits access for all vehicles to garages and car parking, and is therefore considered an unneighbourly development contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).*
3. *The garage represents a risk to pedestrian safety by failing to provide 2m x 2m pedestrian visibility splays and limiting visibility of other vehicles exiting the access road. Therefore, the proposal is contrary to Policy CS11 (Transport), saved Policies P3 of Gravesham's Local Plan First Review (LPFR) (1994), SPG4 Vehicle Parking Standards (2006), Department for Transport's Manual for Streets (2007) and Kent County Council vehicle crossing guidance (2022).*

In order to receive a favourable decision, the proposed development must be considered to have overcome the previous grounds of refusal.

Officer's Analysis

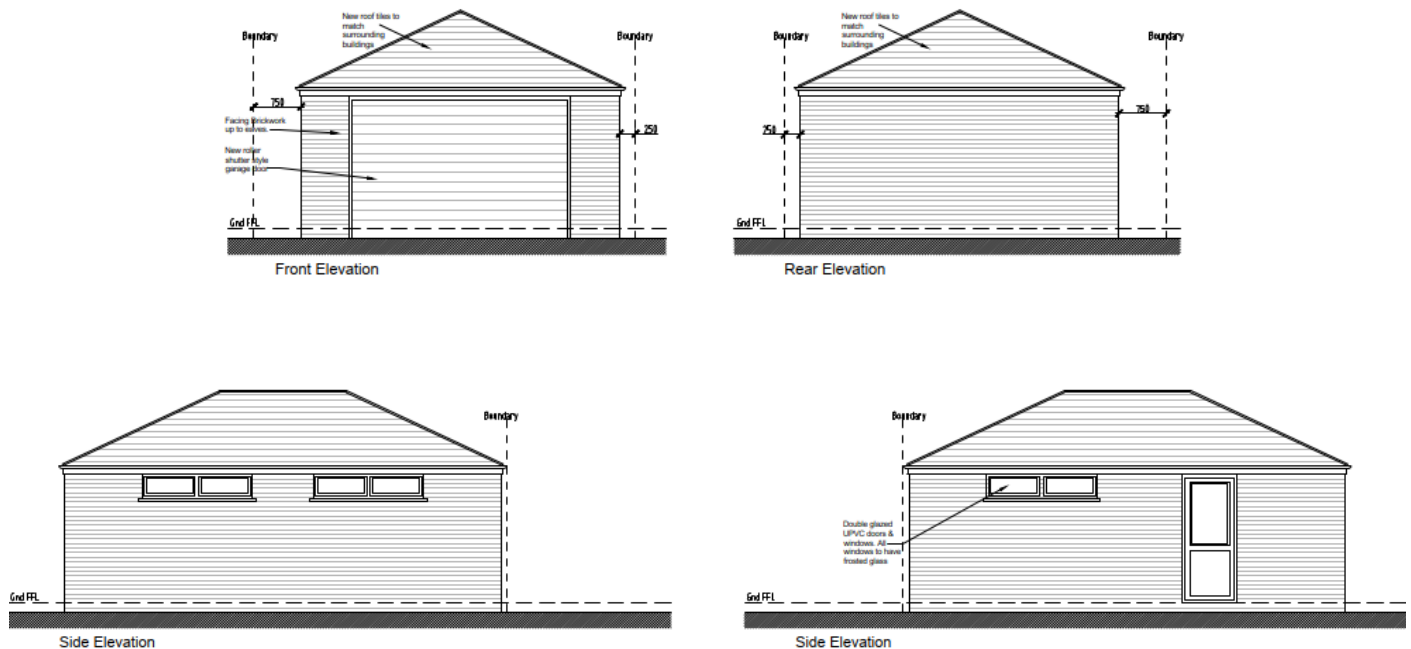
The site is located on Elwill Way, Istead Rise, which is a street comprising mainly of family occupied bungalow dwellings, set back behind front gardens and driveways. It is a vacant plot to the rear of no. 20 Lewis Road, directly adjacent an access lane serving properties on Elwill Way, Lewis Road and Upper Avenue. The plot measures approximately 6.2m wide by 9.7m deep.



The land contains no built form of development, but is enclosed on all sides by close board fencing.

Proposed Development

This application seeks planning permission for the erection of a garage/store. There will be a side access door and a high level window on the western side, with two high level windows on the eastern elevation.



The garage outbuilding will be constructed using facing brickwork. It will have a pitched roof with a maximum height of 3.6m, an eave height of 2.42m, a width of 5.045m and a depth of 8m.

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The application site is located to the rear of no. 20 Lewis Road, onto Elwill Way. Elwill Way is characterised by bungalows that are set back from the highway, with landscaped gardens and driveways, which creates an open and spacious character.

The proposed plot is a small parcel of land, located between the garage serving no. 20 Lewis Road and the access road. The garage would occupy a significant proportion of the plot and would seriously undermine the established open, spacious character and appearance of the street. It would occupy majority of the plot and would be built close to the pavement edge, which leads to an overly prominent presence in the street scene and an uncharacteristically prominent feature on such a small plot. This would give the impression of a cramped development, that the building has been squeezed into the plot, which is at conflict with the prevailing characteristics of Elwill Way.

It is acknowledged that the depth and width of the proposed garage building has been reduced slightly (-0.875m and -0.055m respectively), however the overall height of the building has increased. Therefore, the issue of scale and massing in this location has not been addressed.

These considerations were made in the previous refusals (refs. 20200802 / 20201352 / 20220779) regarding the design of the outbuilding, which although for a different use has not materially changed as

part of this application. Therefore, these issues remain relevant and the proposal will be refused on design grounds contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Residential Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 12 of the NPPF (2021) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to “secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

The proposed outbuilding is not considered to have a detrimental impact on residential amenity. The garage use is similar to other outbuildings in the area and will not impact on light, privacy or result in any sense of enclosure.

The concerns raised by the neighbour relate to the use of the garage, its scale and height, as well as it being unsightly. The use of the garage and its scale and height have been and will be assessed in other sections of this report. In terms of the garage being unsightly, this is partly a design concern but could also relate to impact on outlook. The garage was not considered to be excessive in size, bulk or height in the design section above and is at an oblique angle to the neighbouring property to the south and located behind an existing garage which obscures it from direct view. As such, the proposal is not considered to have any detrimental impact on outlook or be unsightly.

Overall, the development is considered to safeguard neighbouring amenity in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Parking and Highways

The proposed garage is located adjacent to a vehicular access road, which serves numerous properties on different nearby streets. The garage is positioned 1.5m from the edge of the footway on Elwill Way and fails to provide acceptable pedestrian and vehicular visibility splays for vehicles exiting the new garage and impedes visibility of those exiting the adjacent access road.

Highway Guidance, at both national and local levels, state that pedestrian visibility splays of 2m x 2m should be provided on either side of an access, or in this case a garage. The garage fails to meet this requirement by virtue of insufficient set-back from the edge of the footway and would therefore present a high risk to pedestrians using the footway and cannot be supported. Moreover, the garage fails to accord with vehicular visibility which sets out that a 2.4m setback from the footway is required and a 25m / 43m visibility splay on the highway is required for road speeds of 20mph / 30mph respectively. In this case the set-back from the footway is not achieved and therefore the garage poses a risk to road users and potential for collisions.

Gravesham's Highways Officer has recommended that the development is refused due to risk to pedestrians by virtue of the inadequate visibility splays.

As such, the proposal is contrary to Policy CS11 (Transport), saved Policies P3 of Gravesham's Local Plan First Review (LPFR) (1994), SPG4 Vehicle Parking Standards (2006), Department for Transport's Manual for Streets (2007) and Kent County Council vehicle crossing guidance (2022).

Any Other Material Planning Considerations

Use of the Garage - The application proposes the erection of a garage, which from the information provided would be for residential purposes and vehicle parking. Nevertheless, concerns were raised by neighbour regarding the potential use of the building for commercial or business operations. Although a material planning consideration the use of the garage could be addressed by way of planning conditions, if permission were forthcoming, and is therefore not sufficient grounds to refuse the application.

Refuse - Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste. A residential garage would not generally require own waste storage and therefore it is not considered a reason to refuse this application.

Impact on the Landscape - the application site is located within the Istead Arable Farmlands Landscape 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 (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 outbuilding will have no impact on the character of the landscape by virtue of the site's location within the rural settlement. As such, the development is in accordance with Policy CS12 (LPCS).

Conclusion

The application has been fully considered and is contrary to local and national planning policy. The proposal has failed to address the reasons for refusal attached to the previous application (ref. 20220779). The issues relating to design, scale and appearance remain relevant. Although the size of access into the garage has been addressed the visibility splays for pedestrians has not been achieved and therefore ground of refusal 3 will be amended. Therefore, the application should be refused on the following grounds:

The development by reason of its location, scale, form, design and plot coverage would introduce an uncharacteristically prominent addition to an awkwardly small plot which would erode the established spacious and open character of this part of Elwill Way to the detriment of the visual amenities of the local area, contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).

The garage represents a risk to pedestrian safety by failing to provide 2m x 2m pedestrian visibility splays and limiting visibility of other vehicles exiting the access road. Therefore, the proposal is contrary to Policy CS11 (Transport), saved Policies P3 of Gravesham's Local Plan First Review (LPFR) (1994), SPG4 Vehicle Parking Standards (2006), Department for Transport's Manual for Streets (2007) and Kent County Council vehicle crossing guidance (2022).

Recommendation

Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	7 th July 2023	Dated:	10 th July 2023