



Delegated Report

Full Planning Application

Application No:	20231053
Location:	56 Havisham Road, Gravesend, Kent, DA12 4UN
Description:	Extension and refurbishment of existing residential detached garage to provide ancillary residential accommodation.
Applicant:	Mr and Mrs B. Treleaven
Site Visit:	6 July 2023

Submitted Documents/Plans

- Application Form - dated 10 October 2023;
- Covering Letter - dated 10 October 2023;
- Drawing no. 1000 - Rev. A - Site Location Plan (scale 1:1250);
- Drawing no. 1001 - Rev. A - Existing Block Plan (scale 1:200);
- Drawing no. 1010 - Rev. A - Existing Ground Floor Plan;
- Drawing no. 1012 - Rev. A - Existing Roof Plan;
- Drawing no. 1020 - Rev. A - Existing Section AA and Elevations;
- Drawing no. 1030 - Rev. A - Proposed North and South Elevations;
- Drawing no. 1101 - Rev. A - Proposed Block Plan (scale 1:200);
- Drawing no. 1110 - Rev. A - Proposed Ground Floor Plan;
- Drawing no. 1120 - Rev. A - Proposed Section AA and East and West Elevations;
- Drawing no. 1120 - Rev. A - Proposed Roof Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20020112	Erection of a conservatory at the rear, single storey rear extension to form ensuite w.c./shower room and construction of a pitched roof over the existing flat roofed rear extension.	PERMISSION	09.04.2002

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change

- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

Gravesham Local Plan Review

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document (2020)

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF, policies in this document may be accorded weight in the decision making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this application these should be relied on instead.

The following draft policy, '*Proposed Policy RES 3: Residential Annexes*', from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going albeit the weight that these emerging policies may be accorded at this stage is very limited.

9.3.8. Planning permission will only be granted for residential annexes within the curtilage of an existing residential property where there is a proven need that cannot be met either within the existing property through adaptation or acceptable extension and:

- *there is a functional link with the principal dwelling (i.e. the occupants should be a dependant relative/s);*
- *both the annex and principal dwelling are in the same ownership and remain so in perpetuity;*
- *the accommodation forms a linked extension to the main dwelling and is capable of being used as an integral part of the dwelling, or forms a separate outbuilding which is in close proximity to and within the curtilage of the principal dwelling, and shares some essential facilities with the main dwelling; and*
- *the scale of the annex is subordinate to the existing dwelling and is the minimum level of accommodation required to support the needs of the intended occupant/s; and*
- *there is adequate parking and amenity facilities (areas for bin storage, drying clothes, garden space etc.) for the needs of the annex occupants and existing residents; and*
- *there is no boundary demarcation or subdivision of garden areas between the curtilage annex and principal dwelling;*

9.3.9. Where planning permission is granted for a residential annex, a planning obligation will be imposed to ensure that the annex retains a functional link with the main dwelling (i.e. the occupants should be a dependant relative(s) and that the annex is retained in the same ownership as the main dwelling and that this remains the case in perpetuity.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision Making
- Section 9 – Promoting Sustainable Transport
- Section 12 – Achieving Well-designed Places

Supplementary Planning Guidance

- SPG2 – 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)

Consultations, Publicity and Representations

External Consultees

Natural England - No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

National Highways - No objection.

Kent County Council Heritage - The site lies within an area of multi-period background archaeological potential. However, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

Internal Consultees

GBC Environmental Protection (Regulatory Services) - No objection to this application. The following to be considered:

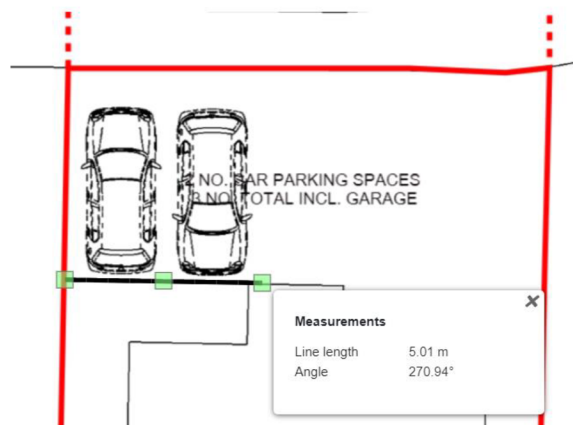
- Code of Practice on Construction and Demolition - Please apply as appropriate due to the proximity of other residential premises in the area.

GBC Highways - This application requires very careful consideration as the car parking layout does not appear to conform to adopted guidance.

Kent County Council SPG4 determines car parking bay sizes, which are generally 2.5 metres wide by 5 metres deep, however the width is increased by 200mm when the parking space is adjacent to an enclosing boundary. Looking at the Google Street View image of November 2022, the parking area is confined by key clamp type handrail.



I measure the distance between handrails at some 5.01 metres so some 400mm below the requirement, so is only suitable for a single vehicle.



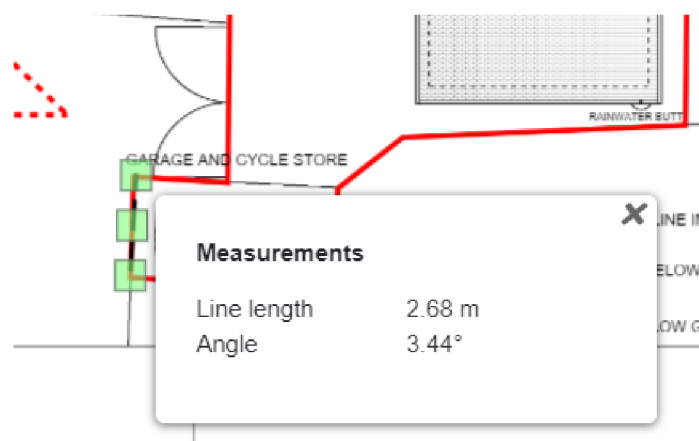
Drawing number 1001 Rev A Project Number A23320.

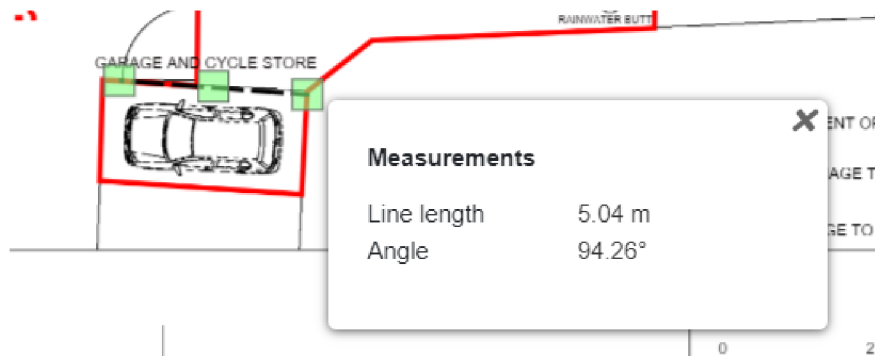
B8. The preferred sizes for parking bays in Kent provided as part of development proposals are:

	Length	Width
Parking Bay Size for Powered Two-Wheelers ⁽¹⁾	2.5m	1.5m
Parking Bay Size for Cars ⁽²⁾	5.0m	2.5m
Parking Bay Size for People with a Mobility Handicap	5.5m	3.6m
Parking Bay Size for Light Goods Vehicles	7.5m	3.5m
Parking Bay Size for Minibuses ⁽³⁾	8.0m	4.0m
Parking Bay Size for Coaches ⁽³⁾	14.0m	4.0m
Parking Bay Size for Rigid Heavy Goods Vehicles	12.0m	3.5m
Parking Bay Size for Articulated Heavy Goods Vehicles	16.0m	3.5m
Notes:	1. A minimum space of 1.0m should be allowed between each motorcycle. 2. Where car parking spaces are provided parallel to, and abutting, a carriageway, aisle or drive the preferred bay size should be 6.0m x 2.5m to allow vehicles to manoeuvre into the bay when adjoining bays are occupied. The width of end spaces abutting an enclosed boundary should be increased to 2.7m 3. A width of 4.0m is the minimum necessary to allow passengers to embark and disembark safely.	

Extract from SPG4, note, note 2 which details the requirements for the extra 200mm width when adjacent to an enclosing boundary.

It is noted that the parking space at the rear does conform to guidance requirements, so the property benefits from two, but not three parking spaces identified and as such complies with the adopted guidance, providing the annex is ancillary to the occupation of the main dwelling.





However, as an extra bedroom is created a secure cycle parking space needs to be provided to comply with guidance.

Local Ward Councillor - No comment received.

Neighbouring properties

A notice was displayed on site.

In addition, three surrounding properties were consulted and no representations were received.

The consultation period expired 6th December 2023.

Officer's Analysis

Site Description

56 Havisham Road is a detached bungalow located on the southern side of the highway. The property benefits from two detached garages, one is a pitched roof detached double garage and the other is a pre-fabricated garage as part of a shared block with neighbours.

The property has been extended to the rear with a conservatory and benefits from both rear and side accesses.



Proposed Development

This application proposes an extension to the side of the existing detached garage and conversion into a residential annexe.

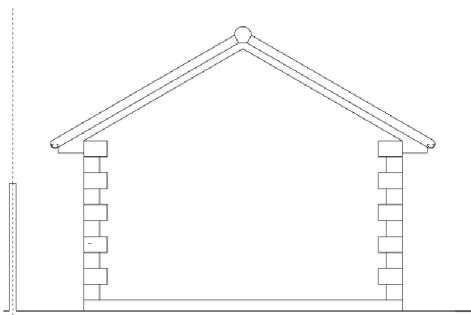
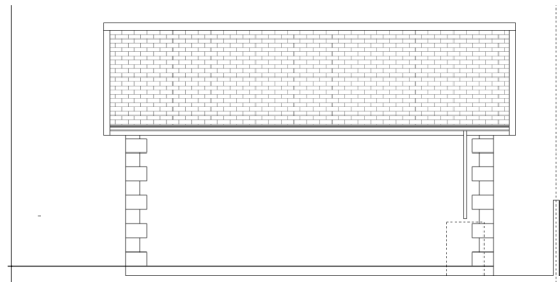
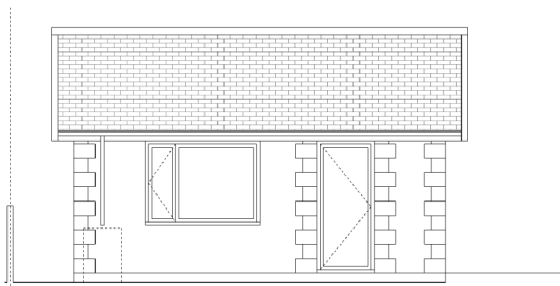
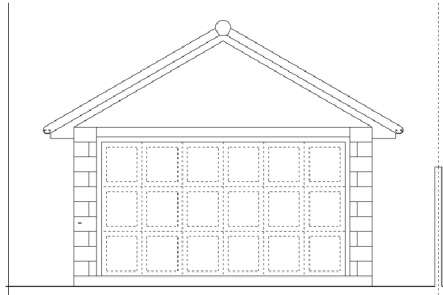
The proposed extension would have a depth of 4.5m and a width of 4.5m, it would match the overall height

of the existing building (maximum 4m) and an eave height of (maximum 2.65m). The dimensions of the extended outbuilding are listed below (with the increases highlighted in red):

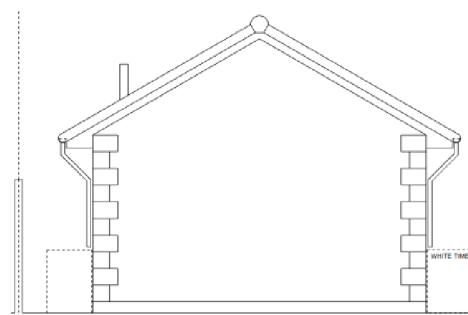
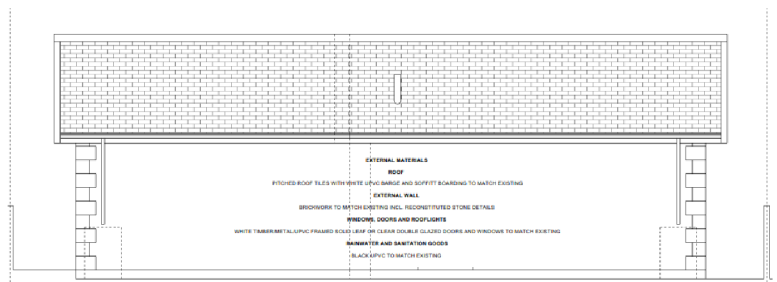
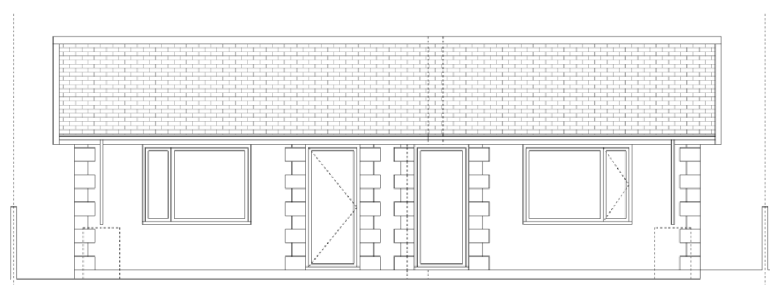
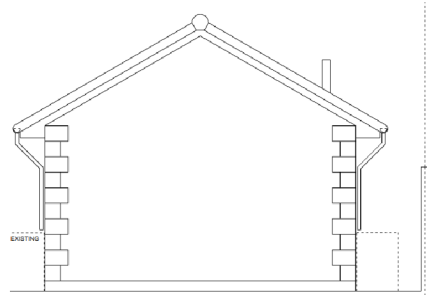
- Depth - 4.5m (+0m)
- Width - 10.35m (+4.5m)
- Height (max) - 4m (+0m)
- Height (eaves) - 2.65m (+0m)

The images below show the existing and proposed building:

Existing Elevations



Proposed Elevations



The annexe would contain a combined double bedroom/study, bathroom, lounge and kitchenette. There would be two windows and two doors facing down into the garden, towards the main dwelling.

rely on a common shared access with the main dwelling.

- Be within the curtilage of the main dwelling.
- Have a functional connection with the main dwelling (e.g. the occupant should be a dependant relative of the residents of the main dwelling or employed at the main dwelling).
- Be in the same ownership as the main dwelling.
- Be designed in such a way as to easily allow the annex to be used at a later date as an integral part of the main dwelling.
- Have no boundary demarcation or subdivision of the garden areas between the curtilage of the main dwelling and the annex.
- Have adequate parking and amenity facilities for the needs of the annex occupants and the residents of the main dwelling.
- Comply with the Council's normal standards for extensions to a dwelling including those relating to design and the amenities of neighbouring occupiers.

***Note: The above is largely reflected in emerging policy RES3: Residential Annexes Regulation 18 (Stage 2) Development Management Policies Document (2020).*

A key consideration in this application is whether the site will continue to operate as a single planning unit or whether there will be two households living independently of each other on the site. However, identifying a separate planning unit requires consideration of a range of factors and not simply if a unit of accommodation is self-contained, but is a matter of fact and degree. Even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling; it is a matter of fact and degree whether a change of use has occurred.

Case Law

The use of an existing outbuilding for ancillary residential accommodation in association with a main dwellinghouse does not require planning permission provided it complies with Sec. 55(2)(d) of the 1990 Act that provides that the use of buildings within the curtilage of a dwellinghouse for any purpose "incidental to the enjoyment" of that dwellinghouse is not development. The position with regard to residential use of a new outbuilding is different.

A number of cases, detailed below, have shown that for the purposes of Sec. 55(2)(d) "incidental to the enjoyment" may be interpreted generously. The creation of an annexe from an existing outbuilding would therefore be unlikely to require permission provided the building was occupied by a family member. However, the situation is not as clear where the occupant is someone who is not a member of the family but has a strong functional connection with the main dwelling, for example, a housekeeper or handyman.

If the accommodation created constitutes a separate planning unit, this then is not an incidental use, as Sec. 55(3)(a) makes clear. Any separate residential occupation of a building or buildings formerly within an existing single residential planning unit is development by virtue of Sec. 55(3)(a) of the 1990 Act, as confirmed by *Wakelin v SoS* 1978, a case in which a large house with a lodge that had been converted into two flats used as guest suites was proposed to be converted into a separate dwelling and sold off. The court held that the house, lodge and grounds were one planning unit and that to sever the lodge would constitute a material change of use.

In essence, an annexe will become a separate single dwellinghouse where it is self-contained with all the necessary day-to-day living facilities and has resulted in the creation of a separate planning unit. *Uttlesford DC v SoS and White* 1992, in which a garage attached to a dwelling had been converted to a 'granny annexe', provides leading case law on the matter. In *Uttlesford* an Inspector had determined that where a domestic garage within a residential curtilage was used for living accommodation in connection with the dwelling, no material change of use occurred. The court agreed, ruling that the fact that the elderly occupier of the annexe had all the living facilities that enabled her to live independently from the rest of the family did not amount to the creation of a separate planning unit that required permission. The significance of this case is that the even though the accommodation in the garage was capable of independent use, the court judgment suggested that a quality of separateness was occupation by someone who was not connected

with the family occupation of the whole planning unit.

Identifying a separate planning unit requires consideration of a range of factors and not simply the self-containment of the accommodation, and is a matter of fact and degree. In her decision to grant permission for the conversion and extension of an outbuilding at a house in the Essex green belt to a residential annexe, notwithstanding the Council's concern that it would result in the creation of an independent residential unit, the Inspector in Castle Point 27/11/2020 DCS No 400-028-727 relied on the Uttlesford judgment. The Council had reached its own view that the proposal was tantamount to a new dwelling with reference to *Gravesham BC v SSE 1984* because the accommodation provided all the facilities for independent day-to-day living. The Inspector, however, followed the more recent and relevant case law in Uttlesford, stating that even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling and it was a matter of fact and degree whether a change of use had occurred.

In the case before her, the Inspector recorded that whilst the extension and conversion of the outbuilding would provide all the facilities for day-to-day living, it would function as an annexe, with the primary occupants also sharing living space, eating and socialising with the rest of their family in the main dwelling. There was a paved footpath between the annexe and the main house allowing easy access between the two. As such, she held that the garage conversion would remain part of the same planning unit as the main dwelling. Based upon the evidence before her the inspector was satisfied that the proposal related to an annexe. She allowed the appeal subject to a condition that it should not be severed from the main house by reason of being sold or let as a separate unit of accommodation.

In reaching her decision, the Inspector noted that reference had also been made to *Carter v South Bucks DC 2011* but considered that case was different in that a garage had been converted into a three-bedroomed property with a substantial conservatory extension. It had its own garden, separated from the main dwelling by fencing, trees and shrubs, with no footpath linking the two buildings. Whilst family meals were taken together that was in the substantial garage conversion rather than in the host dwelling. As a matter of fact and degree in that case it was found that a new planning unit had been created.

For 56 Havisham Road, the proposed annexe would contain most of the facilities and primary living accommodation to allow for independent occupation, with a kitchenette, separate living and bedrooms and a bathroom. The kitchen is however modest and so unlikely to have a washing machine. However, the overall size of the accommodation is modest and has an open flow internally, with only sliding partition doors separating the rooms. Moreover, the annexe is within 15m of the main dwelling and has windows facing down onto the dwelling creating a strong visual relationship. Furthermore, it has been made clear that the annexe will be occupied by a family member to provide support and care for elderly family member who will remain in the main dwelling.

It is on this basis and in considering the above case law, as a matter of fact and degree, a new planning unit would not be created at the application site, and the proposal would therefore comply with saved Policy C13 of the Local Plan First Review (LPFR) (1994), Policy CS02 of Gravesham's Local Plan Core Strategy (LPCS) (2014) and paragraphs 149 and 150 of the NPPF (2023).

Nevertheless, it will be essential to impose a condition restricting the use of the annexe as ancillary and related to the main dwelling.

Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) 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. Section 12 (Achieving well-designed places) of the NPPF (2023) 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 they 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. Moreover, the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, allows incidental outbuildings to be constructed in the garden of a dwelling, subject to the following stipulations:

- Not covering 50% of the curtilage
- Being situated behind the principal elevation
- Being single storey
- Not exceeding 4m
- Eaves not exceeding 2.5m

The extensions to the existing garage outbuilding would create a large structure in the garden, which occupies almost the full width of the garden. However, the extended building would not significantly exceed what could be constructed under permitted development, with only the eave height exceeding the 2.5m restriction. Therefore, as the scale and size of the extended building would be close to the parameters of the GPDO, there is no objection. Moreover, due to the building position in the rear garden, it would not be visible from public vantage point or impact on the character of the street scene.

In terms of the materials, the extension to the outbuilding would be constructed to match with facing brickwork and clay tiles, with uPVC windows and doors units. This continuity in material is considered to be acceptable.

Overall, the extensions to and conversion of the outbuilding is considered to be appropriate design in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

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 single storey dwelling for one/two person to have a floor area of 39m² / 50m², with built in storage space of 1m² / 1.5m². The floor area of the proposed annexe is approximately 38m² and falls below the minimum floor area for both a single occupancy and dual occupancy unit. Therefore, the annexe, according to the NDSS, is a cramped form of development that fails to provide good quality amenity for future occupiers.

Further to the minimum floor area requirements set out in the NDSS, the 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	13.2m ²	13m ²
Kitchen	7.2m ²	5.5m ²
Double Bedroom	11.5m ²	13m ²
Bathroom & WC	3.6m ²	5.5m ²

The table above demonstrates that the rooms within the annexe accord with the recommendations set out within the RLG, with the exception of the living room and kitchen. The living space is only marginally undersized compared to the RLG, by 0.2m², and would not have any significant impact on amenity. Similarly, the kitchenette is undersized compared to the kitchen requirement, however as the kitchenette would contain fewer appliances less space is required and this is not considered detrimental to amenity.

The new annexe and the dwelling would have a combined four bedrooms. Gravesham's RLG requires a minimum garden depth of 10m and an area of 100m² for a four bedroom unit. The remaining garden area, post-development, would have a depth of 12.6m and an area of 155.3m², which exceeds the minimum RLG requirement.

On balance, the proposed annexe would provide an acceptable living environment for occupiers in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 12 of the NPPF (2023) 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 outbuilding is located at the rear of the garden, which is at a slightly elevated position compared to the dwellings, due to the topography of the land. Although the outbuilding will be approx. 13m from the rear of the dwellings and could increase perceived overlooking, an outbuilding with use as an incidental bedroom/living room could be constructed without planning consent, which would have a similar impact. Therefore, the permitted development fallback position is a material consideration and the annexe is not considered to have any significant impact on neighbouring amenity to warrant refusal of the development. Also, no neighbour representations have been received.

Overall, the proposal is not considered to have any detrimental impact to the amenity of surrounding properties, over and above an incidental outbuilding for use as incidental residential accommodation through permitted development, and therefore, the development is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Traffic Generation, Highway Safety and Parking

Any proposals would need to be considered against saved policy T1 (LPFR) (1994) and Policy CS11 (LPCS). These policies ensure that development provides an acceptable amount of parking in accordance with the adopted KCC Parking Standards (SPG 4), and the access and parking arrangements do not have a detrimental impact on highway safety.

The plans demonstrate that there are two parking spaces on the driveway and that a space is available in the pre-fabricated garage, with a total of 3 off-street spaces available. Gravesham's adopted parking standards (SPG 4) states that a four-bedroom property should have no.2 off-street parking spaces. Therefore, on the basis of the plans provided the proposal would accord with this requirement.

However, Gravesham's Highways Officer has raised concerns with the size and viability of the parking spaces shown on the plans, highlighting that the railings on the frontage limit the width of the parking space available and that the garage is undersized. It is noted that the existing pre-fabricated garage would not be suitable for most modern vehicles, but the driveway, although tight, would be acceptable for the parking of no.2 vehicles in accordance with SPG 4.

Therefore, the development is considered to provide adequate off-street parking for a combined four-bedroom unit and there are no parking or highway issues.

Any Other Material Planning Considerations

Ecology and Biodiversity (Bird Mitigation) - The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £314.05 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £314.05 per new dwelling unit.

The applicant has completed the SAMMS Mitigation Contribution Agreement and therefore complies with the requirements of the Habitat Regulations, as well as Section 15 (specifically paragraphs 180 and 181) of the NPPF (2023) and Policy CS12 (LPCS).

Conclusion

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

The annexe is not considered to create a new planning unit on the site, the design will not impact on the character or appearance of the street scene, will safeguard the amenity of future occupiers and neighbouring properties, and will not impact on the highway network or safety of road users. The SAMMS mitigation payment has been made and the development will result in a net gain of biodiversity.

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:	13 th December 2023	Dated:	14 December 2023