

TOWN AND COUNTRY PLANNING ACT 1990

Planning, Design and Access Statement in connection with the erection of a detached garage at Charam, Rhododendron Avenue,

July 2022

1 Site Description:

- 1.1 Charam, Rhododendron Avenue comprises a detached bungalow set well back from the road located within the Green Belt and the Harvel Wooded Downs Local Landscape Character Area.
- 1.2 The area is characterised by predominantly detached dwellings of varying designs set within large plots with many fronting Rhododendron Avenue.

2 Relevant Planning History:

- 2.1 PRE20210377- Pre-application advice given regarding erection of a detached 3 bay garage to the front of Charam, Rhododendron Ave, Meopham. The conclusions were as follows:

- the proposed garage would result in a dominant structure that would overshadow the host property

- due to its height and location up to the front boundary would obscure any views of oncoming traffic when the occupiers of the adjacent dwellings are exiting their driveways and as such would result in a detrimental impact on highway safety.

The plans to which this pre-application advice refers are shown in the delegated report prepared by the Council.

- 2.2 Following this pre-application advice a planning application for the erection of a detached garage was submitted and validated on the 17th March 2022 and given the reference number no: **20211454**. This application was refused for the following (summarised) reasons:

1. *The proposed garage, due to its location within the Green Belt, size, scale and bulk, and siting within the plot is considered inappropriate development in the Green Belt where no special circumstance exist.*

2. *The proposed garage, due to its location close to the front boundary with Rhododendron Avenue, together with its overall bulk and height would not provide adequate vision splays and would obscure any views of oncoming traffic when the occupiers of the application property and the adjacent dwellings are exiting their driveways and as such would result in a detrimental impact on highway safety.*

3. *The proposed development would be harmful to the landscape character by reason of the intensification of residential development and associated hard landscaping that would result.*

3 Proposal:

- 3.1 The garage refused under ref: **20211454** above had a length fronting onto Rododendron Avenue of 7.125 metres, a width of 6 metres, a ridge height of 5.6 metres and an eaves height of 3.020 metres. Attached to it was a flat roofed addition having a width of 3 metres, a length of 4.555 metres and height of just over 2.5 metres.
- 3.2 To address the above reasons for refusal above the proposal, the subject of this application, has been amended as follows.
- The siting of the garage has been amended - now set back 1.2 metres from the road frontage enabling provision of a native species planting screen.
 - The length 7.125 metres and width of 6 metres remains as before. However the ridge height has been reduced to 4.895 metres (refused 5.6 metres) eaves height reduced to 2.315 metres (refused 3.0202 metres) while the flat roofed side addition has been deleted from the proposal.

4 Plans and documents comprising application:

- 4.1. 21-032-01A Location and Site Plan (A3)
- 4.2. 21-032-03C EXISTING and PROPOSED Site Plan and elevation Section (A1)
- 4.3. Planning and Access Statement
- 4.4. A completed CIL form.
- 4.5. A completed planning application via the Planning Portal.

5. Government Guidance and Local Planning Policy:

5.1 National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

5.2 Relevant NPPF sections include:

Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Section 11 'Making effective use of land'

Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Section 13 'Protecting Green Belt land'- new development is inappropriate within the Green Belt unless it meets one of the exceptions within paragraphs 149-150 or very special circumstances outweigh harm to the Green Belt resulting from inappropriateness and any other harm.

Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

5.3 Gravesham Local Plan Core Strategy (September 2014) (the Core Strategy):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Design and Development

Gravesham Local Plan: First Review (1994)

'Saved' Policy C13 – Extensions to Dwellings in the Countryside

6 Case for the proposed development

Principle:

- 6.1 The application site falls within countryside forming part of the Green Belt and the Harvel Wooded Downs Local Landscape Character Area.
- 6.2 The NPPF at paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.3 The NPPF at paragraph 148 states that when considering any planning application in a Green Belt, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.4 The NPPF at paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but then goes on to set out exceptions to this as follows being:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds

and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) 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; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan

6.5 The proposal does not fall into any of the above categories.

6.6 However 'saved' policy C13 of the Gravesham Local Plan: First Review (1994) relating to extensions to dwellings in the countryside (and which is still a material planning consideration for development management purposes) states at subsection (vii) that:

(vii) Proposals for domestic garages and for other outbuildings will be considered on their individual merits but will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot.

6.7 As such if the development can satisfy the above policy requirement it will no longer be inappropriate development in the Green Belt that can only be justified based on very special circumstances.

6.8 It is therefore considered there is no objection to the proposal in principle and assessment of the proposal, the subject of this application, therefore turn on its detailed impacts and whether it materially addresses the reasons for refusal set out in connection with application ref: **20211454** which are assessed below.

Reason for refusal 1

6.9 ***The proposed garage, due to its location within the Green Belt, size, scale and bulk, and siting within the plot is considered inappropriate development in the Green Belt where no special circumstance exist. It therefore conflicts with para. 147 of the National Planning Policy Framework 2021, Policy CS02 of the Gravesham Local Plan Core Strategy 2014 and Policy C13 of the Gravesham Local Plan First Review 1994.***

6.10 The delegated report for application ref: **20211454** addressed the impact of the proposal on the Green Belt as follows:

'The proposed building does meet any of the criteria listed under a-f. The site is garden area for the application property and, as this is located in the rural area, can be classed as 'previously developed land'. However the annex of the NPPF states that, even in the case of previously developed land, it should not be assumed that the whole curtilage should be developed. Even if the proposal did meet the exception (g) the impact of the development on the openness of the Green Belt has to be considered.

The construction of a new building to the front of the property where there is currently open space that forms the front garden undoubtedly impacts on the openness of the Green Belt.

The proposed garage may be considered ancillary to the main dwelling, as it would be for the purpose of vehicle parking for the property. Therefore, the proposal may fall within criteria c) 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 being not attached to the host dwelling and being set some considerable distance away, it may not fall within this criteria either, but it still has to be considered.

In terms of footprint the host property is single storey and has a footprint of 81.47m². The proposed garage with a footprint of 56.51m² would only be 24.96m² smaller than the host property and with a ridge height of 5.6m, which is 400mm higher than the host property, it would not appear subservient to the host property and would result in a disproportionate addition to the host property and therefore would not accord with criteria c).

Furthermore, Saved Policy C13 of the Gravesham Local Plan First Review (November 1994) (LPFR), which relates to extensions to dwellings in the countryside, sets out a number of criteria that should be met when considering proposals for domestic extensions.

In this case C13(vii) is relevant which states that proposals for domestic garages and for other outbuildings will be considered on their individual merits but will be required to be well design, discreetly sited and subservient to the scale of the main dwelling on the plot. The proposed garage would be located within a prominently location at the front of the curtilage and with an eaves height of 3.54m and ridge height of 5.6m would be a bulky and dominant structure and cannot be considered as discreet. Furthermore, with an external footprint of 56.51m² it would not be subservient in scale to the main dwelling.'

6.11 The above includes the statement

'The construction of a new building to the front of the property where there is currently open space that forms the front garden undoubtedly impacts on the openness of the Green Belt.'

6.12 Such a statement only holds good if it is demonstrated the proposed garage materially fails to comply with the provisions of 'saved' policy C13. The footprint of the development has been significantly reduced by deletion of the flat roofed addition. The proposal now has a floor area of **47.75 sqr metres** (that refused **55.61 sqr metres**) resulting in a **25% floorspace reduction**. The ridge height has been reduced to **4.895 metres** (that previously refused **5.6 metres**) along with a reduced eaves height. Resiting is also proposed with the garage being set 1 metre back from the site frontage (enabling the provision of screen planting) which will further reduce its impact.

6.13 It is considered these changes, in combination, now meet the provisions of policy C13 which consequently can no longer be considered as inappropriate development in the Green Belt.

6.14 A response is also required to the following statement:

'In terms of footprint the host property is single storey and has a footprint of 81.47m². The proposed garage with a footprint of 56.51m² would only be 24.96m² smaller than the host property and with a ridge height of 5.6m, which is 400mm higher than the host property, it would not appear subservient to the host property and would result in a disproportionate addition to the host property and therefore would not accord with criteria c).'

- 6.15 The 'host' property is set well back from the road at a higher level with tree cover intervening. As such neither it nor the proposed garage will be capable of being viewed together. Given this spatial separation, it would therefore not be possible for a passer-by to make a judgement regarding the relative sizes of the existing house and proposed garage relative to one another. Notwithstanding this, it is also asserted that the ridge height of the originally proposed garage would make it 400mm higher than the 'host' property.
- 6.16 The ridge height of the proposed garage has been reduced to **4.895 metres** (that previously refused **5.6 metres**) a reduction of over 600mm and when taking into account the proposed garage will be set at a much lower level than the 'host' dwelling there is no question that the 'host' dwelling will continue to appear as the principal building on the site (even if though it will not be possible to obtain joint views of the existing house and proposed garage for the reasons already set out).
- 6.17 Regarding the relative size of the footprints, the LPA gives a figure of **81.74 sqr metres**. The applicant calculates it at **80.5 sqr metres** a discrepancy of 1.24 metres.
- 6.18 Reference is also made to the following extract:
- 'The proposed garage would be located within a prominently location at the front of the curtilage and with an eaves height of 3.54m and ridge height of 5.6m would be a bulky and dominant structure and cannot be considered as discreet. Furthermore, with an external footprint of 56.51m² it would not be subservient in scale to the main dwelling.'*
- 6.19 In response, it is considered the reduction in ridge and eaves heights, resiting along with screen roadside planting, significantly addresses the impact of the proposal on the street scene while with the level changes and separation distance also ensure the proposal will now appear subservient to the main dwelling.
- 6.19 It is also reiterated that the footprint of the garage has been reduced to **42.74** sqr metres (previous **56.51** sqr metres) representing a 25% reduction in area. This significantly contributes to a reduction in built mass further ensuring the garage is clearly subservient in size terms to the main dwelling while reducing its impact on the street scene and openness of the Green Belt.
- 6.20 As such for the reasons set out above the proposal now accords with the provisions of 'saved' policy C13 and as such can no longer be considered as inappropriate development harmful to the Green Belt.

Reason for refusal 2

- 6.21 ***The proposed garage, due to its location close to the front boundary with Rhododendron Avenue, together with its overall bulk and height would not provide adequate vision splays and would obscure any views of oncoming traffic when the occupiers of the application property and the adjacent dwellings are exiting their driveways and as such would result in a detrimental impact on highway safety. As such, it would be contrary to Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021)***
- 6.22 The Councils justification for of this reason for refusal is set out in the following extract from the delegated report.

'In terms of parking, the proposed garage would provide two parking spaces and the existing driveway would still exist. Therefore the proposal would accord with the KCC Parking Standards. In terms of the impact on highway safety, the garage would be located close to the front boundary. The existing boundary wall is already set close to the highway and measuring 1.87m in height to the top of the pillars and fence panels. The proposed garage with large expanse of fall with pitch roof above would only exacerbate the existing situation with views when existing the property and as vehicles pass. Rhododendron Avenue is a narrow single track road with no footpath, and whilst vehicle movements are generally at a lower speed due to the condition of the surfacing of the road, that may not always be the situation. The proposed garage would therefore result in obscured views and lack of vision splays for the occupiers of the adjacent properties when existing their driveways. As such, this would result in a highway safety risk.

The GBC – Highways Officer has recommended that the garage should be set back a minimum of 2.4 metres from the edge of the carriageway to ensure that any future changes to the property boundary that requires planning permission will not be compromised by the position of the garage. Therefore the proposed garage in its current location is considered to result in a highway safety risk and would be contrary to Policy CS11 (LPCS) 2014 and Saved Policy P3 from Gravesham's Local Plan First Review (1994).'

- 6.23 The road is lightly trafficked and given its nature is one where low speeds are to be expected. However, irrespective of this, the height of the existing boundary treatments abutting the access already interfere with sight lines to such a degree that siting of the garage as originally proposed **would not** have worsened these.
- 6.24 It is acknowledged that a planning application can often be used to improve a poor access where a proposal will result in increased in vehicle movements. However, this is not the case here.
- 6.25 As such, given (a) the existing access already has restricted sight lines due to the proximity and height of existing boundary treatments and (b) as the proposal will not generate additional traffic in its own right, it not understood how the garage as originally sited would have made highways conditions worse justifying refusal.
- 6.26 Nevertheless the proposed resiting of the garage being set 1 metre back into the site means that any perceived impact on sight lines will be lessened. It must be again stressed however that given the nature of the existing access, the proposed garage will (a) not result in result in any material worsening of sight lines and (b) as where there will be no increase in traffic it is not possible to use a planning application as a means of securing improvement to an existing deficient access (as is the case here).
- 6.27 As such the reason for refusing the proposal on highway grounds cannot be sustained.

Reason for refusal 3:

6.28 ***The proposed development would be harmful to the landscape character by reason of the intensification of residential development and associated hard landscaping that would result. The application is therefore contrary to Policies CS12 and CS19 of the Borough Council's adopted Core Strategy and paras. 174 and 176 of the National Planning Policy Framework 2021***

6.29 The support of this reason for refusal is set out in the following extract from the delegated report.

6.30 *'The application site is also located within the Harvel Wooded Downs Landscape Character. The key characteristics are a varied topography, ancient woodlands and a haphazard mosaic of residential plots. The condition is moderate and distractors include derelict buildings, caravans, poor fencing and fly tipping. The sensitivity is moderate where more recent plots and buildings are indistinct and enclosed by mismatched fencing or suburbanised walls, dates and railings. The proposed building will add further modern development in a prominent location that will not enhance the landscape character of the area. In terms of appearance, as discussed above, the additional building to the front of this dwelling will further urbanise the appearance of the area to the detriment of its character. The proposed garage therefore conflicts with policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.'*

6.31 The above extract contains the following:

'The key characteristics are a varied topography, ancient woodlands and a haphazard mosaic of residential plots. The condition is moderate and distractors include derelict buildings, caravans, poor fencing and fly tipping. The sensitivity is moderate where more recent plots and buildings are indistinct and enclosed by mismatched fencing or suburbanised walls, dates and railings.'

6.32 This acknowledges that the sensitivity of the area is moderate and by inference, reflects the fact that the landscape and rural character of the area, particularly the street scene, has been compromised by past development with 'hard, boundary treatments immediately fronting the track with other large buildings and houses fronting the track now forming an acknowledged feature of the area.

6.33 It is against this backdrop that is not considered defensible to now continue seek to argue that the garage now being proposed (reduced in size, resited and with boundary screening) will materially harm the rural and landscape character of the area.

Conclusions:

6.34 The key conclusions are as follows:

- The reduction in ridge and eaves heights, reduction in floor area by 25% and resiting of the garage along with screen planting means it can now be considered as subservient in scale to the main dwelling while its impact

on openness of the Green Belt, landscape character of the area and street scene is also acceptable. It therefore accords with 'saved' policy C13 of the local plan.

- Compliance with 'saved' policy C13 of the local plan means that the proposal no longer represents inappropriate development harmful to Green Belt.
- Given the height and location of existing boundary treatments the access will not be materially affected by the garage.
- In the absence of the proposal generating additional traffic in its own right there is no highway justification for requiring improvements to the existing access.

6.35 It is therefore considered the planning balance now falls in favour of the proposal and planning permission should be granted as a consequence.