

Delegated Report

Householder Planning Application

Planning Application No: 20240628

Location: 48 Lyndhurst Way Istead Rise Gravesend Kent

Description: Retrospective change of use from 'public open space' to 'C3 residential garden use' and the erection of a 1.8m timber fence.

Applicant: Mr & Mrs Hickson

Site Visit Date: Photos taken by AC on 30.07.24

Submitted Documents/Plans

Application Form;
Supplementary Information – Design and Access Statement;
Site Location Plan (received on 15.07.24);
Drawing No. 2321 P 006 – Street Elevations – Pre-Existing;
Drawing NO. 2321 P 101 – Street Elevations – Existing and Proposed;
Drawing No. 2321 P 100 Rev A – Block Plan with Fence Elevation – Existing and Proposed;
Drawing No. 2321 P 005 – Block Plan – Pre-Existing; and
Drawing No. 2321 P 002 – Block Plan.

Relevant Planning History

No relevant history.

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 (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.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places

Supplementary Planning Guidance

- 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);
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009).

Consultations, Publicity and Representations

Consultees

Local Ward Councillors

No comments received.

Neighbouring properties

11 surrounding properties were consulted, a site notice was displayed on 30.07.24 and five responses were received. Four responses were in support of the proposal and one response objected to the proposed works.

The objection is summarised below:

- The previously open land was well kept
- The existing fence highly restricts the view of approaching traffic on the bend
- No vehicles were previously parked or abandoned as reported to the press
- Unable to see a posted public notice near this site

The response includes both material and non material planning considerations. The character and appearance of the area, along with parking and highway considerations shall be assessed in the relevant sections of the report below. The other comments are non material planning considerations and do not form part of the assessment. It should be noted that a site notice was displayed on site, as included on the public access page for planning applications, on the Gravesham Borough Council website (photo below).



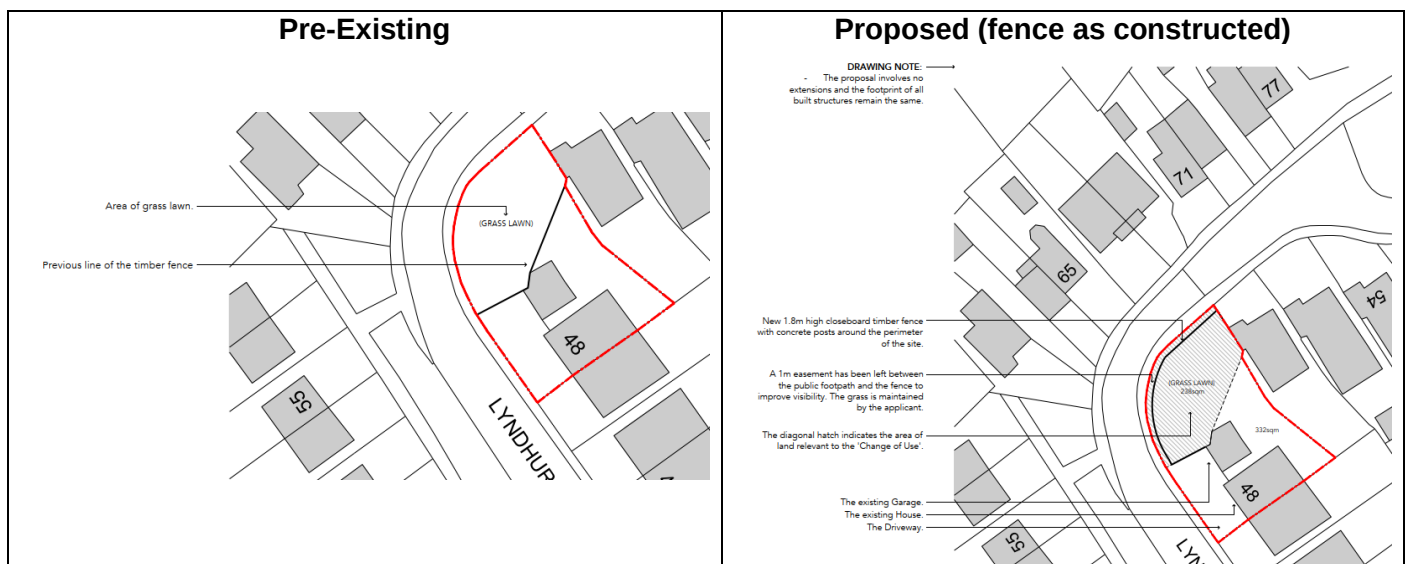
The comments in support of the proposal are summarised below:

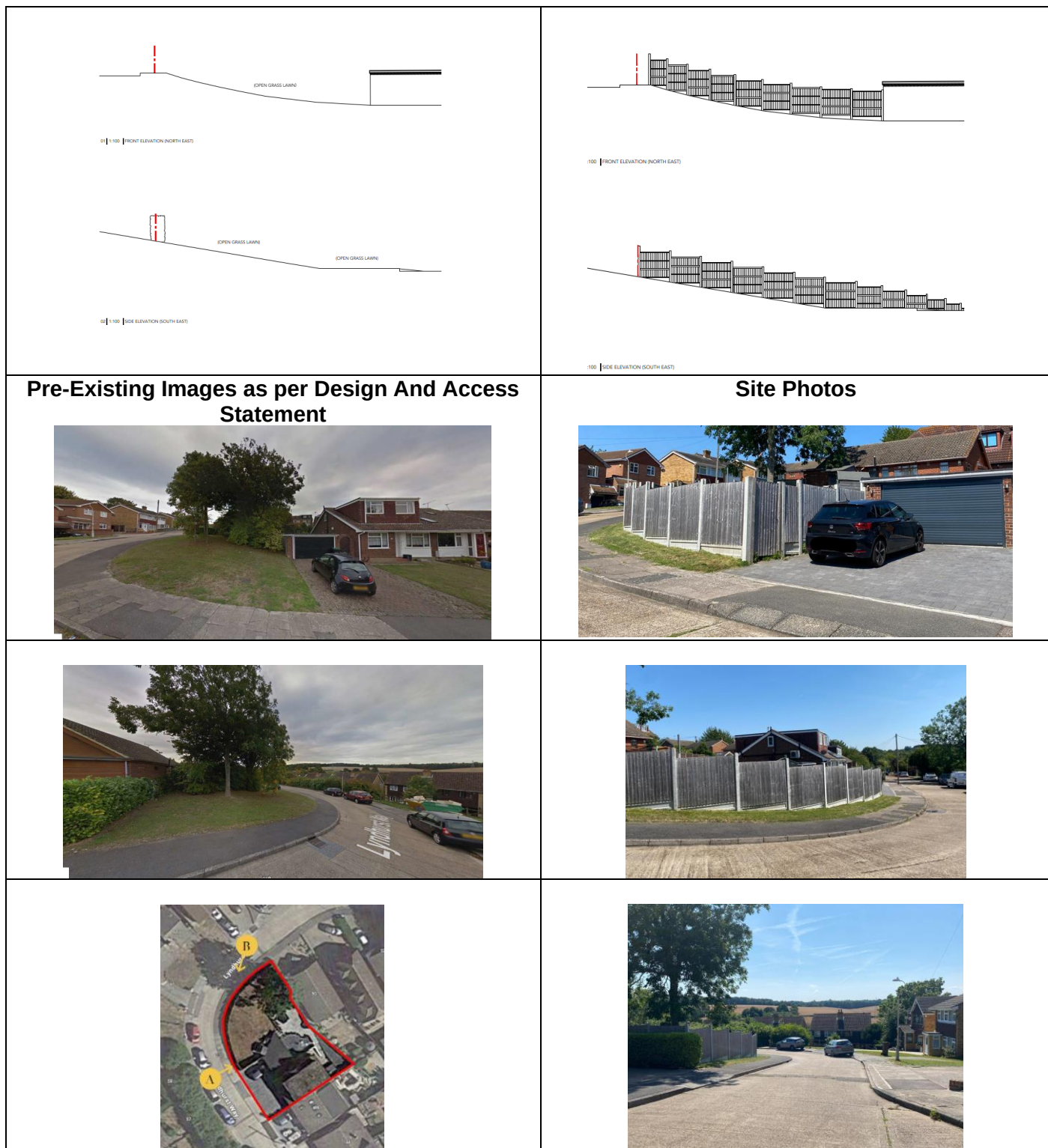
- It keeps the corner looking tidy and free from vans and vehicles parked all over the place
- Since the erection of the fence and use as a garden, there have been zero accidents, whereas before vehicles parked all over it and were reversing onto the road creating dangerous conditions.
- It is much more environmentally friendly as a residential space
- Security for property that backs onto it
- Safer to have a high fence for occupiers
- Keeping the space residential with a high fence will make it safer for all
- Privacy for family
- It does not hinder anyone around them. People will moan about everything/anything and it's not fair for the family to be scrutinised.

As above, the responses include both material and non material planning considerations. The character and appearance of the area, along with parking and highway considerations and amenity shall be assessed in the relevant sections of the report below. Any other comments are considered to be non material and do not form part of the assessment below.

Site Description, Context and Proposed Development

48 Lyndhurst Way is a semi-detached chalet bungalow style property located on the bend of Lyndhurst Way. According to the Design and Access Statement; *'The site consists of a two-storey semi-detached property with a detached double garage set to one side, a large driveway between the house and the road, and an open area of grass lawn to the North. The applicant moved into the property in 2017 and acquired the land in question in July 2019. Having lawfully acquired the land, the applicant erected the fence the same year (2019) to secure the site.'*





This application seeks approval for the timber fence and for the change of use of the land from 'public open space' to 'C3 residential garden use.'

Officer's Analysis

Design, Character and Appearance

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. Moreover, Section 12 (Achieving well-

designed and beautiful places) of the NPPF (2023) sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

Policy CS12 (LPCS) (2014) 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. Paragraph 180 of the NPPF 2023 seeks to protect and enhance such valued landscapes.

Gravesham's Householder Extensions/Alterations Design Guidance (SPD) (2021) states *it is important to ensure that any extensions or alterations to a home are well designed, well-built and sympathetic to their surroundings. By doing so we can ensure that there are no adverse effects on the original house, immediate neighbours, the local view of the street, as well as the character and appearance of the local area.*

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 and is not considered to detrimentally impact the Landscape Character Area.

The design and access statement, provided as part of this application, states that the fence was erected in 2019. The time limits for taking enforcement action are set out in [section 171B of the Town and Country Planning Act 1990](#) (see also [The Planning Act 2008 \(Commencement No. 8\) and Levelling-up and Regeneration Act 2023 \(Commencement No. 4 and Transitional Provisions\) Regulations 2024](#) for transitional arrangements). As such, if an Existing Lawful Development Certificate was sought, (subject to evidence) it would be likely to be granted. This is because it would fall within the time limits set out by the legislation:

In most cases, development becomes immune from enforcement if no action is taken:

- within 10 years of substantial completion for a breach of planning control consisting of operational development where substantial completion took place on or after 25 April 2024
- within 10 years for an unauthorised change of use to a single dwellinghouse where the change of use took place on or after 25 April 2024
- within 4 years of substantial completion for a breach of planning control consisting of operational development where substantial completion took place before 25 April 2024;
- within 4 years for an unauthorised change of use to a single dwellinghouse where the change of use took place before 25 April 2024
- within 10 years for any other breach of planning control (essentially other changes of use)

In terms of character and appearance, the fence has been constructed using acceptable external materials, it has a staggered appearance to compliment the slope of the land and has been set back approximately 1.00m from the public pavement. Although the loss of the open nature of the space is not ideal, the strip of grass verge does somewhat soften the appearance of the development. If permission were to be forthcoming, an appropriately worded soft landscaping condition could be included on the decision notice to include further, low level planting in order to further soften the appearance of the development. However, this would need to be balanced against any highways/visibility requirements or concerns. The proposed plans show that the land in question is to be used as grass lawn with no outbuildings, hardstanding or paving proposed.

On balance, it is considered that the development is in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2023.)

Amenity

The development would not detrimentally impact the amenity of neighbours or of future occupiers. The proposal would result in the occupiers of 48 Lyndhurst Way benefitting from a larger garden area. As

such, the development is considered to safeguard the amenity of neighbouring properties and future occupiers in accordance with Policy CS19 (LPCS) and Section 12 (NPPF) (2023).

Highways and Parking

As aforementioned above, it is likely that the fence in situ is lawful. Notwithstanding this, it is considered that a plan demonstrating visibility splays and sight lines is required. The development includes a high level fence situated on a bend. In addition, the fence is within close proximity to the existing hardstanding/parking area and the fence would likely need to be altered to ensure visibility splays are protected:



Therefore, a condition can be added to the decision notice, if permission were to be forthcoming, to ensure pedestrian and vehicular safety and in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (LPCS) (2014), SPG 4 - KCC Parking Standards (2006) and Gravesham's Householder Extensions/Alterations Design Guide (2021).

Any Other Material Planning Considerations

None.

Conclusion

Subject to conditions, the development is on balance, considered to be acceptable. The application has been fully considered and is in accordance with local and national planning policy.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	4th September 2024	Dated:	5th September 2024