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Our Ref AD/B0155/21

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Alison Webster
Gravesham Borough Council
Planning Department
Civic Centre
Gravesend
Kent
DA12 1AU

Bourne House, Cores End Road
Bourne End, Bucks, SL8 5AR
Tel: 01628 532244
Email: bourne.end@walsingplan.co.uk
Web: www.walsinghamplanning.co.uk

SUBMITTED ELECTRONICALLY

Dear Alison

Planning application for replacement dwelling: Tranklyn, Wrangling Lane, Luddesdown, Gravesend, Kent, DA13 0XF

Application Reference: 20211213

I write with reference to the above planning application that was submitted on the 4 October 2021 and validated on the same day.

I set out below information that I trust will be of assistance in reaching a decision on this application.

I would be grateful if you could please include this letter as additional information to support application 20211213.

The Proposal

The proposal is for a replacement dwelling within the Green Belt at the above address.

The previous planning application (0210249) which was refused planning permission by the Local Planning Authority (LPA) was refused for two reasons which can be summarised as the replacement dwelling being considered inappropriate development when considered by the guidance in the National Planning Policy Framework (NPPF) and due to the effect of the proposal on the landscape character of the area and the Kent Downs Area of Outstanding Natural Beauty (AONB).

A planning application for a replacement dwelling has been resubmitted at the above address on the basis of the following justification.

Discussion

The key issues that we would request the LPA to reconsider in making their decision on this resubmitted planning application are as follows:



- Whether the conclusion reached by the LPA in the first reason of refusal is right and specifically that the proposed building can be properly to be concluded to be inappropriate development in the Green Belt when considering the test set out in the NPPF at paragraph 149 (d) as to whether the replacement building is in the same use and is not materially larger than the one it replaces.
- Whether the conclusion reached that the proposal will be harmful to the landscape character and the AONB is justified.

Inappropriate Development

The applicant acknowledges that the Development Plan is the Gravesham Local Plan Core Strategy (September 2014) and the saved policies of the Gravesham Local Plan First Review (November 1994). However, the fresh planning application should be considered against the Development Plan and any other material considerations. The NPPF is a material consideration in the determination of this application.

The fresh application is considered in policy terms as appropriate development for the following reasons:

As mentioned above, the relevant paragraph is 149 (d) of the NPPF which deals with replacement buildings in the Green Belt. The application must be considered a replacement building as it seeks the demolition of the existing dwelling and then a new structure located in a different place (on the same site) as the new dwelling. It is therefore right that this is a replacement building and paragraph 149 (d) of the NPPF applies.

The two tests of paragraph 149 (d) of the NPPF therefore need to be applied and considered, namely – that the proposed building is in the same use and not materially larger than the one it replaces.

It cannot be debated that the building is proposed for residential use as a dwelling and therefore it is in the same use as the existing.

Therefore there is only one basis on which the LPA can conclude it is not appropriate development in the Green Belt and that is that it is materially larger than the one it replaces. The test in this respect is therefore whether the replacement dwelling is materially larger than the one it replaces. This should be assessed by looking at what is existing and what is proposed and then whether it is materially larger.

It is important to note that in terms of the reference to the existing building in paragraph 149 (d) it is of note that unlike paragraph 149 (c) of the NPPF, it does not refer to original building. The NPPF therefore requires the consideration of what exists now in 2021 at the time of this application. This is a different approach to policies contained within the adopted Development Plan and significant weight must be given to the NPPF given that it contains more up to date Green Belt policy.

The LPA consider that the current/existing building has a gross external floor area (GEFA) of:



- 105.5 square metres (see Page 7 of the delegated report to refused application 0210249)

The proposed replacement building has a gross external floor area of:

- 197.2 square metres (see submitted Design and Access Statement)

The submitted Design and Access Statement also usefully references potential GEFA of the existing building based upon permitted extensions to the dwelling. This equates to 132 square metres of GEFA.

The volume of the existing dwelling (with approved extensions) is 560 cubic metres. The proposed replacement dwelling's volume is 659 cubic metres.

The proposed replacement building will be 7 metres in height, 12.7 metres in depth and 13.7 metres wide. As noted within the submitted Design and Access Statement the overall height of the built form of the proposed dwelling will be approximately 0.4m lower than that of the existing when viewed on the skyline. When compared to the previously approved scheme to alter the roofscape of the existing dwelling, the proposed replacement dwelling would have a ridge level 0.85m lower on the skyline.

In terms of whether the replacement building is materially larger, it is of note that there is no definition in the NPPF of what 'materially' is and therefore accordingly it is a matter for planning judgment. When considering all the factors together with regards to the size of the replacement dwelling (floor area and volume), including its sensitive relocation on the site, and its proposed height it is credible and perfectly logical to consider that the proposal is not materially larger than the existing when considering the proposed development.

We would respectfully request that the LPA carefully reconsider this evidence and the tests contained within paragraph 149 (d) of the NPPF when making their decision on this fresh application.

Landscape Character and AONB

The previous application and this resubmitted application are supported by a Landscape and Visual Appraisal (LVA - Landarb Solutions – February 2021).

In Appendix 8 of the LVA there is a summary of the Landscape Effects and the Visual Effects. There is accepted to be a moderate effect on the topography alone due to the proposed regrading of the land to enable the new development but no other detrimental effect and even a minor beneficial effect on the NCA 119 North Downs. In terms of visual effects it is concluded in relation to all nine identified viewpoints that there is no change at year 15 apart from a neutral effect at viewpoint one.

The LVA is detailed evidence which concludes no material harm to landscape character or visual harm from the proposed replacement dwelling in terms of its size and its position



on the site. We would respectfully request that the LPA carefully reconsider the technical evidence contained within the LVA when making their decision on this fresh application. I trust that this information is helpful in your consideration of the application.

If you have any questions, please contact me and I would be happy to meet to discuss further.

I look forward to hearing from you.

Yours sincerely



Alan Divall BA (Hons) MRTPI
Director
BOURNE END OFFICE
alan.divall@walsingplan.co.uk
Mobile: 07464 925105

