

Delegated Report

Householder Planning Application

Planning Application No: 20241022

Location: 19 Jubilee Crescent Gravesend Kent DA12 4JG

Description: Retrospective planning permission for outbuilding in rear garden.

Applicant: Mr Isaac Edusei

Site Visit Date: 04 March 2025

Submitted Documents/Plans

Application for Planning Permission form;
Drawing no. 1 Existing block plan;
Drawing no. 2 Proposed block plan;
Drawing no. 3 Existing layout;
Drawing no. 4 Proposed layout and elevations;
Red line site boundary plan;
Specifications document;
Community Infrastructure Levy (CIL) form 1;
Email from the applicant received 09 January 2025;
Email from the applicant received 14 January 2025; and
Email from the applicant received 04 March 2025.

Procedural issues

Despite the submission of an application for planning permission form, the proposal is a householder development.

The applicant has confirmed (in emails received on 09 and 14 January 2025) that the office will be used for daily administrative works related to client management, meetings and occasional use for family activities and that the office will be used by the residents of no. 19 Jubilee Crescent. The applicant has also clarified (in an email received 04 March 2025), that no meetings would be held in the office and that there would be no visitors, deliveries or vehicle movements associated with the office use. In addition, the applicant has set out that neither side boundary fence was removed during the works to erect the partially constructed building.

Relevant Planning History

None.

Development Plan

Gravesham Local Plan Core Strategy (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

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

GBC Environmental Protection Team (Regulatory Services)

No comments.

Neighbouring properties

The application was publicised to three neighbouring properties by letter. Three representations have been received (two objecting and one in support) and are summarised as follows;

- The proposed drawings are not an accurate illustration of the building.
- The building is 3.4 metres tall and 1 metre past the boundary line.
- The building does not comply with Building Regulations.
- The building will be used as a room for the applicant's child not as an office.
- Adverse overlooking impacts to the garden, kitchen and bathroom of no. 21 Jubilee Crescent.
- Adverse security impacts to no. 21 Jubilee Crescent.
- The proposal does not affect the enjoyment of the garden at no. 17 Jubilee Crescent and is supported.
- The proposal improves security to the garden of no. 17 Jubilee Crescent.

Officer's Analysis

Background

The partially constructed outbuilding at the application site is a breach of planning control and is the subject of an ongoing enforcement investigation. This application is an attempt to regularise the unauthorised development.

Principle of Development

The application site is located in an urban area, where domestic outbuildings are commonplace. Therefore, it is considered that the principle of providing an outbuilding is not objectionable in planning policy terms. However, in order to determine whether the detail of the development is satisfactory, it is necessary to examine the potential for amenity impacts and any design and other issues.

Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

In relation to outbuildings, the Householder Extensions/Alterations Design Guide (2021) sets out that proposals;

- Should only be used for purposes incidental to the enjoyment of the house;
- Should not deprive the existing property of adequate private garden space and should be subordinate to the existing dwelling and plot;
- The Council will consider factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment;
- Should not detract from the character of the area; and
- Should not have an adverse impact on the amenity of the surrounding properties in terms of noise and disturbance created through access or overlooking/overshadowing of existing properties.

The proposed outbuilding would have a floor area of 40 square metres and due to the slope of the land, the proposed height would be between 2.7 (at the rear) and 2.9 (at the front) metres. The proposed external facing materials would be grey fibreglass roofing, with horizontal grey woodgrain composite cladding on the walls. The outbuilding would be used as a home office, for domestic storage and occasionally for family activities

The proposed development would have a general design that would be in keeping with the surroundings and it would not be widely visible in the surrounding area. Despite a large footprint, the outbuilding would be subservient to the existing dwelling and would be used for purposes incidental to the dwelling at the application site. The proposed external facing materials would not match with those of the existing dwelling (painted pebble dash walls and concrete roof tiles) but would not look significantly out of place in this domestic garden setting.

It is noted that the rear garden at the application site is accessible via a passageway, that could potentially provide a separate access to the proposed outbuilding. To ensure that any future use of the outbuilding remains incidental to the dwelling, any planning permission granted should be subject to conditions that preclude any commercial/business activities being undertaken and the subdivision of the garden.

Overall, the proposed development would be appropriate in terms of general design and would not have an adverse impact on the character or appearance of existing dwelling or the surrounding area. Therefore, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and the Householder Extensions/Alterations Design Guide SPD (2021).

Amenity of Future Occupiers

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants. In this regard, the Nationally Described Space Standards (NDSS) and the Borough Council's adopted Residential Layout Guidelines (RLG) are relevant.

The proposed development would result in a reduction in the size of the rear garden at the application site to some 64 square metres in area, with a depth of 10.1 metres. However, this reduction in garden area would not significantly undermine the living conditions of future occupiers, due in part to the retention of an appropriate garden depth. It is also noted that under permitted development rights, an alternative large outbuilding could be erected, without the need for planning permission, which could result in a more significant loss of garden space. Furthermore, the provision of a home office and domestic storage would balance the loss of some external amenity space, in terms of the quality of life of future occupiers.

In order to ensure that there is no further loss of garden area or that the number of bedrooms at the application property does not increase in future (to the detriment of future living conditions for occupiers), a condition should be included on any planning permission granted to remove the permitted development rights for future enlargements of the dwelling and future outbuildings.

The proposed development would not undermine the living conditions for future occupiers and as such, the proposal would not be detrimental to residential amenity and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers. In this regard, the Borough Council's adopted Residential Layout Guidelines (RLG) are relevant.

The closest residential properties to the application site are nos. 17 and 21 Jubilee Crescent (located to the east and west respectively).

Due to the design of the proposed development, to the screening provided by boundary treatments and to the layout and orientation of the surrounding properties, there would be no significant adverse overlooking, impacts to the occupiers of the surrounding dwellings. In order to prevent any future loss of privacy to neighbours, any planning permission granted should be conditioned to preclude the insertion of any windows or openings in the side elevations of the proposed development.

It is noted that local residents have raised concerns regarding adverse overlooking impacts to the garden, kitchen and bathroom of no. 21 Jubilee Crescent. However, as the following images illustrate (taken from the front of the partially constructed outbuilding), the boundary fencing screens the gardens of both neighbours from overlooking. Furthermore, a kitchen and bathroom are not habitable rooms.



Due to the design of the proposed development and to the layout and orientation of the surrounding properties, there would be no adverse overshadowing or overbearing impacts to the occupiers of the surrounding dwellings.

Overall, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September

2014) and the Householder Extensions/Alterations Design Guide SPD (2021).

Parking and Highways

The applicant has confirmed that that no meetings would be held in the proposed home office and that there would be no visitors, deliveries or vehicle movements associated with the office use. As such, it is considered that there would be no adverse parking or highway safety impacts and the proposal would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (2014).

Ecology and Biodiversity

Biodiversity Net Gain (BNG) is a mandatory requirement for all new development and proposals must deliver a BNG of at least 10% unless they are exempt. In this instance, the proposed development is a householder proposal and therefore is exempt from BNG.

Any Other Material Planning Considerations

Local residents have raised a number of concerns, some of which have been covered in the above discussion. The outstanding issues are summarised and commented on (in italics) as follows;

- The proposed drawings are not an accurate illustration of the building – *following an assessment at the site visit, the submitted drawings appear to be sufficiently accurate.*
- The building is 3.4 metres tall and 1 metre past the boundary line - *following an assessment at the site visit, this does not appear to be the case. In addition, the applicant has confirmed that no side boundary fences were removed during the construction works. Boundary issues are not material planning considerations. It should be noted that any boundary issues are a private matter that must be resolved between the affected parties.*
- The building does not comply with Building Regulations – *this is not a material planning consideration.*
- The building will be used as a room for the applicant's child not as an office – *the application must be determined as submitted. However, if a future change of use occurs, then this can be investigated by the Planning Enforcement Team as necessary.*
- Adverse security impacts to no. 21 Jubilee Crescent – *The proposal would not result in the removal of any boundary fence nor would it result in any non-residential activities at the application site. Therefore, there would no adverse security impacts to any surrounding occupier.*
- The proposal does not affect the enjoyment of the garden at no. 17 Jubilee Crescent and is supported – *noted.*
- The proposal improves security to the garden of no. 17 Jubilee Crescent – *noted.*

Suggested Conditions

The development shall be completed within 6 months

Development in accordance with the approved plans

Use as home office/domestic storage only

No subdivision of the curtilage

Conclusion

The proposal would comply with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable.

Recommendation

Planning permission subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
----------------------	-----------------	---------------------	--------------

Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	05 March 2025	Dated:	6th March 2025