



Delegated Report

Householder Planning Application

Planning Application No: 20240559

Location: Furzy Lea, Bowesden Lane Shorne Gravesend

Description: Engineering / landscaping works to enable terracing of the land including the building of concrete retaining walls dressed in face brickwork.

Applicant: Mr Yadwinder Gill

Site Visit Date: 9th September 2024

Submitted Documents/Plans

Application Form Dated 19/06/2024;
Supplementary Information – Planning Statement;
Topographical Survey;
Plan of Retaining Wall;
Drawing Number DKM/4401/01 (Section AA);
Drawing Number DKM/4401/04 (Section EE);
Drawing Number DKM/4401/07 (Section FF);
Drawing Number DKM/4401/08 (Section Plan);
Drawing Number DKM/4401/06 (Section GG);
Drawing Number DKM/4401/03 (Section CC);
Drawing Number DKM/4401/02 (Section BB);
Drawing Number DKM/4401/01 (OS Plan);
Drawing Number DKM/4401/02 (Block Plan – Existing); and
Drawing Number DKM/4401/03 (Block Plan – Proposed).

Relevant Planning History

Reference	Description	Decision	Decision Date
20240558	Application for a Proposed Lawful Development Certificate in respect of the construction of a timber building with consists of a summer house and shed, pitched roof with table top roof and an open canopy to the front.	Refused	23.09.2024
20230954	Demolition of existing conservatory and erection of a two storey side extension.	Refused	07.11.2023
20230240	Application for a Proposed Lawful Development Certificate in respect of the erection of a Gym	Certificate Granted	10.05.2023
20221191	Single storey rear extension with a depth of 8.00 metres, maximum height of 3.50 metres and eaves height of 2.40 metres.	Prior Approval not Required	29.11.2022
20220995	Single storey rear extension with a depth of 8.00 metres, maximum height of 3.50 metres and eaves height of	Prior Approval	12.10.2022

	2.40 metres.	Required and Refused	
20071061	Construction of new pitched roof to replace existing flat roof at rear and installation of new window in rear elevation at first floor level.	Permitted	18.01.2008
19940321	Erection of a conservatory at the rear.	Permitted	28.07.1994
TH/6/51/115 (19510115)	Erection of a dwellinghouse and garage	Permitted	07.09.1951

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

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
- Section 13 – Protecting Green Belt Land
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- Gravesham Landscape Character Assessment (2009).

Consultations, Publicity and Representations

Consultees

Shorne Parish Council

We note that this application does not include some similar engineering work indicated on the elevation (but not the block) plans for application ref 20240558. The newly created (not pre-existing despite as shown) additional driveway is not mentioned. The block plans show the gym as oblong when it was approved as L-shaped, this needs checking.

The Application site is a gently and naturally sloped Green Belt site adjacent to the National Landscape Area. Previous occupants used the garden in its natural topography.

The applicant is familiar with planning application regulations and processes as well as having been aware

of the nature of the site on purchasing and from subsequent planning applications. Regardless, engineering work was not indicated or included in application ref 20230240 for the gym building, otherwise it would not have been permitted development. As it was not included, it must be assumed that it was not needed. Once identified as desirable/needed (the reasons cited being immaterial) then permission 20230240 became invalid and a full planning application should have been submitted, this should now be done retrospectively.

The Parish Council is concerned about the overall amount of development that is taking place on the site, which is out of character with the local area and creating urbanisation of a Green Belt property which is adjacent to a National Landscape Area.

As this application is a standard planning application we request that, if to be permitted, Conditions are attached removing permitted development rights for the whole site, in order to preserve what remains of the of the site, in the interests of the amenity of neighbouring properties and land

Dickens Protection Society

19th August 2024 – Further to our previous letter dated 7th August 2024 the Society would wish to register an objection to the proposal which it is considered would be an urban intrusion into a rural landscape impacting on the openness of the Green Belt in a location adjoining the North Downs Area of Outstanding Natural Beauty.

In the Society's view there is insufficient detail of the proposed retaining wall. The Society notes on the planting plan that there is a plan of the retaining wall which has no dimensions and is not to scale, which is considered inadequate for an engineering structure of this size.

7th August 2024 – In the Society's view there is insufficient details of the proposed retaining wall. There are detailed wall sections but no dimensional layout plan to indicate the location of the sections and no proposed topographical sections in order that its impact on the area can be assessed.

Neighbouring properties

10 surrounding properties were consulted and a site notice was displayed on 13th August 2024. The consultation period ended on 6th September 2024. Responses were received with the following material planning concerns:

Concerns were also raised with the following:

- Loss of trees and vegetation;
- Raised land levels;
- Neighbouring outlook;
- Impact on the Green Belt and effect on the openness; and
- Height of retaining walls.

However, these are no considered to be material planning concerns and as such are not addressed in the following report:

- Effect on underground springs;
- Drainage and pipework;
- Potential noise;
- Works to cesspool;
- Neighbouring view of fencing; and
- Not in keeping with surrounding area.

Responses were also received in support of the proposal, with comments as follows:

- Positive modern update to property;
- Levelled garden for safer use;

- Tasteful design;
- In keeping with surrounding area.

Preliminary Matters

A Lawful Development Certificate for the erection of a Gym was previously approved under application 20230240. The erection of the retaining walls and the changes to land levels were not part of this application and therefore not assessed as part of that application.

A further outbuilding has recently been constructed to the North-Eastern boundary of the application site, for which Lawful Development Certificate was refused under application 20240558.

Officer's Analysis

Proposal and Application Site

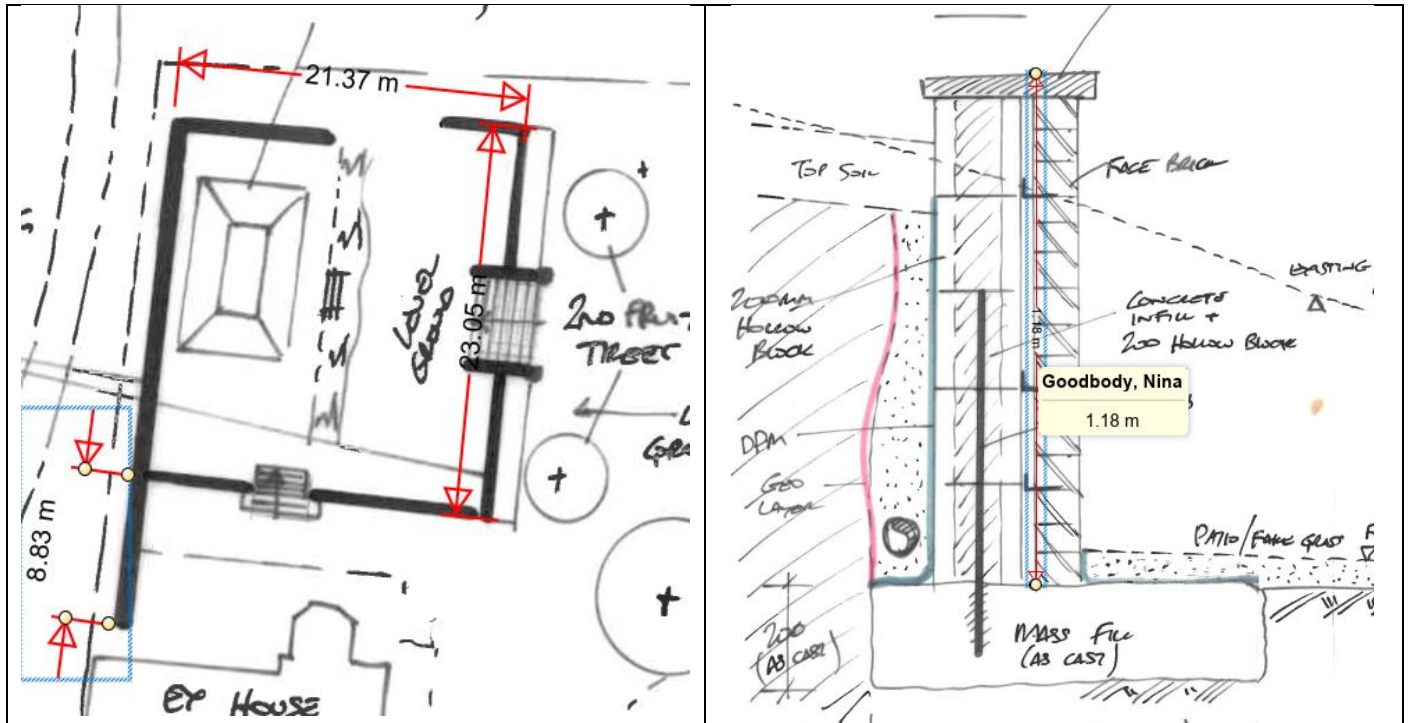
Furzy Lea is a large, detached property located on the north eastern side of Bowesden Lane, adjacent to the border of the Kent Downs National Landscape. Permission for the erection of the original house and garage was permitted under application TH/6/51/115 (19510115) on 07.09.1951.

The application site is set on a large plot with a substantial driveway and a double detached garage.



The application seeks permission for the engineering works previously carried out to enable terracing of the land adjacent to existing outbuilding to be used as a gym, permitted under application 20230240. The application includes the retention of the retaining walls dressed in face brickwork.

The retaining walls measure at a height of 1.8m, a length of 23.05m and a depth of 21.37m. The walls create a terrace area to the front of the existing gymnasium with 2no sets of steps leading to the larger garden area.





The retaining wall to the rear of the outbuilding extends a further 8.83m to the south where the land has been excavated and levelled.



Green Belt

The application site is located in the Green Belt and as such, Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 is relevant. Policy CS02 prioritises development in the urban area as a sustainable location for development. In the rural area it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national

policies for protecting the Green Belt and policies in the Local Plan Core Strategy.

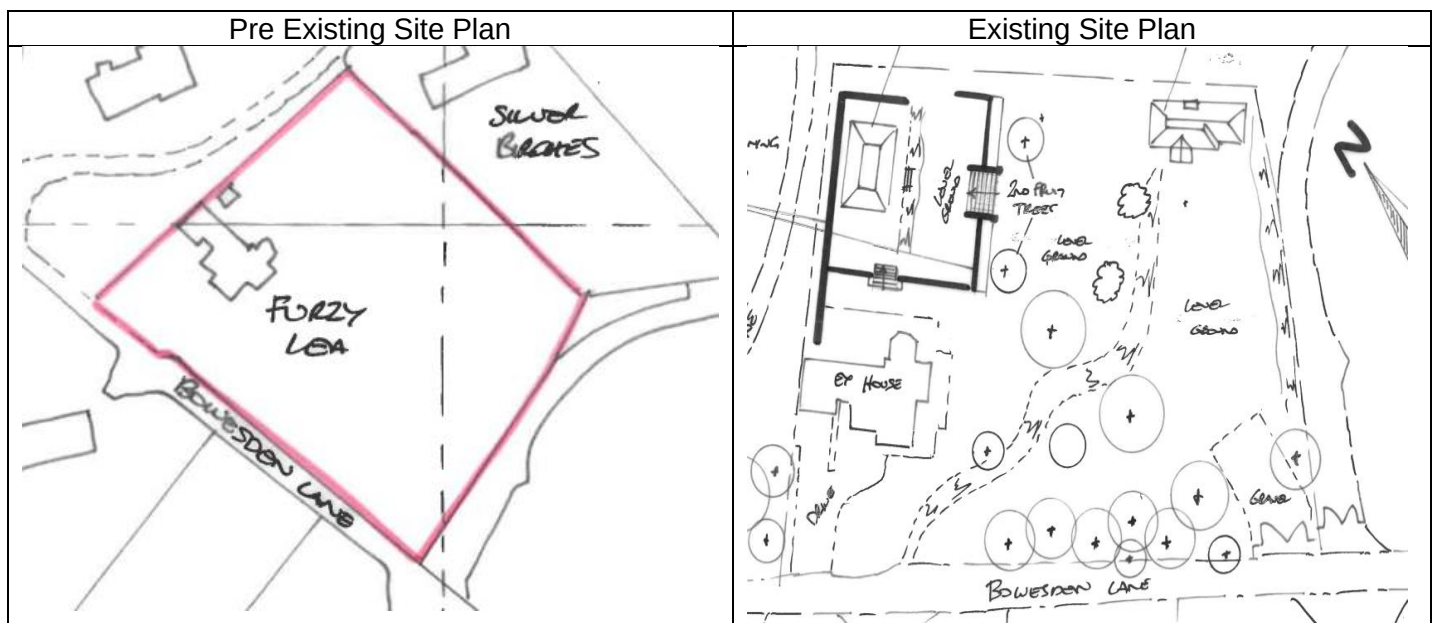
The principle issues in the determination of this application are;

- Is the proposed development appropriate in the Green Belt?
- Effect on the openness of the Green Belt
- Effect on the character and appearance of the area - including landscape character
- Impact on amenity
- Parking and Highways

Paragraph 142 of the NPPF (2023) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence. Paragraph 001 of the Planning Practice Guidance 2019 on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development, its duration and remediability, and the activity levels generated.

The NPPF regards the construction of new development as inappropriate in the Green Belt (para 152) but there are exceptions to this which include any engineering operations, provided they preserve the openness and do not conflict with the purposes of including land within it (para. 155(c)).

In this instance the engineering operations which have occurred results in physical works into the hillside and has significantly reprofiled the land which result spreads the built form on the site and into the wider countryside. It is considered that substantial engineering works have taken place within the application site, which consist of ground works for a large plateaued area for the existing gym, with further landscaping to the rear of the original dwellinghouse and the erection of retaining walls covering an approx. perimeter of 115.6m:



The engineering works are considered to be excessive and cover a large proportion of the original plot.

Additionally a second outbuilding has been constructed to the North-Eastern corner of the plot which further results in encroachment into the countryside and reduction of openness. As such, the engineering operations are considered to detract from the natural character and appearance of the area and by way of this are considered to be an inappropriate development within the Green Belt.

As such the proposal fails to meet 143 (c) of the NPPF (2023) which seeks to assist in safeguarding the countryside from encroachment and is contrary to paragraph 155 (b) of the NPPF (2023).

Impact on openness and the purposes of the Green Belt

Paragraph 142 of the NPPF (2023) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence.

The original application site, as shown below, consisted largely of green soft landscaping with the original built dwellinghouse contained to the corner of the Western boundary:

Ariel View 2022



Whilst the plot is of a substantial size, the landscaping and terracing of the area surrounding the gymnasium and to the rear of the existing house covers an approx. area of **620.61 sqm** which is considered to be a substantial area and is considered to excessively increase the built development within the site.

Furthermore, there is a retrospective application for an additional outbuilding located to the North-Eastern corner of the rear garden which has been refused.

The footprint of the main dwellinghouse is approximately 141.16sqm and the footprint of the proposed outbuilding and the existing outbuilding combined **would be approx. 148.56sqm**. The combined footprints of both outbuildings are greater than that of the original dwelling and are considered to be a further example of the urbanisation and encroachment into the countryside.

When all proposed and existing developments are combined, the application site takes on a very different appearance which is considered to encroach into the countryside and reduce the impact of the openness of the Green Belt.

For the reasons set out above, the increase in the massing and scale of the proposed development is considered to be excessive when compared to the original application site. As such, it is considered that the proposal would have an adverse impact on the openness of the Green Belt and fails to and comply with Policy CS02 of the Gravesham Local Plan Core Strategy September 2014, and Section 13 of the NPPF (2023).

Character and Appearance/Impact on Landscape

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.

As demonstrated in the previous section, the proposal has not been designed to protect the appearance of the existing application site.

The retaining walls are considered to be a large and imposing feature of the landscape and the wider street scene, whilst the terracing and excavation works are considered to be a harsh and detrimental addition to the application site.

Section 15 of the NPPF highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 of Gravesham Local Plan Core Strategy states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhanced and that proposals will take account of the Gravesham Landscape Character Assessment.

The application site is located within the Shorne Woodland Landscape Character Area. This area is characterised by an undulating topography, chestnut coppice woodland, a strong sense of enclosure, varied building styles and age, chequered brickwork and ornamental brickwork, and a few highways with busier roads along character area boundaries.

Policy CS12 of the Gravesham Core Strategy 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.

As shown below in the Google Earth comparison ariel photographs, the proposal has had an excessive impact on the original landscape appearance of the site:



The application has introduced the erection of large retaining walls. Neighbours raised concerns with the height of the walls, which measure at 1.8m.

Whilst the height of the retaining walls alone would not be considered to be excessive, the length, width and area covered by the walls is considerable and as such, they take on an imposing feature and detrimental of the once open landscape, which is highly visible from the street scene and erodes the open aspect created within the surrounding area,



Neighbours also raised concerns with the loss of the vegetation to the application site, The pre-existing landscape consisted of a large, open garden area which was mainly soft landscaped with trees and vegetation.

Post development, the engineering works when considered in addition to the outbuildings have not been contained to any one area of the application site and therefore have a greater impact on the over landscape and are considered to have eroded the openness of the natural landscape.

As such, the landscaping and terracing works are not considered to respect the original character of the application site and the retaining walls and steps are deemed to be a disproportionate additional. As such, the proposal is considered to be excessive in size and bulk and is detrimental to the host dwelling and the wider street scene, and as such is not considered to be in accordance with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014).

By way of the overall footprint of the landscaping and terracing, combined with the imposing retaining walls and existing structures, the development is considered to have a detrimental impact on the wider Shorne Woodland Landscape Character Area and is contrary to Policy CS12 of the Gravesham Core Strategy 2014.

Amenity of Future Occupiers

There are no concerns with the amenity of future occupiers and as such the proposal is in accordance with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014).

Neighbouring Amenity

Neighbours raised concerns with the impact on outlook and the raised land levels of the application site.

Furzy Lea is a detached dwelling set away from neighbouring properties and resultantly the development will have no impact in terms of overshadowing and loss of light.

As such, the application is considered to safeguard the amenity of neighbouring properties in accordance with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014).

Conclusion

By way of the encroachment into the countryside and the detrimental impact on its openness, it is considered that the proposal is an inappropriate development within the Green Belt.

For the reasons set out in this report, the increase in the massing and scale of the proposed development is considered to be excessive when compared to the original application site. As such, it is considered that the proposal would have an adverse impact on the openness of the Green Belt and results in encroachment into the countryside and fails to and comply with Policy CS02 of the Gravesham Local Plan Core Strategy September 2014, and Section 13 of the NPPF (2023).

The hard landscaping terracing works and retaining walls are not considered to respect the original character of the application site and wider area. As such, the proposal is considered to be excessive in size and bulk and is detrimental to the character of the area and wider landscape. The proposal is not considered to be in accordance with Policies CS12 and CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014).

By way of the overall footprint of the landscaping and terracing, combined with the imposing retaining walls and existing structures, the development is considered to have a detrimental impact on the wider Shorne Woodland Landscape Character Area and is contrary to Policy CS12 of the Gravesham Core Strategy 2014.

Recommendation

Refusal

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Nina Goodbody	Team Leader:	Richard Hart
Signed:	<i>N Goodbody</i>	Signed:	<i>R Hart</i>
Dated:	23rd September 2024	Dated:	23rd September 2024