



Delegated Report

Householder Planning Application

Planning Application No: 20220557

Location: Triple Oak Newlands Lane Culverstone Gravesend

Description: Retention of two outbuildings in rear garden

Applicant: Mr Grant Allen

Site Visit Date: 06 July 2022

Submitted Documents/Plans

Householder Planning Application form;

Drawing no. 22NL-160522-P-001 Rev. A Existing layout and elevations (dwelling), block plans and location plan;

Drawing no. 22NL-160522-P-002 Proposed layout and elevations (outbuilding 1), proposed block and location plans; and

Drawing no. 22NL-160522-P-003 Proposed elevations (outbuildings 2 and 3 and temporary container).

Superseded Documents/Plans

~~Drawing no. 22NL-160522-P-001 Existing layout and elevations, block plans and location plan (received 25.05.22); and~~

~~Drawing no. 22NL-160522-P-001 Existing layout and elevations, block plans and location plan (received 30.06.22).~~

Procedural issues

The two superseded plans have the same drawing reference. The first one received did not illustrate the proposed uses for the rooms in the outbuilding and so was superseded by the second.

It should be noted that the original application was described as 'Retention of Outbuilding'. Following the site visit, the case officer requested that the application details be amended to correctly reflect the situation at the application site. This included amending the plans for accuracy and detail and amending the description to that shown above.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220195	Application for non-material amendment to planning permission reference number 20170822 to allow the pitch roof covering from Canadian western red cedar to dark grey slate.	Permitted	01.04.2022
20210624	Application for approval of conditions 3, 4 and 5 attached to Appeal Reference Number APP/K2230/W/18/3206204 relating to external facing materials (3), surface water	Approved	13.09.2021

	drainage (4) and a landscaping scheme (5).		
20170822	Demolition of the existing dwelling and erection of a replacement 4 bed dwelling with associated parking. Appeal reference 2018/00033/REF	Refused Appeal allowed	05.01.2018 04.12.2018

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
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

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

Consultations, Publicity and Representations

KCC - West Kent Public Rights Of Way Officer

Public Rights of Way NS273 lies to the west of the site and may be affected by the application and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information.



It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

Meopham Parish Council

Initial response:

Objection to this planning application as it is excessively large for the size of the rear garden.

Second response:

Meopham Parish Council raises no objections to this planning application for the outbuilding subject to it never being used as a separate hereditament, but would like the removal of the existing shed.

Dickens' Country Protection Society

Initial response:

The Society would wish to suggest that conditions are imposed so that the building remains ancillary to the main dwelling and any residential use is controlled.

Second response:

It is noted that additional information has been added to the register including drawing 22NL-160522-P-002 which demonstrate the extent of the development and some tree loss.

The Society is concerned at the extent of the proposed development. Neither of the buildings is indicated as being temporary. The Society would suggest that conditions are imposed so that the build remains ancillary to the main dwelling and any potential residential use is controlled.

Neighbouring properties

The application was publicised by a site notice, press notice and to four neighbouring properties by letter. Three representations (all of which are copies of the same letter) have been received and are summarised as follows;

- Neither of the buildings replaces another building.
- The large building could be used as another form of accommodation as it has all the facilities.
- Adverse noise and disturbance impacts from the construction of the dwelling.

It is noted that the initial application was publicised by a site notice and to four neighbours by letter and no representations were received. The overall consultation period expired on 30 September 2022.

Officer's Analysis

Introduction

The dwelling that is currently under construction at the application site was granted planning permission on appeal under reference 2018/00033/REF (GBC reference 20170822). Following an enforcement investigation relating to the erection of an unauthorised outbuilding at the rear of the site, this application was submitted.

The applicant has set out that the outbuilding (shown as outbuilding 1 on the drawings) is currently in use as temporary living accommodation for his family, whilst the construction works are ongoing. Following the completion of the dwelling, the outbuilding is proposed to be used as a games room, office and shower room.

At the site visit, the case officer noted that there are a number of other outbuildings and structures at the application site. These include a mobile home, container and portable w.c. at the front and a shed and w.c. outbuilding at the rear. The applicant has set out that the mobile home, container, portable w.c and w.c. outbuilding will be removed upon the completion of the dwelling. However the shed (shown as outbuilding 2 on the drawings) will be retained for residential storage purposes.

It is noted that planning permission reference 2018/00033/REF does not include any condition which withdraws Class E, Part 1 permitted development rights for the erection of buildings within the curtilage of the application property. However as the construction of the dwelling has not yet been completed, the application site does not currently benefit from any Part 1 permitted development rights and planning permission is required for the erection of any outbuilding.

It is also noted that under Part 4, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), the temporary provision of buildings, moveable structures, works, plant or machinery in connection with, and for the duration of, building works would not need planning permission.

Therefore the mobile home, container, portable w.c. and w.c. outbuilding would not need planning permission, as these are temporarily located at the site during the ongoing construction works and have been brought on site under Part 4, Class A of the GPDO.

As such, planning permission is sought for the retention of the outbuilding and shed only.

Design, Character and Appearance

The proposed development would be of a design and materials that would match with the building that is under construction at the application site. As rear outbuildings, they would not be widely visible or unusual in the surrounding area.

It is noted that Meopham Parish Council have raised an objection to the proposal, as they consider outbuilding 1 to be excessively large for the size of the rear garden. However the proposed development would be subservient in size to the proposed dwelling and a significant amount of rear garden space would be retained.

It should be acknowledged that, if the height of outbuilding 1 was reduced by 0.35 metres and the height of outbuilding 2 was reduced by 0.2 metres, then the proposal would be within permitted development tolerances. Therefore upon completion of the dwelling, two very similar outbuildings could be built without planning permission being required.

The application site is located in the Meopham Downs Landscape Character Area (LCA) and as such, Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment will be taken into account in determining applications. The Meopham Downs LCA is characterised by a mixture of grazed pasture and arable land, with field shape and size being varied because of the topography of the area. Tree belts and native

hedgerows with mature hedgerow trees form distinct boundaries.

The proposed development would not undermine the residential character of the application site and due to the existence of mature vegetation, it would not be widely visible in the surrounding landscape.

It is noted that two trees have been removed from the rear garden of the application site. Whilst it would have been preferable to retain them, they were not subject to a tree preservation order and their loss would not be significantly detrimental to the visual amenities of the surrounding area.

Overall it is considered that the proposed development would be appropriately designed and would not detract from the character of the application site or surrounding area. As such, the proposal would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy September 2014.

Amenity of Future Occupiers

The proposed development would retain sufficient rear garden area and depth.

In order to prevent any future loss of privacy to proposed users, any planning permission granted should be conditioned to ensure that the proposed shower room window is obscure glazed.

Overall, the proposal would provide a good standard of living for future occupiers and be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

The closest residential properties to the application site are Thorpewood and Avoca, Newlands Lane (located to the east and west respectively). Nos. 30 and 32 Silver Birch Avenue are located to the north.

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 adverse overlooking, overshadowing or overbearing impacts to the occupiers of the surroundings 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).

Impacts on the Public Right of Way.

The comments of the KCC Public Rights of Way officer are noted. However, as the proposal would be located entirely within the rear garden of the application site, it is considered that there would be no adverse impacts to the alignment or to the use of the footpath (reference NS273), which runs along the western boundary of the application site. Notwithstanding this, any planning permission granted would have an informative attached, which outlines the advice given by KCC in relation to the Public Right of Way.

Any Other Material Planning Considerations

The application site is located within Groundwater Source Protection Zone 3 and an area of multi-period archaeological potential. However as the works would be relatively minor and would be located within the confines of an existing residential garden, it is considered that there would be no adverse impacts to groundwater or archaeology.

It is noted that the existing mobile home, container, portable w.c and w.c. outbuilding at the application site would be removed upon the completion of the construction of the dwelling. For clarity, these features do not require planning permission in themselves, unless they are retained permanently. As such, the GBC Planning Enforcement Team should be requested to visit the application site in future.

It is also noted that outbuilding 1 will be subject to alteration following the completion of the construction of the dwelling. The proposed permanent uses would be incidental to the dwelling (games room, office and shower room) and can be conditioned to be retained without alteration.

Local residents have raised some concerns in relation to the proposal. These are discussed as follows;

- *Neither of the buildings replaces another building* – the applicant has provided photographs of a partially complete outbuilding that was previously located in a similar position at the application site. However as the site is not located in the Green Belt, there is no particular need to consider previous built development. The outbuildings have been judged on their own merits.
- *The large building could be used as another form of accommodation as it has all the facilities* – any planning permission granted would be conditioned to preclude the use of outbuilding 1 as a separate residential unit.
- *Adverse noise and disturbance impacts from the construction of the dwelling* – this is not relevant to the determination of the application but these concerns will be passed to the GBC Regulatory Services Environmental Protection Team for consideration.

Meopham Parish Council and the Dickens' Country Protection Society have also raised some concerns, all of which are covered in the above discussion.

Suggested Conditions

Development in accordance with the approved plans

Obscure glazing to shower room window

Temporary living accommodation in connection with the construction of the dwelling only. Within one month of the first occupation, use as a games room/home office/shower only

Shed to be used for domestic storage only

Buildings/structures to be removed within one month of the first occupation of the completed dwelling

Conclusion & Recommendation

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

Planning permission subject to conditions is recommended.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	13 October 2022	Dated:	14 October 2022