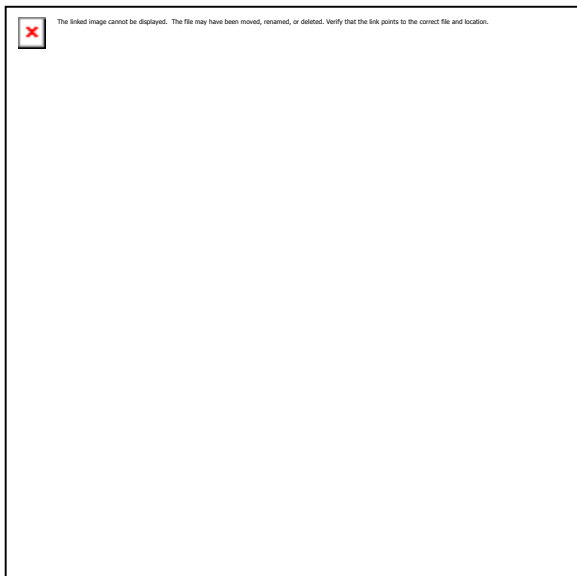




Delegated Report

Householder Planning Application

Planning Application No: 20211424

Location: Land Adjacent 36 Burnaby Road Northfleet Gravesend Kent

Description: Retrospective application for change of use from unregistered amenity land to residential garden at 36 Burnaby Road.

Applicant: Mr Adrian Porter

Site Visit Date: 4th March 2022

Submitted Documents/Plans

Application form dated 18th November 2021;
Planning Statement dated 12 November 2021;
Drawing No. 001 – Site Location Plan

Relevant Planning History

Application Ref. No.	Description	Decision
20211433	Application for Lawful Development CGLD Certificate in respect of the existing parking bay.	17.01.2022

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 (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

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

Consultees

KCC Heritage

The site lies within an area of multi-period archaeological potential. However, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

Neighbouring properties

The application was advertised by individual letters to 6 neighbouring properties and a site notice displayed on the 4th March 2022. No letters of representation have been received and the overall consultation period expired on 25th March 2022.

Officer's Analysis

Proposal

This application seeks retrospective planning permission for the change of use from unregistered amenity land to residential garden at 36 Burnaby Road. The amenity land is 3.45m wide x 13.68m deep to the south of the dwellinghouse and would add 47 sqm to the existing garden. The front of the land has already been laid with hardstanding to form a parking space. This was granted a lawful development certificate under reference 20211433. A 1.8m high close boarded fence has recently been erected to enclose the land. This is not lawful development and as such planning permission has been sought retrospectively. The land registry records show the land is unregistered.

It is noted that the opposite parcel of land adjacent to No. 31 Burnaby Road is also being used by that dwelling for parking and access to the garage in the rear garden. Neither parcel of amenity land forms part of the open space and play area at the end of the street next to these properties.

Design, Character and Appearance

The application site is next to an end of terrace house in a street of two storey terraced houses. The applicant uses the area in front of the fenced off amenity land for parking. Beyond the parcel of land is a turning circle with on street parking and an area of public open space with play equipment. Due to the location of the property at the end of the terrace of houses the use of this parcel of land as residential curtilage does not change the character of the street scene.

The 1.8m high close boarded fence that has been erected to enclose the amenity land is in keeping with the surrounding area. Due to the location at the end of the terrace next to an area of open space the fences to the rear of properties on Beresford Road are visible here. Although the area opposite, adjacent to No. 31 Burnaby Road, is still open it is clearly also in residential use.

The site is not covered by any special landscape designations and the loss of this small parcel of amenity land would not have a negative appearance of the character and appearance of the surrounding area or the enjoyment of the open space. As such it is considered that the proposal is acceptable and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Neighbouring Amenity

Due to the position of the property at the end of the street and the enclosed land being away from the neighbouring properties, there will be no detrimental impact in terms of loss of outlook, privacy, sunlight or daylight. The proposed development therefore accords with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2021 in terms of amenity.

Parking and Highways

The fence erected to enclose the land does not result in the loss of vision splays or off road parking and therefore no objection is raised on highways grounds.

Conclusion & Recommendation

The proposed change of use of amenity land and fencing already erected to enclose it will have no detrimental impact on the character and appearance of the area, neighbouring amenity, parking or highway safety and therefore accords with the abovementioned Policies and is recommended for approval.

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

Case Officer:	Karen Cronin	Team Leader:	Richard Hart
Signed:	K.Cronin	Signed:	<i>R Hart</i>
Dated:	4th April 2022	Dated:	5 th April 2022