

Our ref: 3569/SC

Date: 08 July 2022

Mr Shazad Ghani
Service Manager Planning
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Dear Mr Ghani,

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) : Schedule 2 Part 1 Class E

**Application for a CLOPUD for a proposed garden outbuilding comprising swimming pool and gym.
Long Acre Pear Tree Lane Shorne DA12 3JT**

Please find submitted on behalf of the applicants Mr & Mrs King, an application for a CLOPUD for a curtilage building enclosing the existing outdoor swimming pool and also including a gym, changing room and plant room, at Long Acre Pear Tree Lane Shorne DA12 3JT.

The application comprises the following documents and drawings.

- Covering letter and supporting information
 - Application Form
- Drawing nos.
- 3569.01 Site Location Plan
 - 3569.02 Existing Block Plan
 - 3569.18 Proposed Block Plan
 - 3569.19 Proposed Floor Plan
 - 3569.20 Proposed Elevations

1. The site

- 1.1** Long Acre is situated on the north side of Pear Tree Lane approximately 1km north east of its junction with Tanyard Hill/The Ridgeway and 750m south west of the junction with the A226 Gravesend Road. It is situated within a ribbon of substantial detached dwellings of various styles that are sited within large plots. The dwellings on the southern side of the road are more sporadic and more interspersed with woodland lying within Great Crabbles Wood, a

designated SSSI (Site of Special Scientific Interest). It lies within land designated as Green Belt.

- 1.2** Long Acre comprises a detached two-storey dwelling with a shallow mono-pitch roof erected in the early 1960s. Planning permission was originally granted under application TH/6/59/82 on 06/05/1959 and subsequently amended under application TH/6/59/319 by Strood Rural District Council/Kent County Council and approved on 30/11/1959. The original permissions did not remove permitted development rights. An extension for a first floor snooker room above the existing garage was approved on 21 June 1988 and implemented under application 19880653. Other permissions which would have led to the property being re-roofed with a double-pitched roof were approved in the past but not implemented.
- 1.3** There are three dwellings that neighbour the application property. To the east of the site is 'The Grange' and to the west 'Mullion.' A further detached dwelling 'Pear Tree House' lies to the south of the site on the southern side of Pear Tree Lane.

2. Application Proposals

- 2.1** The proposed curtilage outbuilding would be sited to the north of the existing house in the rear garden of the property.
- 2.2** The building would cover the existing outdoor swimming pool and also incorporate a gym, changing room and a plant room.
- 2.3** It comprises a building of a general width of 10.5m. It is 15m in length. It has a double pitched roof no higher than 4m on the northern part of the building and a flat roof on its southern side. The building has an eaves height of 2.5m. The building would not be sited within 2m of any boundary of the curtilage of the property. Its overall footprint would be approximately 158m².
- 2.4** The building would have white rendered walls and white uPVC doors and windows. The pitched roof section would be finished in slate and the remainder of the roof would be covered in a grey/black single ply membrane.

3 Assessment against GPDO 2015 Criteria

- 3.1** Class E allows for the provision within the curtilage of a dwellinghouse of;
 - (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
 - (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.
- 3.2** Paragraph E.1 sets out a number of conditions/criteria that must be met if the development is considered to be permitted development. The proposed building has been assessed against them as follows
 - (a) Permission to use the dwellinghouse as a dwellinghouse was not granted by virtue of Classes M, MA, N, P, PA or Q of Part 3 of Schedule 2 to the General Permitted Development Order 2015 (as amended).

- (b) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
- (c) No part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (d) The building would be single-storey;
- (e) The height of the building which includes a dual pitched roof would not exceed 4 metres and it is not located within 2m of the boundary of the curtilage of the dwellinghouse;
- (f) The height of the eaves of the building would not exceed 2.5 metres;
- (g) Long Acre is not a listed building and the site is not within the curtilage of a listed building;
- (h) The proposed development would not include the construction or provision of a verandah, balcony or raised platform;
- (i) The development does not relate to a dwelling or a microwave antenna;
- (j) The proposed development is not a container;
- (k) The dwellinghouse was not built under Part 20 of Schedule 2 to the General Permitted Development Order 2015 (as amended)

3.3 Paragraphs E.2 and E.3 set out further criteria that apply if the site is located within a specified area. The site is not within an Area of Outstanding Natural Beauty, The Broads, a National Park or a World Heritage Site. It is also not located within a Conservation Area or other Article 2(3) land as defined in the GPDO 2015 (as amended). The conditions of Paragraphs E.2 and E.3 do not therefore apply in this case.

4 Justification

4.1 The applicants have been mindful of relevant case-law in drawing up the proposals namely, *Emin v Secretary of State for the Environment and Mid Sussex District Council* [1989] JPL 909.

4.2 This case has established that in the consideration of the term “incidental to the enjoyment of the dwellinghouse” there should be some connotation of reasonableness in the circumstances of each case, it should not be based solely on the unrestrained whim of a householder.

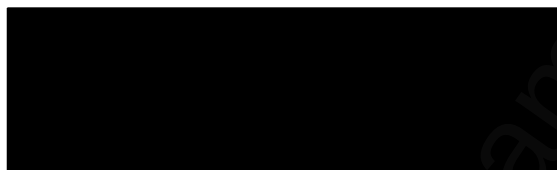
4.3 The test is whether “the nature of the activities carried out in the proposed building ensure they are incidental or conducive to the very condition of living in the dwellinghouse.” It goes on to say that “the physical sizes of buildings could be a relevant consideration in that they might represent some indicia as to the nature and scale of the activities.” “When a matter is looked at as a whole, size might be an important consideration but not in itself conclusive.” It was held that “incidental connoted an element of subordination in land use terms in relation to the enjoyment of the dwellinghouse.”

- 4.4** The proposed pool and gym building does not contain primary living accommodation such as bedrooms, kitchens or bathrooms. It is of the size necessary to enclose the existing outdoor pool and this has also allowed the inclusion of a gym and changing room as well as a plant room.
- 4.5** The building would appear subordinate in scale to the dwelling and would not result in an unbalanced relationship between the main dwellinghouse (both as existing and as can be lawfully extended) and the proposed outbuilding. It would not appear out of scale with or disproportionate to the overall area of the garden associated with the dwelling.
- 4.6** The proposed swimming pool and gym proposed would thus provide entirely reasonable additional 'incidental' facilities for a family occupying the house to enjoy.

5 Conclusion

- 5.1** The building is of a size and location and relationship to the existing dwelling as well as a proposed use that is clearly incidental to the enjoyment of the dwellinghouse.
- 5.2** This letter, the application form and the accompanying and submitted drawings provide the necessary information to establish that the proposed garden outbuilding would be within the limits prescribed by Class E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A Certificate of Lawfulness for a Proposed Use or Development should therefore be issued.
- 5.3** We look forward to receiving acknowledgement that the application is valid as submitted and details of the allocated case officer shortly. Please do not hesitate to contact me if you require clarification on any matters and issues raised in this letter or the details of the application itself or any matters that may arise during the course of determining the application.

Yours sincerely,



STEVE CLARKE
Associate Planner