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PLANNING STATEMENT

Project: Westwood, 38 Rhododendron Avenue, Meopham

Proposal: Alterations to rear ground levels and provision of two retaining walls to create garden space

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1. Introduction

This appeal statement has been prepared in support of my clients' planning appeal. This is in relation to the alterations to rear ground levels and provision of two retaining walls to create garden terrace.

First this statement will set out the details of the site description to provide a context in which the proposal has been designed. Secondly, we review the sites planning history and set out the details of the proposal, subject of this application. Next, we provide a summary of the relevant planning national and local planning policies. Following this we set out a detailed assessment of the reasons for refusal and why we consider that the application should be approved. Finally, we provide a summary of the benefits of the proposal and why we consider that it should be approved.

In addition to this statement the following documents have been provided;

- Application forms
- Drawings

2. Site Description

The site is located on the western side of Rhododendron Avenue a residential road to the east of Culverstone Green. The site comprises a single storey detached dwelling set within a reasonably sized plot. The property itself is set back a considerable distance from the road. The site has a reasonable gradient, sloping up, away from the road side.

As the site is located outside of the settlement boundary of Culverstone Green, it is situated within the Metropolitan Green Belt. Whilst the property is located within the Green Belt it is surrounded by other residential properties on all sides. As a result, the property is not within an isolated location. The settlement boundary of Culverstone Green is located approximately 190m to the west of the property.

Other dwellings within the immediate area, vary in terms of their size, design and positioning within the plot. As such there is no specific character or style which needs to be maintained. Boundary treatment within the area varies from close boarded fences to mature boundary planting.

The dwelling has been replaced by virtue of recent planning approvals, and as part of the ground works, the applicant sought to rework some of the garden area to provide a more manageable space with land levels being quite steep in parts of the site and relatively inaccessible.



Figure 1: Aerial View of Site

1. Relevant Planning History

2. Planning Proposal

Currently the walls are retained in blockwork, though the applicant would like to render the walls to match the existing house.



4. National Planning Policy Summary

The NPPF (2021) sets out the government's planning policies which Local Plans need to accord with. Relevant paragraphs include;

Achieving Sustainable Development

Para 7 of the NPPF states that 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.

Para 8 states that Achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Presumption in favour of sustainable development

Para 11 of the NPPF states that '*plans and decisions should apply a presumption in favour of sustainable development.*'

For **decision-taking** this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date ⁸, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ²; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Achieving well-designed places

Para 126 relates to achieving good design and states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Para 130 states that; Planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Green Belt

Para 137 relates to the Green Belt and states that;

'The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'

Paragraph 149 states that '*a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.*' A list of exceptions are set out which includes;

'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.'

Para 150 states;

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

5. Local Planning Policy Summary

Gravesham Local Plan Core Strategy – 2014

The Core Strategy was adopted in September 2014 and sets out the Council's long term spatial vision for the Borough. The Core Strategy covers the period from April 2011 to March 2028. The relevant policies are as follows;

- Policy CS01 – Sustainable Development
- Policy CS02 – Scale and Distribution of Development
- Policy CS19 – Development and Design Principles

Policy CS19 states that;

New development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. The design and construction of new development will incorporate sustainable construction standards and techniques, be adaptable to reflect changing lifestyles, and be resilient to the effects of climate change. This will be achieved through the criteria set out below:

- Using the collaborative approach advocated in Building for Life 12 and in line with the guidance set out in Kent Design, the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings. Account will also be taken of the wider site context, including 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;*
- New development will encourage sustainable living and choice through a mix of compatible uses which are well connected to places that people want to use including the public transport network, local services and community facilities encourage sustainable travel; enhance Green Grid links and encourage lifestyles;*
- New development will be located, designed and constructed to:*

- safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land;
- avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination; and
- not pose an unacceptable risk or harm to the water environment, including the quality and/or quantity of ground waters, surface waters, wetlands and coastal water systems;
- The design and layout of new residential development, including conversions, will accord with the adopted Residential Layout Guidelines;
- New development will be designed in an inclusive way to be accessible to all members of the community;
- New development will provide appropriate levels of private and public amenity space;
- New development will include details of appropriate hard and soft landscaping, public art, street furniture, lighting and signage and will ensure that public realm and open spaces are well planned, appropriately detailed and maintained so they endure;
- Car parking will be well related to the development it serves;
- New development will protect and, where opportunities arise, enhance biodiversity and the Borough's Green Infrastructure network. Support will be given to environmental enhancements where opportunities arise;
- New development will be fit for purpose and adaptable to allow changes to be made to meet the needs of users;
- The design and layout of new development will take advantage of opportunities to build in resilience to the effects of climate change. This will include protection against flood risk, where relevant, delivering carbon reduction, provision for low carbon and renewable energy, and minimising energy consumption and water use;
- New development will incorporate appropriate facilities for the storage and recycling of waste; and
- The layout of new development will create a safe and secure environment and provide surveillance to minimise opportunities for crime and vandalism.

Gravesham Local Plan First Review Saved Policies – 2014

The Local Plan was originally adopted in November 1994. In September 2007 a number of policies were saved through direction from the Secretary of State. In September 2014 the Council adopted their Core Strategy and as a result a number of saved policies were deleted. The remaining saved policies relevant to this proposal are as follows;

- Policy C13 – Extensions to dwellings in the countryside

Policy C13 states that;

- i. Extensions to dwellings will be considered on their merits but the Borough Council will expect the following criteria to be satisfied:-
- ii. The existing dwelling must be an "original dwelling"* in permanent use as a dwelling.
- iii. There will be an overall limit of one third of the gross floor area of the original dwelling (measured externally) prior to any later extension or alteration, unless the increased floorspace has no overall effect on the existing bulk and appearance of the dwelling.
- iv. Those extensions which provide essential basic amenities such as a bathroom, toilet or kitchen, which are currently not available or are clearly inadequate, will normally be permitted.
- v. The extension shall not be in a form which would facilitate the future formation of a separate residential curtilage.
- vi. The dwelling to be enlarged must have sufficient curtilage to accommodate the extension without undue visual intrusion into the open countryside.



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- vii. *The appearance, massing, scale, form and materials of any extension shall be appropriate to the existing dwelling and the Green Belt setting.*
- viii. *Proposals for domestic garages and for other outbuildings will be considered on their individual merits but will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot.*

Supplementary Planning Documents

- Landscape Character Assessment (2009).
- Householder Extensions/Alterations Design Guide (2021).

6. Planning Assessment

Purposes of Green Belt

When assessing the impact of the proposal we have reviewed the development against the five purposes of the Green Belt, which are set out in the NPPF as follows;

Paragraph 138 of the NPPF sets out the 5 purposes of the Green Belt as follows;

- a) *To check the unrestricted sprawl of large built up areas*
- b) *To prevent neighbouring towns merging into one another*
- c) *To assist in safeguarding the countryside from encroachment*
- d) *To preserve the setting and special character of historic towns; and*
- e) *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

When considering our proposal and its impact upon the openness of the Green Belt we have assessed the scheme against the 5 purposes of the Green Belt to review its impact. We can summarise as follows;

To check the unrestricted sprawl of large built up areas.

The property is located within Culverstone Green, to the east of the settlement boundary. The property is 'washed over by Green Belt' and as such is essentially surrounded by existing development. As shown on the policy extract map below.

As a result, the proposal would not lead to the unrestricted sprawl of a large built up area, given it is already surrounded by existing built form. We do not believe that there would be conflict with this purpose.



To prevent neighbouring towns merging into one another

The property is not located between two towns and as a result would not result in a coalescence of settlements. The works would be fairly limited to an engineering operation that is an acceptable form of development under Paragraph 150 of the NPPF. As such we believe that our proposal would not be in conflict with this purpose.

To assist in safeguarding the countryside from encroachment

As set out above, the existing property is surrounded by existing development and therefore would not lead to encroachment of the countryside. We do not believe that the proposal would conflict with this purpose.

To preserve the setting and special character of historic towns

We do not believe there to be conflict with this purpose given the location of the site, not in proximity to a historic town.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

We do not believe that our proposal conflicts with this purpose

Overall, we do not believe that the proposal conflicts with any of the five purposes of the NPPF.

Paragraph 147 of the NPPF states that '*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*'

Paragraph 148 of the NPPF 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

As explained above, the creation of small retaining walls within a domestic setting would in our view fall within the exception listed in Para 150, that suggests engineering operations can be considered acceptable under section (b) of Para 150.

To that end, we do not consider it necessary to demonstrate very special circumstances.



7. Conclusion

The retaining walls fall within an acceptable form of development under the NPPF. Further, the retaining walls are not of a scale or prominent that has an undue impact on visual amenity; it should be noted that there are many examples of such structures in the area, and that the retention of these walls would not be at odds with the prevailing character or street scene.

The terraced area would not result in any significant impact on the current level of residential amenity afforded to adjacent occupiers.

I trust this letter sets out my clients' planning application proposal in full, if however you require any further information please let me know.

Yours Sincerely



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RTPI

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