



Delegated Report

Householder Planning Application

Planning Application No: 20240244

Location: St Margarets, Pear Tree Lane Shorne Gravesend

Description: Conversion of garage to create a 2 bedroom self contained annexe as auxiliary house accommodation.

Applicant: Mr Keith Girdham

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Drawing No. LHA(01/24)-001 – Existing Site Location Plan;
Drawing No. LHA(01/24)-002 – Existing Floor Plans;
Drawing No. LHA(01/24)-003 – Existing Elevations;
Drawing No. LHA(01/24)-004 – Proposed Floor Plans;
Drawing No. LHA(01/24)-005 – Proposed Elevations;
Drawing No. LHA(01/24)-006 – Existing & Proposed Roof Plan; and
Drawing No. LHA(01/24)-007 – Proposed Site Location Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
19590330	Site for erection of dwellings	Permitted	08.12.1959

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- C13 – Extensions to Dwellings in the Countryside
- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

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

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – nationally described space standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

External

Shorne Parish Council

The Parish Council has to **OBJECT** to this application.

The site is on the southern side of Pear Tree Lane, outside of settlement boundaries. The existing property is a large house in a large curtilage but the house and the referenced link-detached garage, which is on its east side, are together located abutting the eastern boundary. The submitted plans show that the garage already has partial residential use. There is an unusual arrangement whereby vehicles pass into a courtyard in order to access the referenced garage from its rear and there is another smaller garage further back on the site.

The proposal is for fully self-contained accommodation, which cannot therefore be described as an annexe or auxiliary. It is of a size, design and location that is out of character for the area and would set a regrettable precedent.

The site is in the Green Belt where new dwellings are not normally permitted except in “very special circumstances”. At the time of writing, the applicant has not provided reasons for the need for self-contained additional accommodation rather than, for example, extending the existing house.

We note the previous GBC refusals (and two dismissals of Appeal) relating to a similar proposal at nearby Ewhurst on Bowesden Lane.

Should GBC however be minded to approve this application then we request that the strongest possible Conditions should be attached preventing use as a separate dwelling. We also suggest that permitted development rights should be withdrawn in order to further protect the amenity of neighbouring properties.

Dickens Country Protection Society

The proposal is for a new dwelling in the Green Belt. The dwelling is self-contained and not dependent on the services of the main dwelling and cannot be considered as an annex. In the Society's view the position

cannot be safely controlled by condition.

Internal

GBC – Highways Officer

No comments received.

GBC – Environmental Protection

No objection to this application or adverse comments to make.

GBC – Waste Services Manager

No comments received.

Neighbouring properties

Five surrounding properties were consulted with an overall expiry date of 24th April 2024. One letter of objection has been received making the following summarised comments:

- Create an unwanted precedent
- Inappropriate within the Green Belt
- Noise
- Increase in traffic to and from the property
- Highway safety
- Large house – no need for an annexe

Officer's Analysis

Proposal

The application has been submitted as a householder application for the conversion of the existing garage into a self-contained annexe. The existing garage is detached building linked to the main property by a covered walkway and is located to the west of the existing detached house. It should be noted that it is not clear how the garage is currently accessed as the garage doors are to the rear. It can be assumed that the access to the left of the property may lead to the rear of the property, but this is outside of the red line plan.

The proposal is to create a self-contained annexe which would have all the features of a new two bedroom three person dwelling, being two bedrooms (one double and one single), bathroom, separate living room and separate fully fitted kitchen and two separate external entrances. The unit could be utilised as a self contained unit, but must be assessed as submitted. This is expanded upon further below.

Additional information was sought regarding the purpose and use of the proposed annexe which was provided via email on 23rd May 2024. It stated that the annexe is intended to be used as a living space for the homeowner's child/partner and their child. Subsequently, it will accommodate elderly parents or be available for staying friends and family. It will be used in conjunction with the main house and cannot be sold separately, as services and supplies for the annexe are shared with the main dwelling and housed within the garage. It was further stated that the annexe is needed to provide additional self-contained living space that ensures privacy for older children or elderly parents while keeping them close enough for any required care. It offers starter accommodation for the children or assisted living for elderly family members.

Irrespective of whether the proposal is considered as a dwelling or annex, the proposal would be sizable and includes a range of facilities (kitchen, living/dining area, bedroom, 2nd bedroom/study, bathroom) which is indicative of a building that could be occupied for extensive periods of time (throughout the day and night). The annex could also be independently accessed. As referred in appeal reference APP/K2230/D/23/3324637 for an ancillary unit of accommodation, case law including *Uttlesford DC v SSE & White [1992]* has held that even if the accommodation provides the capability for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling. That is a matter of fact and degree. An appropriately worded condition could restrict the occupancy and plot severance. Even

if the development could be used as a separate dwelling, such a proposal is not before the Council. If the structure is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted.

Description of Application Site and Surroundings

The application site to which this planning application relates (as shown in the red line boundary below taken from the applicants Site Location Plan), has a site area of 0.23 hectares:



St Margaret's lies to the south of Pear Tree Lane and is a large detached property, set within a large curtilage. The property benefits from two forms of entry, one to the west and one to the east, directly accessing the detached garage. The application property is located on Pear Tree Lane, Shorne which is within a rural area, in the Green Belt and in the Shorne Woodland Landscape Character Area.

The garage, the subject of this application, is located to the east of the applicant's residential property. It is linked to the property with a covered walkway and has already been partially converted into residential use as shown on the submitted existing ground floor plan (Drawing No. LHA(01/24)-002), depicting a gym/amenity and a shower room. There is no record of planning permission being sought for the garage or its conversion. It is unclear if the garage formed part of the original property, or if it is a later extension.

The garage is a flat roof, red brick design with white metal garage doors. Due to the location to the east of the host property and being set slightly forward than the principle front elevation, the garage is visible from the streetscene and surrounding areas, although it is not clear from the street scene that the structure is a garage, due to the doors being on the rear. The property also benefits from established planting in the front garden which further obscures the view of the garage.



The majority of Pear Tree Lane is a narrow single width country lane with limited passing places (often available only where there are vehicle accesses from dwellings on to the road) and with poor forward visibility edged by trees and hedging. The section of the highway directly in front of the application property is wider with more properties with low level boundary walls and fencing, but does not benefit from a footpath.



Principle

The application site is located within the Metropolitan Green Belt. Policy CS02 supports development outside of settlements where it is compatible with national policies for protecting the Green Belt and policies in the local plan.

Section 13 of the National Planning Policy Framework 2023 relates to protecting Green Belt land. Para 142 says:

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

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para. 153 states that:

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.

Para. 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and lists exceptions to this:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

In this case, point (c) could be applicable - c) 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. However appeal decision reference APP/K2230/D/22/3309288 stated the following, when considering the conversion of an outbuilding to an annexe;

6. Paragraph 149 of the Framework refers to the construction of new buildings within the Green Belt. The proposal is for the conversion of an existing building and not a new building. The proposal does not include any extensions or external alterations. Paragraph 149 is therefore not applicable to this appeal.
7. Paragraph 150 of the Framework lists certain forms of development that are not inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. One of the exceptions is the re-use of a building, providing that it is of permanent and substantial construction. Both parties agree that the existing building is of a permanent and substantial construction and based on my site visit and the evidence before me, I have no reason to reach a contrary conclusion on this matter. The conversion of the existing building to an annex would accord with paragraph 150 d) of the Framework. My decision therefore turns on whether the proposal would preserve the openness of the Green Belt and whether there would be any conflict with the purposes of including land within it.

Principle of a Residential Annexe

Residential annexes are an increasingly common form of development that are normally proposed in order to allow relatives to live with their family but to retain some degree of independence. To remain ancillary accommodation and not be considered as a separate unit of accommodation, the use of annexe must be closely tied to the main dwelling.

The proposed development would provide residential accommodation in the existing link detached garage which is intended to be used by adult children or elderly relative. The supporting information has not been specific regarding the intended occupant(s) except that it will be family members. The proposed annexe would provide a kitchen/diner, shower room, living room and two bedrooms (one double and one single), which constitutes all the facilities required for day-to-day domestic existence.

It is noted that the existing garage, and therefore the proposed annexe, is and therefore would be located within the same curtilage as the main house and there would be no separate garden or parking area. Therefore, it is considered that the proposed development would provide a residential annexe and would not constitute a separate dwelling.

The proposed annexe would have all the facilities of a separate dwelling for three people. Generally an annexe would usually only have one bedroom, a living area, a small kitchen to be able to make light lunches and a bath or shower room. It should be highly dependent on the main dwelling with main meals and laundry being provided, rather than in the annexe. This proposal would provide a self-contained residential unit that would have all the facilities of a new dwelling.

However, any planning permission granted was conditioned to ensure that its use and ownership remains linked to the main dwelling and that no separate garden or curtilage area can be created in future, then the proposal would be acceptable in principle.

Notwithstanding the above, the following sections will assess the detail of the proposal.

Green Belt

The application site lies within the Green Belt outside the village of Shorne, a rural settlement inset from the Green Belt and identified on the Local Plan Core Strategy Policies Map.

Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) 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.

Paragraph 142 of the National Planning Policy Framework 2023 (NPPF 2023) sets out that the essential characteristics of Green Belts are their openness and permanence and paragraph 143 lists the five purposes that the Green Belt serves. At the application site, the Green Belt assists in safeguarding the countryside from encroachment. Paragraph 152 of the NPPF 2023 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154 of the NPPF 2023 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt but it lists certain exceptions. These exceptions are set out in sub-paragraphs 154(a) to 154(g). Sub-paragraph 154(c) identifies 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.

Paragraph 155 of the NPPF 2023 specifies certain other forms of development that are not inappropriate, in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land

within it. These forms of development are set out in sub-paragraphs 155(a) to 155(f). Sub-paragraph 155(d) identifies the re-use of buildings provided that the buildings are of permanent and substantial construction.

As already identified, exception (c) of paragraph 154 is not relevant as the proposal is not for a new building. Although some external alterations are proposed in terms of windows and roof lights, these are minimal. The footprint of the building would remain the same. As such it should be considered under exception (d) of paragraph 155, identifying the re-use of buildings provided that the buildings are of permanent and substantial construction. The Council is satisfied that the building is of permanent and substantial construction. The proposal must however preserve the openness of the green belt and not conflict with the purposes of including land within it.

In terms of openness, the building is located on the eastern site boundary and is in use predominately as a garage with a portion being already converted to a gym/amenity and shower room. The proposed development would involve the removal of the garage doors and infilling of walls, new windows, rooflights and roof lantern. If converted to a residential use, there would invariably be associated residential paraphernalia which could have an impact on openness. Given the facilities proposed and the self contained nature of the annex, it is likely that occupiers will be long term, with their own vehicles, visitors and associated residential paraphernalia.

However on balance, as the use would be restricted to family members, the proposed development due to the self contained nature of the annex would likely utilise associated residential paraphernalia of the main dwelling. Any residential paraphernalia would unlikely be visible from public vantage points in Pear Tree Lane and therefore not harmful to the openness of the Green Belt, or representing an encroachment of development into the countryside.

It is noted that Shorne Parish Council considers the proposal to be inappropriate development in the Green Belt and reference other examples within the area. However these related to new dwellings, and not annexes.

Overall, it is considered that the, the proposal would not result in disproportionate additions to the original building and would preserve the openness of the Green Belt in accordance with exception 155(d) of the NPPF. As such the proposal, subject to conditions restricting separate occupancy and ensuring it is for relations to the main dwelling only, would not be inappropriate development and complies to Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 and to paragraph 155(d) of the NPPF 2023.

Very Special Circumstances

Referring to paragraphs 152 and 153 of the NPPF 2023, inappropriate development in the Green Belt should not be approved except in very special circumstances and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

It is noted that the applicant has not specifically identified any very special circumstances, although they have provided further explanation regarding the intended use. It has been confirmed that it will be used for family members as can be conditioned accordingly.

Design, Character and Appearance

Paragraph 135 of the NPPF 2023 sets out various design requirements and includes the need for the development to add to the overall quality of an area; be visually attractive; and be sympathetic to local character, including the surrounding built environment. Paragraph 139 of the NPPF 2023 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other

architectural features of buildings. Account should also be taken of 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.

The application site is located in the Shorne Woodlands Landscape Character Area (LCA) and as such, Policy CS12 of the Local Plan Core Strategy is 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 Shorne Woodlands Landscape Character Area defined by undulating topography, Chestnut coppice woodland and strong sense of enclosure, traditional village greens and varied building style and age with few highways with busier road along character area boundaries. Policy CS12 seeks to conserve, restore or enhance the overall landscape character.

The application site is located in a rural area and is surrounded by woodland and dwellings in plots of a similar nature. The plot surrounding the existing dwelling has a significant area of hard surfacing and some grass and mature vegetation. As a result, the site has a somewhat semi-rural appearance. It is noted that there would be no loss of vegetation and that the residential nature of the application site would be retained. The property is located in the more densely populated section of Pear Tree Lane and additional residential paraphernalia would not look out of place.

Therefore, it is considered that the proposed development could not be detrimental to landscape character and would be in line with Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

The external alterations to the property are minimal. The existing garage has a flat roof and the proposal keeps the flat roof design and includes a roof lantern and two rooflights. These do not significantly alter the appearance of the garage. The window on the front elevation will be a change and potentially increase the prominence of the building, but as previously mentioned, the property is screened by foliage.

It is noted that a local resident has raised concerns that the proposal would be inappropriate development in the green belt.

The external alterations to the garage are minimal and do not overly alter its current appearance or increase its prominence in the street scene. As such the proposal is in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Amenity of Future Occupiers

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants. In this regard, the Nationally Described Space Standards (NDSS) and the Borough Council's adopted Residential Layout Guidelines (RLG) are relevant.

The internal floor area measures approx. 52.38 sqm and shows the conversion to be two bedrooms. However the second bedroom is also indicated as a study. The National Housing standards state that a two bedroom, three person dwelling that is single storey must have an internal floor area of 61sqm and two person dwelling should be 50sqm. The unit is undersized for three people, but meets the requirements for two people. As the information submitted has confirmed the annex will be utilised by the owners daughter, partner and child, or elderly relatives, it is considered acceptable as it will not form a separate self contained dwelling.

The rooms contained sufficient natural light and there are no privacy issues.

The proposed annex would provide a satisfactory unit of accommodation.

Neighbouring Amenity

The building is shown to be single storey and there is boundary treatment between this and the neighbour to the east. All windows are located within the front and rear elevations only and therefore there will be no loss of outlook, privacy, sunlight or daylight to this neighbour.

Therefore in respect of impact on neighbour amenity, the proposal would be in accordance with Policy CS19 of the Gravesham Core Strategy 2014 and Paragraph 135(f) of the National Planning Policy Framework 2023.

Parking and Highways

Policy CS11 of the Gravesham Local Plan Core Strategy September 2014 and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994 require new development to mitigate its impact on the highway and public transport networks and to provide sufficient parking in accordance with adopted parking standards.

Saved Policy P5 of the of the Gravesham Local Plan First Review (1994) allows a relaxation of the vehicle parking standards for changes of use of buildings and the sub-division of existing dwellings in certain circumstances and provided that existing on-street parking problems are not unduly exacerbated.

The application property has a large frontage hard surfaced area which can accommodate a number of vehicles. In addition, there is an existing double garage and further parking to the rear.

It is considered that sufficient space would be available at the site to accommodate the required vehicle and cycle parking and in order to ensure that this is kept permanently available, any planning permission granted should be conditioned to require the relevant details to be submitted and approved.

Overall, it is considered that the proposal would not be detrimental to highway safety and would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policies T1, P3 and P5 of the Gravesham Local Plan First Review November 1994.

Conclusion & Balancing Exercise

This application has been extremely finely balanced. The proposal would not result in disproportionate additions to the original building and would preserve the openness of the Green Belt in accordance with exception 155(d) of the NPPF. As such the proposal, subject to conditions restricting separate occupancy and ensuring it is for relations to the main dwelling only, would not be inappropriate development and complies to Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 and to paragraph 155(d) of the NPPF 2023.

The proposed development would provide a good standard of living for future occupiers, would not be detrimental to the surrounding landscape, residential amenity or highway safety. All of which weigh in support of the proposal.

On balance, it is considered that the benefits of the proposal significantly and demonstrably outweigh any harm and the development is therefore in accordance with relevant national and local planning policies.

Recommendation

Permission

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

Case Officer:	Miss Faye Hobbs	Team Leader:	Richard Hart
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Signed:		Signed:	<i>R Hart</i>
Dated:	07 th June 2024	Dated:	7th June 2024