



Delegated Report

Householder Planning Application

Planning Application No: 20220827

Location: Thornkirk, Meadow Lane, Culverstone, Gravesend

Description: Replacement of an existing garage and the erection of an annexe ancillary to the host dwelling

Applicant: Mr Alfie Summers

Site Visit Date: 21 September 2022

Submitted Documents/Plans

Cover letter dated 27 July 2022
Application form
OS Plan (dated 27 September 2022)
Proposed Ground Floor Plan / S.E. Elevation
Proposed N.E and S.W. Elevations
Proposed N.W. Elevation
Existing Garage Plans
Existing Site Plan
Proposed Site Plan

Relevant Planning History

Reference	Description	Decision	Decision Date
20100883	Erection of a detached three bedroom replacement dwelling with rooms in the roof space; erection of a detached double garage and installation of sewage treatment plant.	Permitted	09.11.2010
20100558	Erection of a detached three bedroom replacement dwelling with rooms in the roof space and a basement; erection of a detached double garage and installation of sewage treatment plant.	Refused Appeal Allowed	04.08.2010 04.01.2011
20040990	Outline application for the erection of two detached dwellings.	Refused Appeal Dismissed	29.12.2004 16.01.2006
19740341	Outline application for the erection of two holiday chalets.	Refused	30.11.1974

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development

- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles

Gravesham Local Plan: First Review (1994)

- C13 – Extensions to Dwellings in the Countryside
- T1 – Impact of Development on the Highway Network
- 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
- 9 – Promoting sustainable transport
- 12 – Achieving well-designed places
- 15 – Conserving and enhancing the natural environment
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Supplementary Planning Guidance

- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 (2020)
- SPG4 – KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

External Consultees

Meopham Parish Council

The council raises no objections to this planning application provided that the annexe is never used as a separate hereditament.

KCC West Kent Public Rights of Way

Public Rights of Way NS293 lies to the south of the site and may be affected by the application.

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.

Internal Consultees

GBC Highways

The property benefits from an excess of car parking spaces, no highway objections to an ancillary use.

Neighbouring properties

The application has been advertised by individual neighbour letters to 7 properties, on site and in the press (due to the proximity of a Public Right of Way). The consultation periods expired on 23 August and 2 September 2022 respectively.

One letter of representation has been received, with the following comments:

- Neighbour's electricity and water supply should not be used to feed the development.
- Concern over privacy during construction when existing garage is removed and space between gardens opened up. Ideally a fence should be installed between the neighbouring properties.
- Daylight to garden may be affected by the development.
- Happy for works to be undertaken but general concern about how the construction will impact on the use of the neighbouring garden.

Local Ward Councillors were also consulted and no responses were received.

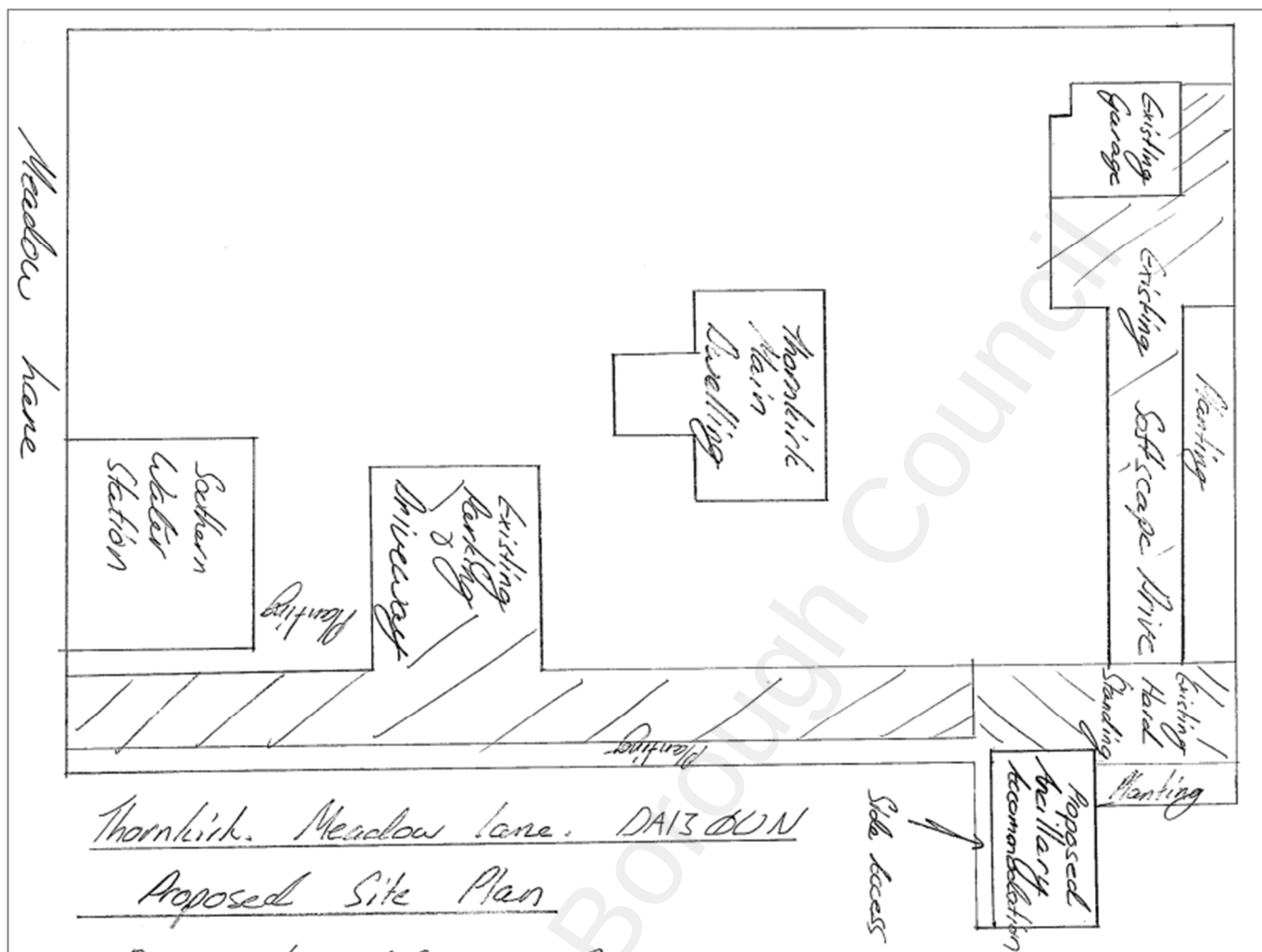
Officer's Analysis

Proposal

This application seeks permission for the replacement of an existing garage and the erection of an annexe ancillary to the host dwelling.

The existing detached garage to be replaced is located off the existing driveway towards the rear of the plot. It is very dilapidated and overgrown with planting. It is 5.6m wide by 7.3m deep. It is 3m high to the top of the pitched roof and 2m high to eaves level.

Proposed Site Plan



The submitted plans show the proposed ancillary accommodation will comprise a bedroom, a bathroom and a lounge area. The replacement outbuilding would be constructed of brick and timber cladding with a plain clay tile roof. It would be 5.6m wide and 9.6m deep, with an eaves height of 2.5m and 4.3m to the top of the pitched roof.

There would be bifold doors to the front (north-east) and a door and two windows to the side (north-west), with a velux window in the south-east roofslope.

The applicant has confirmed the proposed annexe is for the sole use of a family member who requires assistance in their day-to-day life and the proposal would allow the householder to address their needs. The applicant has confirmed the ancillary accommodation has no kitchen and is therefore dependent on the main dwelling, and that there is no intention to rent out the accommodation or allow any non-family members to reside there.

Principle Issues

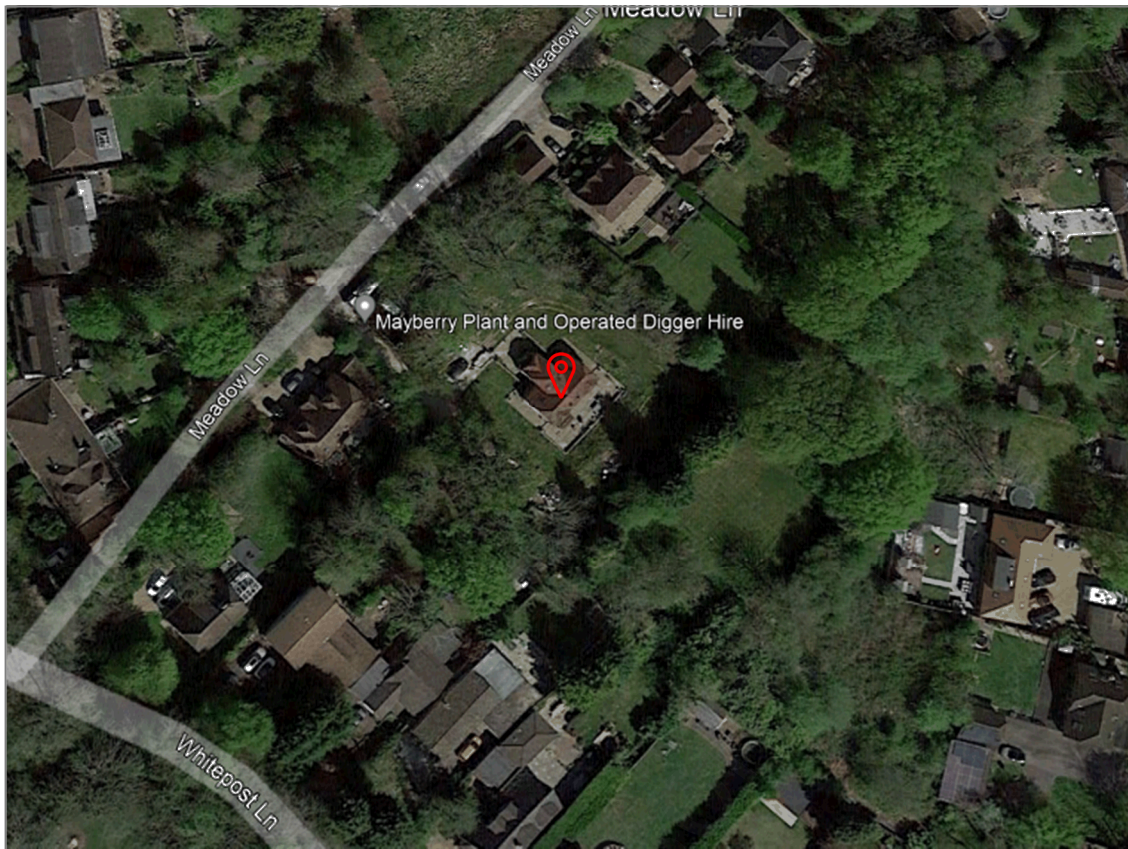
The main issues to consider in the determination of this application are the principle of the development in the Green Belt, and the impacts on the character and appearance of the surrounding area, on residential amenities and on highways.

Principle of Development in the Green Belt

Thornkirk is a detached dwelling in a generous plot with a detached garage to the rear of the property and a parking area to the front of the house. There is also a further detached garage off to the side of the site towards the rear of the plot, which is the subject of this proposal. The site lies in the Green Belt, outside the

rural settlement boundary of Culverstone Green.

Thornkirk from Google Earth Image:



Existing Outbuilding:



Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 137 of the NPPF 2021). Paragraph 147 of the NPPF 2021 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.

There are no specific NPPF or local plan policies that relate to the creation of annexe accommodation at existing dwellings. As such, it is necessary to consider the general policies that relate to development in the Green Belt. Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt (paragraph 149 of the NPPF 2021). However, there are exceptions to this, which, as in the case of this proposal, include:

- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- (g) the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development or would not cause substantial harm to openness and would contribute to meeting an identified affordable housing need.

Policy CS02 of the Core Strategy 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 Core Strategy 2014.

Saved Policy C13 of the Local Plan 1994 relates to extensions to dwellings in the countryside, and generally seeks to maintain the open character of the Green Belt and retain a stock of rural dwellings of modest size.

In this case the proposal involves the replacement and enlargement of an existing dilapidated garage. In terms of the enlargement of the replacement outbuilding, there would be a difference in floorspace between it and the original garage of 12.88sqm, which equates to a 24% larger floorspace. The replacement building would be 2.3m longer, 0.5m higher at eaves level and 1.3m higher at ridge height. This is not considered to be a materially larger building than the original. However, the proposed residential use of the replacement building will not be the same as the original (a garage) so, whilst the replacement building partly complies with the requirements of paragraph 149(d) of the NPPF 2021, it does not wholly comply.

In terms of the proposed use of the replacement building, the most relevant section of Policy C13 of the Local Plan 1994 is part (iv), which requires that an extension shall not be in a form that would facilitate the future formation of a separate residential curtilage. This is always a key planning concern with annexes, even when they are not within the Green Belt.

There is a concern that the proposal has the potential not to be ancillary to the main dwelling on the site. The annexe would have its own separate access as it is detached from the main dwelling. A subdivision of this plot would be likely to lead to additional parking requirements, hardstanding, boundary treatments, and other domestic paraphernalia that would all have a negative impact on the openness of the Green Belt. Such a proposal would not be acceptable.

Furthermore, the site is within an unsustainable rural location. Policy CS19 of the Core Strategy requires new development to encourage sustainable living and choice through a mix of compatible uses that are well connected to places that people want to use, including the public transport network, local services and community facilities. This policy reflects the national policies in the NPPF that seek to ensure that new development is well related to local services and facilities and are accessible by a variety of means of transport, thus enabling reliance on the car to be reduced. While the site is not totally isolated from other development, it is not well related to local services and facilities, and would not be in an acceptable location

for a new dwelling.

It is recognised that 'residential annexes' in whatever form that might take are an increasingly common form of development that are generally proposed in order to allow relatives to live with their family with some degree of independence. However, to remain ancillary accommodation and not a separate unit of accommodation, the use of annex must normally retain some form of reliance on the main dwelling.

Planning permission is being sought for the ancillary use of the annexe. It is helpful to consider whether the annexe would be ancillary or a separate planning unit comprising an additional household living independently on the site.

In this case, the proposed accommodation includes a bedroom, bathroom and lounge space but there is no kitchen, which indicates that it could not be occupied completely independently from the main dwelling, as it would have to rely on such facilities in the main house and would therefore not adequately serve as a separate self-contained unit of accommodation. Whilst the proposed annexe would be detached from the main house, there is only one access into the site and dwelling, and this serves a parking area at the front of the house, the existing garage to be replaced and a further garage at the rear of the plot behind the house. Furthermore, it has been made clear that the annexe is for the sole use of the family's relative.

It is on this basis, as a matter of fact and degree, it is considered that a new planning unit would not be created at the application site, and the use would be an ancillary residential one.

The NPPF 2021 is clear that the construction of new buildings is inappropriate development in the Green Belt unless it is for one of the excepted forms of development set out in paragraph 149. However, it is acknowledged that there is already a similar sized building on the site of the replacement building and the proposal is not a new building as such.

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, and these are listed in paragraph 150. These include the re-use of buildings provided that the buildings are of permanent and substantial construction. Again, the proposal does not strictly comprise the re-use of the building, as the existing building is in such a state that it could not be re-used, but it is a replacement for the original building to be re-used as an annexe.

National and local planning policy would not permit additional built dwelling(s) independent of the existing dwelling on the site; however, the proposed annexe is subordinate to the main dwelling and would be reliant on its facilities. As such it would not be considered an independent dwelling.

In terms of the impact on the openness of the Green Belt the annexe would by its nature increase the built development on the site. However, as the proposed building is a replacement for an existing dilapidated outbuilding and would not be materially larger than the existing building, the impact on openness would be very limited and localised. The proposed building would not be excessive in size or bulk and is subservient to other structures on the site. Additionally, it will be screened from any public view and a landscaping/boundary treatment condition could ensure the building integrates itself back into the site. Therefore, the proposal would not be considered to impact on the openness of the Green Belt.

Considering the above requirements of the NPPF 2021 in relation to new buildings, the proposed building is a replacement for an existing outbuilding that would not have a greater impact on the openness of the Green Belt than the existing building. It would not be a disproportionate addition to the site and would be subservient and ancillary to the main property.

Nevertheless, given the concern relating to the potential for plot severance in this Green Belt location, it will be essential to impose a condition restricting the use of the annexe as ancillary and related to the main dwelling.

On this basis, it is therefore considered that the proposed development would not be an inappropriate,

harmful development in the Green Belt. The proposal therefore complies with the requirements of Policy CS02 of the Core Strategy 2014, Policy C13 of the Local Plan 1994 and paragraph 149 of the NPPF 2021.

Design and Character and Appearance of Surrounding Area

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 130 of the NPPF 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The application site lies in the countryside, in the Green Belt and in the Meopham Downs Landscape Character Area. With regard to the impact on the landscape, Policy CS12 of the Gravesham Core Strategy 2014 is relevant to this application, relating to green infrastructure. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (LCA) 2009 will be taken into account in determining applications. The Meopham Downs Landscape Character Area comprises gently undulating topography with a mixture of arable and pasture farmland. The LCA recognises the overall condition of the landscape as good and the sensitivity of the area as moderate. It is recommended that the key landscape elements should be conserved and reinforced.

Paragraph 137 of the NPPF 2021 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence. Paragraph 001 of the Planning Practice Guidance 2019 on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development, its duration and remediability, and the activity levels generated.

In this case, the replacement of the existing garage for ancillary residential accommodation will not harm the openness of the site or the character of the site and surroundings. As a replacement outbuilding with no significant additions in terms of its size, the proposed annexe would remain subservient to the original property and would be located towards the rear of the plot where it is usual for outbuildings to be found.

The proposed annexe outbuilding would be well screened at the rear of the plot, tucked off the south-west flank boundary of the property. The outbuilding would be 5.6m wide and 9.6m deep. It would have a pitched roof with a maximum height of 4.3m and an eaves height of 2.5m. The annexe will provide a lounge, bedroom and bathroom. There are no kitchen facilities proposed. A single access door is proposed on the side elevation, along with two windows. On the front, facing into the garden, bifold doors are proposed. The proposed replacement outbuilding would be traditional in appearance with plain clay roof tiles, timber cladding and brick, which are similar to existing materials used within the existing buildings on the site.

The annex will be not independently accessed without passing through the main gate of the host dwelling, with no other form of access from the rear.

In summary, it is considered that the proposed replacement ancillary annexe would preserve the openness of the Green Belt and the rural landscape character and appearance of the site and surrounding area. Provided the proposed materials are as stated and landscaping/screening details are submitted, the proposal is considered acceptable in design terms. As such, the proposal would comply with the requirements of Policies CS02, CS12 and CS19 of the Core Strategy 2014, and paragraphs 130, 137 and 174 of the NPPF 2021.

Residential Amenity

The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be

located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

Future Occupiers

In terms of additional living accommodation, the proposal will add a further one bedroom to the application property, bringing the total number of bedrooms to 4. Garden space around the property will not be affected, as the enlargement of the building is minimal. There is therefore no conflict with Policy CS19 of the Core Strategy 2014, or the standards set out in the NDSS 2015 and SPG2 in respect of the accommodation standards and retained garden for future occupants of the dwelling.

If the proposed annexe were to be severed from the main dwelling, there would be amenity concerns: there would be no kitchen so it would not adequately serve as an independent self-contained unit of accommodation on a long-term basis. There could be issues over the size of the accommodation being inadequate and there would also be likely to be privacy issues between the properties on the site and potentially inadequate amounts of amenity space.

However, as discussed above, the proposed condition restricting the annexe as ancillary accommodation related to the existing main dwelling would help prevent any such impacts on amenities. A condition restricting the physical subdivision of the plot with fencing etc. would also be appropriate in this instance.

Neighbouring Properties

The single storey nature of the replacement building would not cause any sense of enclosure, loss of light, outlook or privacy to neighbouring properties. The submitted plans show no encroachment onto neighbouring land. The boundary with the neighbouring property Heysbrig to the south-west will be opened up with the removal of the existing outbuilding but the walls of the proposed building will then re-form the site boundary. Details of boundary treatment should be conditioned to ensure that the proposal is integrated back into its surroundings, and the property boundaries are reinstated.

Overall, the proposal would therefore safeguard the amenities of neighbouring properties, and as such, would comply with Policy CS19 of the Core Strategy 2014 and paragraph 130(f) of the NPPF 2021.

Parking and Highways

The parking requirement for this proposal is that there must be sufficient space for three cars. The submitted drawings show more than adequate space for parking on the site.

However, as no spaces are allocated, the conversion would only be acceptable if it is ancillary to the occupation of the main dwelling. This would be ensured by the proposed restricted ancillary use condition discussed above. On this basis, it is therefore considered that there would be no adverse parking or highways impact from the proposal. The proposal would comply with Saved Policy P3 of the Local Plan First Review 1994 and Policy CS19 of the Core Strategy 2014.

Any Other Material Planning Considerations

Public Right of Way

Public Rights of Way NS293 lies to the south of the site and may be affected by the application. An informative is recommended 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.

Biodiversity

Policy CS12 of the Core Strategy 2014 states that there will be no net loss of biodiversity in the Borough and that opportunities to enhance, restore, re-create and maintain habitats will be sought within new development.

The existing garage is derelict and overgrown and as such will be likely to provide some habitat for biodiversity. Its removal would therefore affect this provision. However, the attachment of a condition for replanting around the proposed replacement building and the inclusion of opportunities to create additional habitats would be considered appropriate to alleviate this issue.

Conclusion and Recommendation

Subject to conditions, the proposal is considered to be appropriate development in the Green Belt where openness is preserved, plus it is acceptable in terms of the design and impact of the replacement annexe on the application site itself and on the character and appearance of the surrounding rural area, and with regards to residential amenity and highway matters. The proposal would therefore comply with the requirements of saved Policy C13 of the Local Plan 1994, Policies CS11, CS12 and CS19 of the Core Strategy 2014, and paragraphs 111, 126, 130, 137, 138, 149, 150 and 174 of the NPPF 2021.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	26th September 2022	Dated:	27 th September 2022