
OUR REF: JB/3422

DESIGN, ACCESS, AND PLANNING STATEMENT

**RETROSPECTIVE APPLICATION FOR PLANNING PERMISSION TO ERECT A
DETACHED CARRIAGE HOUSE (DOUBLE GARAGE WITH ATTACHED
STORAGE).**

47 BEECHWOOD DRIVE, MEOPHAM, KENT

OCTOBER 2021

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This statement is prepared in support of a retrospective application for the erection of a detached carriage house (garage with storage space) for the safe parking of the applicant's cars. There is very little storage space in the house due to a loft conversion and the existing garage is needed for garden and household storage. The existing garage was designed for general storage and is not big enough to house a car.
- 1.2 The applicant thought that planning permission was not required for a lightweight timber building. It appears that a number of nearby dwellings have erected outbuildings of similar size and design, but these are likely to have benefited from Permitted Development Rights, or planning permission associated with the original grant of planning permission for the dwelling. Garages to the front of dwellings are commonplace in the Culverstone Valley Area, in part because of the steep topography of some of the plots.



Photograph 1 -3: Photograph showing the garage building



Photograph 4: Aerial views of the site prior to construction of the building (Google Earth 2020).

- 1.3** In order to provide some enhancement to existing landscape character it is proposed to remove the gravel in the northernmost part of the site for planting with trees, including cherry, hawthorn and rowan.

2.0 SITE CONTEXT

- 2.1 The application site extending to 1583 sqm is located on the west side of Beechwood Drive, a short distance north of the junction with Whitepost Lane in the Culverston Valley Area. Unusually for this locality the site is flat, but as with much of the Culverstone Valley Area, Beechwood Drive is characterised by an eclectic mix of brick-built bungalows. Much of the Culverston Valley Area has not been excluded from the Green Belt, despite its unusual evolution which has result in a density of dwellings that give the area a village character.
- 2.2 As with most of the Culverston Valley Area, the plots in this part of Beechwood Drive have a wide variety of boundary treatments, ranging from open frontages to enclosed plots with garages set at the roadside in front of the main dwellings. In this case, 47 Beechwood Drive is unusual insofar that the plot has a long road frontage. The road frontage boundary has been delimited by a wall with timber panels above (south) and close boarded timber fence panels (north).
- 2.3 To the south of the proposed location of the building is an existing dwelling, and to the north of that are two existing outbuildings (garage/storage and utility room). The new garage to which this application relates is to the north of these outbuildings buildings on an area that has been a tarmacked yard for many years. No trees have been removed and the site had a developed in character. Since the most recent aerial photographs, much of the site has been resurfaced with gravel which will reduce runoff.
- 2.4 The site lies within the Harvel Wooded Downs Landscape Character Area (Gravesham Landscape Character Assessment). This describes one of the key characteristics of the area as a haphazard mosaic of residential plots and small holdings set within the woodland. The LCA explains that the uncharacteristic and sporadic settlement of small plots within coppice woodland is a dominant element within the area, creating an incoherent landscape. The policy recommendations of the LCA include halting the erosion of the landscape character by resisting development of inappropriate design and materials; conserving the characteristic of narrow lanes; and softening new development using characteristic landscape elements.

3.0 PLANNING AND DEVELOPMENT HISTORY

- 3.1 Relevant planning history includes the following:
- Conversion of roof space into two bedrooms and two ensuite shower room/wc's including installation of windows in gable end walls and rooflights to front and rear roof slopes.
Ref. No: 20130557 | Status: Application Permitted
 - Erection of a three bedroom detached dwelling with integral garage, and erection of a replacement garage for the existing house.

Ref. No: 20190884 | Status: Application Refused

- Erection of single storey outbuilding at the side to form utility room and shower room/w.c.

Ref. No: 20000223 | Status: Application Permitted

- 3.2 Of particular note, it is observed that the decision notice for application 20000223 (single storey outbuilding) included a condition that removed Permitted Development Rights for further outbuildings. The reason given was '*in the interest of amenity and in order to comply with the Council's policy for the Culverstone Valley Area*'. The Culverstone Valley Area policy is no longer relevant'. This occurred prior to the applicant's purchase of the property and she was not aware of the condition.

4.0 DESIGN AND PLANNING CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 Paragraph 2 of the National Planning Policy Framework (2021) reiterates this, whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 4.3 Paragraph 38 of the Framework states that local planning authorities should approach decisions on proposed development in a positive and creative way, as well as work with applicants to secure developments that will improve the economic, social and environmental conditions of the area. They should also seek to approve applications for sustainable development where possible.
- 4.4 The adopted planning policy for Gravesham consists of the Core Strategy (2014) and the saved policies of the Gravesham Local Plan (1994). There is emerging policy in the ADMP. This has not yet completed its public consultation and is some way off formal adoption. It is therefore to be afforded limited weight.
- 4.5 As a result of the Inspectors report into the Examination of the Core Strategy (in 2014), policy C14 was deleted. This previously provided a special policy for the CVA and it was under this policy that the previous redevelopment proposals on this site had been permitted. At that time the Inspector recommended a review of the Green Belt boundary, but that has not been completed yet.

Green Belt

- 4.6 National policies for protecting the Green Belt are set out in Section 13 of the National Planning Policy Framework (2021). Policy 147, 148 and 149 are key for the consideration of this application. In summary, Paragraph 147 describes that:

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

- 4.7 Paragraph 149 confirms that the construction of new buildings is inappropriate in the Green Belt. However, it then goes on to consider a list of exceptions. It is our view that the following exceptions are relevant and each of them will be considered in turn:

‘c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building;

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.

Exception NPPF Paragraph 149 (c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

- 4.8 The NPPF does not define ‘disproportionate’, and the Gravesham Borough Council development plan policies (which were drafted before the NPPF) cannot reliably be used to define the meaning of this term. Nevertheless, because there is no other guidance (there is not an up to date development plan), planning decisions by the council have regularly used Policy C13 to define modest (and thereby appropriate) extensions in the Green Belt (and this is defined as an overall limit of one third of the floor area of the original dwelling). The Council continue to apply this policy and it seems reasonable to assume that other criteria of the policy are also still relevant.
- 4.9 Policy C13 (under the policy title ‘*extensions to dwelling in the countryside*’) also refers to outbuildings as follows:

Policy C13

Extensions to dwellings will be considered on their merits but the Borough Council will expect the following criteria to be satisfied:-

- (i) The existing dwelling must be an “original dwelling” in permanent use as a dwelling.*
- (ii) 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.*
- (iii) 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.*
- (iv) The extension shall not be in a form which would facilitate the future formation of a separate residential curtilage.*

- (v) *The dwelling to be enlarged must have sufficient curtilage to accommodate the extension without undue visual intrusion into the open countryside.*
- (vi) *The appearance, massing, scale, form and materials of any extension shall be appropriate to the existing dwelling and the Green Belt setting.*
- (vii) *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*

4.10 The above policy suggests that domestic outbuildings will be considered flexibly by the council (on their merits) and arguable under the ‘alteration or extension of a building’ NPPF exception. This conclusion is supported by an appeal decision nearby at Muddy Paws on Rhododendron Avenue (APP/K2230/D/18/3209272), in which the Inspector stated:

“8. The Council has contended that domestic outbuildings including garages do not fall within the above definition of an extension or alteration to a building. However, and although the terms are not specifically defined, on the basis that the proposal would be within the curtilage of the existing dwelling and to provide garage accommodation incidental to the enjoyment of the dwelling, I consider this to be too narrow an interpretation.

9. Furthermore, I note that saved policy C13 from the Local Plan and referenced by the Officer in the report is entitled Policy for Extensions to Dwellings in the Countryside and from the supporting text appears to relate to dwellings in the Green Belt. Under that policy, criterion vii specifically includes provision for domestic garages and other outbuildings; this suggests that Council policy has previously considered garages and outbuildings under the general umbrella term of an extension to a dwelling.”

4.11 The Inspector in that case (attached at Appendix A) concluded that *‘the proposed development would not be inappropriate development for the purposes of the framework and development plan policy. Therefore, there is no need for the development to be justified by Very Special Circumstances’*. In that case the Inspector did refer to the particular circumstances of the case (including the planning history of the site as well as the scale). It is clear, however, that a pre-NPPF decision (which included a garage on the site) should not hold significant weight in determining whether development is appropriate in the Green Belt now. It appears that the garage could not have lawfully been completed.

4.12 It is the view of Graham Simpkin Planning that it is appropriate to take a similar decision in this case. Policy C13 gives guidance on the type of development that the Council consider to be appropriate in the Green Belt, which includes garages that are *‘well-designed, discreetly sited and subservient to the main dwelling’*. It is our view that because garages close to the roadside are a common occurrence in the Culverstone Valley Area, the garage being considered in this application would not be prominent nor so unusual that it would not be ‘discrete’. The timber construction is

rural in character, and is clearly an appropriate design for the locality. It is a low set building which is visually subservient to the dwelling and another larger outbuilding on the site.

NPPF Paragraph 149 (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.*

- 4.13** The above Paragraph (Green Belt exception) is also relevant in this case. The part of the site on which the garage is located has been a tarmacked yard for a very long time. Prior to the occupant purchasing the site, the yard was previously used for chicken houses, caravans, chicken houses and a storage container (see 2009 street view photograph below).



- 4.14** The site of the carriage house (garage) is surrounded by development and can certainly be considered to be ‘infilling’, or a ‘previously developed site’ such that paragraph 149 (g) of the NPPF is relevant. Although in recent years there were no significant buildings on the site, it was nevertheless tarmacked and surrounded by a 1.8m close boarded fence which gave the site an urban and enclosed character. Furthermore, as shown on the photograph above, there has previously been a number of significant structures on the site. The site did not make a particular contribution to the openness of the Green Belt due to its enclosed and sometimes cluttered character. The appeal decision from nearby Twinville APP/K2230/W/17/318317) concluded that a site adjoined on three sides by existing houses could meet the definition of infilling.
- 4.15** Although the building to which this application relates does have more volume than ‘existing development’ as described by the policy, it is nevertheless clear that the visual aspect of openness would be enhanced by the planting of trees in the prominent northernmost part of the site.

- 5.16** A recent Supreme Court decision in *R.(oao Samuel Smith Old Brewery) v Yorkshire County Council* [2020] UKSC 3¹ confirmed that “matters relevant to openness in any particular case are a matter of planning judgement, not law” (para 39). While planners are not obliged by law to consider visual impact in the preservation of Green Belt Openness, the ruling has confirmed that consideration of visual openness is relevant. The judgment reinforces guidance set out in PPG Paragraph: 001 [2] on the factors to be taken into account when considering the potential impact of development on the openness of the Green Belt, namely; “openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume”.
- 5.17** It is argued that the site already had a visual impact on Green Belt openness prior to the erection of the carriage house (garage) due to its developed and urban character. This developed character had an impact on views from outside the site, and has interrupted visual links to the wider Green Belt. The site is prominent and has an urbanising impact (and associated visual impact on Green Belt Openness). The introduction of trees to the north of the site, together with the introduction of a modest building with a heritage/rural design and materials would restore a rural character to the site and reduce its visual (urbanising) impact. This has resulted in a neutral impact on the openness of the Green Belt overall. The proposal does not reduce and erode a site that was previously open in nature.
- 5.18** As well as trees beneficial for wildlife, the gravel at the northern end of the site will be replaced with a top soil surface and a range of plants attractive to pollinating insects, including lavender, phlox, thyme and geranium.
- 5.19** It is our view, however, that that the proposal satisfies the exceptions in paragraph 145 of the NPPF which describes development in the Green Belt which is ‘not inappropriate’. It is noted that a development proposal at ‘Rosebud’ nearby in 2017 (20170403) did not refer to the double garage roof extension in the Green Belt reason for refusal. Please also note that a development at Fleethouse (20200361), also on Beechwood Drive, was considered to be appropriate development in the Green Belt with the officer coming to the following conclusion:

“As the proposal is for an open car port only and no increase of floorspace of the dwelling would result, the proposal is considered to be an appropriate development in the Green Belt and in accordance with Policy CS02 (LPCS), Saved Policy C13 (LPFR) and Section 13 of the NPPF (2019)”

¹ *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)*

Character and appearance of the countryside

- 5.20 There is a difference between impacts on visual amenity, which are normally considered within the process of assessing landscape impact and the visual aspects of openness which are considered as part of a Green Belt Assessment. In the former, an assessment is made on the effects of development on the views available to people and their visual amenity and how this may affect character and scenic quality.
- 5.21 The site currently has an urbanising impact on the rural lane due to the presence of close-boarded at the edge of the highway.
- 5.21 The proposal introduces a building with a rural character, as well as trees and landscaping to the northern end of the site. Together these elements enhance the appearance of the site and introduce a more rural character. The development will be seen in the context of the other similar development of adjoining plots and it will not look out of place. This is not an isolated situation within the countryside where a building might be prominent because it is the only building in an otherwise open landscape.
- 5.22 Section 12 of the NPPF relates to “achieving well-designed places” and sets out the Government’s requirements in relation to design issues. Paragraph 126 relates good design and better places. Policy CS19 of the Core Strategy requires new development to be “visually attractive, fit for purpose and locally distinctive”, to “conserve and enhance the character of the local built, historic and natural environment” and “integrate well with the surrounding local area”.
- 5.23 The proposed building is not be visually prominent in the local landscape. The area in which it is located arguably has a village character, with a wide range of sizes and designs of dwellings, all contained within a treed landscape. Garages to the front of dwellings in prominent locations is not unusual, and in fact were a deliberate design response to the local topography in many cases. The proposed garage will integrate well into the local area and conserve and enhance the character and appearance of the locality. The development responds to the policy recommendations in Harvel Wooded Downs Landscape Character Area which included the softening of new development using characteristic landscape elements.

Other Considerations

- 5.24 **Biodiversity:** The applicant will install two swallow and two house-martin nests inside the building, and sparrow terraces on the north facing elevation. The proposed new trees and ground cover plants (attractive to pollinators) on the northmost part of the site will also result in biodiversity enhancement. Native species have been chosen.
- 5.13 **Amenity:** The building protects the outlook and amenities enjoyed by nearby dwellings.

6.0 CONCLUSION

- 6.1** It is the view of Graham Simpkin Planning that the proposed carriage house (garage) is not inappropriate development in the Green Belt. As such, it is not considered necessary to demonstrate Very Special Circumstances. If the council do not agree that the development is 'not inappropriate' then a Very Special Circumstances Case would include referring the council to previous development of the site (2009 streetview), its previously developed and enclosed character, and the proposed visual enhancements to openness through the planting of trees and flower beds. The building does not have a detrimental impact on the character and appearance of the area and biodiversity enhancements can be secured. The Council is requested to Grant retrospective planning permission for the proposed development.