



Delegated Report

Householder Planning Application

Planning Application No: 20220790

Location: Ringland Pear Tree Lane Shorne Gravesend

Description: Retention of 3 no. externally mounted air conditioning units

Applicant: Mr Jaswinder Rana

Site Visit Date: 02 February 2022

Submitted Documents/Plans

Householder Planning Application form;
Drawing no. 15031-L1 Rev. A Red line site boundary plan;
Drawing no. 15031-05 Proposed layout and elevations; and
Air conditioning unit specifications.

Procedural issues

Following the receipt of comments from the GBC Environmental Protection Team (Regulatory Services), the applicant was asked to provide a noise impact assessment on 09/09/2022. However no such information has been received.

Relevant Planning History

Reference	Description	Decision	Decision Date
20221023	Retention of a shed in the rear garden	Pending consideration	
20211463	Application for non-material amendment to planning permission reference number 20180629 to allow new and/or altered window/door openings and fenestration, revised central feature to front elevation and render detailing, revised flat roof eaves detail, revised pitched roof covering, external lighting, extractor fans, flues, CCTV and rear boundary walls/steps.	Pending consideration	
20190688	Application for a Lawful Development Certificate in respect of the proposed erection of a two storey rear extension.	Refused	19.09.2019
20180629	Erection of part two storey and part single storey extensions to north and south side elevations alterations to door/window openings and new window/door installation, alterations to roof eaves/verges and formation a front gable alterations to porch and new cornice fascia/perimeter detail, new render finishes and detailing.	Permitted	21.09.2018

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC7 – Other Archaeological Sites
- C13 – Extensions to dwellings in the countryside

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
- 12 – Achieving sustainable development and well-designed places
- 13 – Protecting Green Belt land
- 15 – Conserving and Enhancing the Natural Environment
- 16 – Conserving and Enhancing the Historic Environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

GBC - Environmental Protection Team (Regulatory Services)

The applicant has provided the following documents in support of the application:

- Details of the outdoor unit: AOYG36KBTB
- Light Commercial & Residential Multi-Split Catalogue
- OS Plan
- Floor Plans and Elevations showing Air Conditioning Units - Existing

After reviewing the above documents, the absence of a noise impact assessment is noted. This assessment would confirm the noise impact of the air conditioning units on the locality and the noise and vibration impact on the building itself as well as the required mitigation measures. This service is therefore not satisfied that sufficient information has been submitted with the application.

With the above in mind, this service is particularly concerned about the unit mounted to the north flank wall. This is specifically due to its sensitive location and absence of any noise mitigation systems in place that would otherwise prevent disruption to the local amenity.

As such, for our service to consider the application for the retention, we request that a post installation BS4142:2014 noise impact assessment shall be carried out and submitted to the Local Planning Authority for approval, for all installed air conditioning systems, to demonstrate impact on the nearest Noise Sensitive Receptors. Any works identified as required to ensure the rating noise is at least 5dB below the LA90 background noise shall be carried out.

Shorne Parish Council

The Parish Council has the following comments on this regrettably retrospective application:

- 1) Two units mounted on rear flat roof – these are sufficiently far from the neighbouring properties to hopefully not be a problem, subject to their proper functioning.
- 2) Unit mounted on north flank wall – this unit is a problem for various reasons:
 - Large unit mounted high on flank wall, above fence height and with no additional noise shielding
 - Close to boundary (not shown clearly on plans), exact distance requires measurement to confirm whether 1m or greater
 - Visible from front of property and roadway
 - Close to bedroom and main habitable room of neighbouring property and therefore likely to cause a noise nuisance.
 - Noise likely to channel down the gap between houses
 - We consider that this unit should be relocated to a more suitable position at the rear of the property and more distant from the boundary, in order to reduce negative impact on amenity and peaceful enjoyment of the neighbouring property.

Higham Parish Council

No response received.

Dickens' Country Protection Society

The Society note that the house has been significantly extended including a side extension on which one of the units has been mounted. In the Society's view this unit may give rise to nuisance affecting the amenity of the adjoining occupiers. The two units on the rear elevation are unlikely to have any impact.

Councillor Lane (Ward Councillor for Shorne, Cobham and Luddesdown)

It is regrettable that this is another retrospective application.

I would ask you to consider whether the addition of AC condensing units to the north-eastern elevations breaches any of the conditions of previous applications, including with regards to any distance from the boundary.

I would ask you to ascertain the level of noise from any or all of the AC condensing units, and the impact this may have on neighbouring properties. In evaluating this, it is essential that the ambient noise levels are taken into consideration. What may be acceptable in an urban environment may not be acceptable in a quiet, rural environment. It is the difference in dB levels that is important, not the nominal dB levels.

I would ask you to consider whether the visible presence of external AC condensing units is in character with the local environment.

I would ask you to consider the impact on the enjoyment and privacy of neighbouring properties. I appreciate that there is always a balance to be found, but in this instance it is the balance between the applicant and the occupiers of adjacent properties. The interests of those adversely impacted by this application should be given proper weight.

I would ask you to consider the cumulative impact of this application, combined with other alterations to the property that have taken place over recent years.

In any event, the fact that the work has already been carried out (without permission) should not influence your decision in any way whatsoever. If the application would have been refused (or given consent) before

the work was carried out, then that should be the decision.

Neighbouring properties

The application was publicised by a site notice and to two neighbouring properties by letter. One representation has been received and is summarised as follows;

- Queries the scale and detail shown on drawing no. 15031-5.
- The unit on the side of the application property reduces the distance between the northern elevation of Ringland and the northern boundary (with Badgers Rake) to less than one metre.
- The unit on the side of the application property does not match with the exterior wall and is detrimental to aesthetic views from Badgers Rake
- Adverse noise impacts in particular from the unit on the side of the application property to a lounge and bedroom at Badgers Rake and from two units so close together on the eastern elevation.
- Adverse noise impacts to wildlife including bats and birds.

Officer's Analysis

Green Belt

In relation to the Green Belt, 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 137 of the National Planning Policy Framework (NPPF 2021) sets out that the essential characteristics of Green Belts are their openness and permanence and paragraph 138 lists the five purposes that the Green Belt serves. At the application site, the Green Belt assists in safeguarding the countryside from encroachment. 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.

Paragraph 149 of the NPPF 2021 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt but lists certain exceptions. These exceptions are set out in sub-paragraphs 149(a) to 149(g). Sub-paragraph 149(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.

Saved Policy C13 of the Gravesham Local Plan First Review (November 1994) relates to extensions to dwellings in the countryside. It sets out a number of criteria that should be met when considering proposals for domestic extensions. As the policy pre-dates the NPPF 2021, the weight attached to the policy must be considered carefully; with greater weight being given where the approach is consistent with paragraph 149 the NPPF 2021.

In particular, Saved Policy C13 places an overall limit on extensions of one third of the gross floor area of the original dwelling unless the increased floor space has no overall effect on the existing bulk and appearance of the dwelling (criteria (ii)). It also requires the massing, scale and form of any extension to be appropriate to the existing dwelling and the Green Belt setting (criteria (vi)). It is considered that these factors are relevant in determining whether the size of an extension is proportionate and as such, these aspects of the policy are broadly in line with the NPPF 2021 and should be afforded weight.

The application property has been subject to significant extension and alteration in recent years. Planning permission reference 20180629 allowed the erection of part two storey and part single storey extensions to northern and southern side elevations and various alterations to the dwelling. These extensions have resulted in a 46% increase above the floor area of the original building. In addition, the application property has had a two storey rear extension and a loft conversion with three dormers in the roof space. Cumulatively, these works have resulted in significant increases in the floor area, size and bulk of the building and are considered to amount to disproportionate additions to the original dwelling.

The current application would result in further alterations to the building, by virtue of the addition of three externally mounted air conditioning units. However the units would not be significant in size, would not add significantly to the bulk or mass of the building and would not be widely visible outside the application site.

As such, the proposed development would have a minimal impact on the openness of the Green Belt and would not result in disproportionate additions to the building in themselves. As such, it is considered that the proposal would be appropriate development in the Green Belt, which would be in line with Policy CS02 of the Gravesham Local Plan Core Strategy 2014, Saved Policy C13 of the Gravesham Local Plan First Review (1994) and paragraph 149(c) of the NPPF 2021.

Design, Character and Appearance

Paragraph 130 of the National Planning Policy Framework 2021 (NPPF) 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 134 of the NPPF 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 Woodland Landscape Character Area 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. In relation to the Shorne Woodland Landscape Character Area, this document states that the overall condition of the landscape is good and that it has moderate sensitivity. It recommends that the key landscape elements (i.e. wooded character and the ecological interest of the woodland) should be conserved and reinforced.

The air conditioning units are located at the rear and northern side of the application property;





Due to the set back of the application property from the roadway, the mature vegetation on the site boundaries and the rear and side locations of the air conditioning units, the air conditioning units are not widely visible in the surrounding area. The units do not detract from the residential nature of the application site, assimilate well with the external faces of the building and do not appear out of character with the dwelling overall.

Shorne Parish Council highlights that one unit is visible from the front of the property and roadway and whilst this may be the case, it is considered that any views would be fleeting and the unit would not be an incongruous feature on the building.

A local resident states that the unit on the side of the application property does not match with the exterior wall and is detrimental to aesthetic views from Badgers Rake. However it is considered that the colour and size of the unit do not look out of place on the side elevation of the building;



Overall it is considered that the proposed development would cause no adverse impacts to the visual amenities of the building or its locality and would not detract from the Shorne Woodland Landscape Character Area. As such, the proposal would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy September 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 and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution.

The proposed development would improve the living conditions of future occupiers by virtue of cooling the dwelling in high temperatures. However the air conditioning units would have the potential to cause adverse noise and vibration impacts to the application building. No detail has been provided regarding these impacts and as such, the GBC Environmental Protection Team has requested the submission of a post installation noise impact assessment.

In the absence of the required noise information, it is not possible to make an adequate assessment of the impacts of the proposal on the residential amenity of future occupiers and as such, the proposed development would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

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 neighbouring occupiers and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution.

The closest residential properties to the application site are Badgers Rake and Tilsmore, Pear Tree Lane (located to the north and south respectively). Badgers Rake, Pear Tree Lane is a two storey, detached residential property that is located some 2.1 metres to the north east of the boundary of the application site. It is located on lower ground than the application property and has two small ground floor obscure glazed windows that face it. In addition, there are bedroom and lounge windows in the front elevation that are located in close proximity to the proposed development.

Tilsmore, Pear Tree Lane is a two storey detached residential property (a bungalow with dormers) that is located on slightly higher ground than the application property, some four metres to the south west of the boundary of the application site. It is set forward in front of the application property by some 12 metres, so that the rear elevation of Tilsmore is broadly in line with the front elevation of the application property.

The air conditioning units would have the potential to cause adverse noise impacts to occupiers of Badgers Rake and Tilsmore. No detail has been provided regarding these impacts and as such, the GBC Environmental Protection Team has requested the submission of a post installation noise impact assessment.

It is noted that a local resident, Shorne Parish Council, the Ward Councillor and the Dickens' Country Protection Society have all raised concerns regarding the adverse noise impacts of the proposed development.

In the absence of the required noise information, it is not possible to make an adequate assessment of the impacts of the proposal on the residential amenity of adjacent occupiers and as such, the proposed development would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Ecological impacts

Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) sets out that sites designated for their biodiversity value will be protected in line with their designations, with the highest level of protection for international sites ranging down to the protection of locally important areas.

The application site is located in a Biodiversity Opportunity Area, which is of local importance and it is noted that there is mature vegetation, which could support a variety of species, located in close proximity to the air conditioning unit on the northern elevation of the application building (but situated at the adjacent property). Indeed a local resident has highlighted the existence of birds and bats.

It is acknowledged that noise can adversely affect wildlife and ecosystems and as such, the air conditioning units would have the potential to be of detriment to biodiversity in the surrounding area.

In the absence of the required noise information, it is not possible to make an adequate assessment of the impacts of the proposal on ecological interests and as such, the proposed development would be contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014).

Any Other Material Planning Considerations

Most of the issues raised by a local resident, Shorne Parish Council, the Ward Councillor and the Dickens' Country Protection Society have been considered in the above sections. Any outstanding concerns are discussed below;

- The proximity to the boundary of the unit on the side elevation is not shown clearly on plans and should be at least one metre – the submitted plans are drawn to scale and a site inspection has indicated that the unit is located one metre away from the northern boundary fence.
- Consider the cumulative impact of this application, combined with other alterations to the property that have taken place – the proposal has been assessed in its context, which includes the fact that the application property has been subject to a number of extensions and alterations.

Conclusion & Recommendation

The above analysis sets out that the proposal would appropriate development in the Green Belt, be appropriate in design and would not detract from landscape character. However the submitted application details fail to consider the noise impacts of the proposed development on the residential amenity of future occupiers, the occupiers of the adjacent dwellings and on ecological interests.

The application is therefore recommended for refusal on the following ground;

Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed, in particular, there is no noise impact assessment. In the absence of the required noise information, it is not possible to make a determination as to the impacts of the proposal on the residential amenity of future and adjacent occupiers and on ecological interests. As such, the proposed development would be contrary to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 (Achieving well designed places) of the National Planning Policy Framework (2021).

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

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	15th November 2022	Dated:	22 November 2022