



Delegated Report

Variation of Condition Application

Application No:	20230943
Location:	Starwood, Pear Tree Lane, Shorne, Gravesend, Kent, DA12 3JU
Description:	Application for variation of condition 2 attached to planning permission reference number 20050912 for the erection of a detached garage, to allow the store in the roof space above the garage to be used as a hobby room and construction of a dormer extension in both side roof slopes of garage to provide enlarged roof space for the hobby room/store to allow use of detached garage as an annexe in connection with main dwelling house.
Applicant:	T Russell
Site Visit:	23 rd October 2023

Procedural Matters

The description of the application originally read "removal of condition 2". However the Planning Statement (ref. 3926.PN) sets out that the intention of the application "proposes to vary condition 2". As such, the Local Planning Authority have amended the description to read as follows:

Application for variation of condition 2 attached to planning permission reference number 20050912 for the erection of a detached garage, to allow the store in the roof space above the garage to be used as a hobby room and construction of a dormer extension in both side roof slopes of garage to provide enlarged roof space for the hobby room/store to allow use of detached garage as an annexe in connection with main dwelling house.

Submitted Documents/Plans

- Application Form - dated 7 September 2023;
- Planning Statement (ref. 3926.PN) - dated September 2023;
- Drawing no. 01 - Proposed Garage/Annexe Floor Plans.

Relevant Planning History

Reference	Description	Decision	Decision Date
20050912	Variation of condition (iii) of planning permission reference number GR/75/472 for erection of a detached garage; to allow the store in the roof space above the garage to be used as a hobby room and construction of dormer extensions in both side roof slopes of garage to provide enlarged roofspace for the hobby room/store.	PERMITTED	15.12.2005
20050675	Application for a Lawful Development Certificate in respect of the proposed construction of a dormer	CERTIFICATE REFUSED	20.10.2005

	extension in both of the side roof slopes of the detached garage at the front.		
19750472	Alterations and additions to provide additional living accommodation and erection of a detached garage	PERMITTED	19.08.1975

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- C13 – Extensions to Dwellings in the Countryside

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 Places
- Section 13 – Protecting Green Belt Land
- Section 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- SPG 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); and
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

External Consultees

Meopham Parish Council - The Parish Council has to OBJECT to this application for the following reasons and comments:

1. Previous planning application decisions:

The Applicant cites two previous Planning permission decisions as relevant:

- Ref 19750472 states:

(iii) the building shown on the submitted drawings as "motor house" shall not be used otherwise than for the accommodation of private motor vehicles, for the personal enjoyment of the applicant, and shall not at any time be used in connection with any trade or business or for living accommodation without the prior permission of the District Planning Authority.

- Ref 20050912 states:

2 The building hereby permitted shall be used as a hobby room/store for the residential occupants of Starwood House, the building shall not, at any time, contain any living accommodation and no trade or business shall be carried on therefrom

The above demonstrate that the Applicant has been informed twice that the garage building cannot be used as living accommodation yet despite that the building has been converted to residential living accommodation use.

2. Lack of "very special circumstances":

The Applicant has not cited any "very special circumstances" as to why this accommodation is needed, and as a separate annexe rather than for example extending the main house.

The garage building is in front of the building line where residential accommodation/annexes would not normally have been permitted.

The structure has been modified, without planning permission, and is capable of being used/easily converted to be used as a separate dwelling, which would create a new dwelling in the Green Belt where none would usually be permitted.

Permission would set an undesirable precedent in the area.

The Parish Council can see no reason why the building should be altered or the Condition varied.

The Parish Council OBJECTS to this application and hereby requests that it should be refused. Furthermore, Enforcement action should be considered due to the knowing infringement of two separate planning permission Conditions.

However, if GBC are minded to instead give permission:

- We suggest that any permission could be time limited and/or made personal to the Applicant.
- We would also request that strong Conditions are attached preventing the building being used as or converted to a separate dwelling.

Dickens Protection Society - The Society notes the site is in an area within which Green Belt policies apply. Condition 2 should be retained unchanged. It does not restrict the use of the space above the garage from being used as a hobby room.

The Society strongly objects to the proposal to make the building an annex to a residential use on the grounds that this may strengthen later attempts to convert the building to residential use in the Green Belt.

Internal Consultees

GBC Environmental Protection (Regulatory Services) - We have no comments with regards to this application.

GBC Highways Officer - I have no objections; providing the use is restricted to ancillary to the occupation of

the main dwelling. I have concerns that as there does not appear to be any controls on the garage element of the existing building, there would be the possibility of converting it, to an independent dwelling.

Neighbouring properties

A notice was displayed on site 27 September 2023.

In addition, nine surrounding properties were consulted and two objections were received. The objections received have been separated into material and non-material planning considerations:

Material Planning Considerations

- Inappropriate development in the Green Belt
- Impact on amenity
- Increased traffic

Non-Material Planning Considerations

- Precedent for other properties

Please note only the material planning considerations form part of this decision

The consultation period expired 20th October 2023.

Preliminary Matters

On site, when inspecting the garage, it was found that the first floor already contained a toilet/shower. Although this would suggest that the conversion was already complete, the layout of the first floor was not set-out as presented in the plan provided, and therefore additional works are required to construct the partition in accordance with 'drawing no. 01 - Proposed Garage/Annexe Floor Plans'.

Officer's Analysis

Starwood is a detached dwelling located on the north side of Pear Tree Lane Shorne set within large grounds. The property is a detached chalet style bungalow which is set back some 50m from the highway, with a detached double garage with rooms above.



The property is located within the Metropolitan Green Belt.

Proposed Development

Planning permission was originally granted for the erection of a detached garage in 1975 (ref. 19750472)

and condition 3 attached to this permission was varied in 2005 (ref. 20050912). The 2005 variation was approved, thus allowing the first floor to be used as a hobby room and construction of dormer extensions in both side roof slopes of garage to provide enlarged roofspace for the hobby room/store.

This Section 73 application seeks to vary condition 2 attached to planning permission ref. 20050912. The Local Planning Authority judged that the principle of the development was acceptable with planning approval, subject to 3 planning conditions. Condition 2 of 20050912 states the following:

2. *The building hereby permitted shall be used as a hobby room/store for residential occupants of Starwood House, the building shall not, at any time, contain any living accommodation and no trade or business shall be carried out therefrom.*

This application seeks to vary this condition to allow for an incidental annexe on the first floor of the garage, containing a bedroom and bathroom.

The development would not involve any extension to the existing building and therefore would have no impact on the Green Belt in accordance with Section 16 of the NPPF (2023).

Principle of the Development

The planning position relating to the provision of buildings or structures for annexes or the conversion of buildings for use as annexes (sometimes termed 'granny annexes') or other ancillary accommodation is quite complex and sometimes contradictory and there is case law, in relation to such development, which can itself be open to interpretation.

Existing residential properties enjoy permitted development rights which allow certain building works, such as extensions or outbuildings to be carried out without having to make a planning application. Permitted development rights are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As aforementioned, this outbuilding was granted permission as a garage and store, with later variation allowing for a hobby room in the loft space, however conditions were attached to ensure that no living accommodation is provided in the loft, therefore planning permission is required for habitable living accommodation in the roof space.

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 annexe must normally retain some form of reliance on the main dwelling.

There is no specific local or national planning policy that directly relates to the provision of new, or use of existing buildings, as annexes. However, there are emerging policies in the Regulation 18 (Stage 2) Development Management Policies Document (2020), including RES 3: Residential Annexes, that show the direction of travel the Council is going and such emerging policies may be accorded some limited weight.

By way of general guidance, a proposed annex should (where possible):

- Be subordinate to, and used in connection with, the main dwelling and must not be able to function without the main dwelling (for example, not having separate kitchen facilities).
- Be interconnecting with the main dwelling as a whole (for instance via doorways); if accessed by a separate external entrance this should not separate from the main dwelling and therefore should rely on a common shared access with the main dwelling.
- Be within the curtilage of the main dwelling.
- Have a functional connection with the main dwelling (e.g. the occupant should be a dependant relative of the residents of the main dwelling or employed at the main dwelling).
- Be in the same ownership as the main dwelling.
- Be designed in such a way as to easily allow the annex to be used at a later date as an integral part of the main dwelling.

- Have no boundary demarcation or sub division of the garden areas between the curtilage of the main dwelling and the annex.
- Have adequate parking and amenity facilities for the needs of the annex occupants and the residents of the main dwelling.
- Comply with the Council's normal standards for extensions to a dwelling including those relating to design and the amenities of neighbouring occupiers.

***Note: The above is largely reflected in emerging policy RES3: Residential Annexes Regulation 18 (Stage 2) Development Management Policies Document (2020).*

A key consideration in this application is whether the site will continue to operate as a single planning unit or whether there will be two households living independently of each other on the site.

Due to the size of the accommodation above the garage, with only a small bedroom and bathroom provided, the building would have to remain incidental to the main dwelling as the occupier of the annexe would rely on the main dwelling for key functions (kitchen) and a separate planning unit would not be created. The garage would be retained on the ground floor and the condition can be varied to ensure that this remains for vehicular parking and no other purpose, which would ensure that no separate planning unit is created.

Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The proposal seeks to convert the first floor into a bedroom and bathroom, and there would be no changes to the external appearance of the building. Therefore, there would be no change in the existing building and there is no impact on the design, character or appearance of the area.

Amenity

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring properties and land and Section 12 of the NPPF (2023) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

Future Occupiers

The proposed conversion of the garage would provide basic living environment for the occupier, who would be reliant on the main dwelling for cooking and cleaning facilities. The building would therefore be incidental to the main dwelling and is considered to provide acceptable amenity in this capacity.

Neighbouring Properties

The conversion of the garage would not result in any additional built form or extensions to the building, and the conversion into a one bedroom annexe will have no impact on the amenity of surrounding properties. The use of the first floor as a bedroom and bathroom would be in accordance with the residential use of the site and would not generate any significant uplift in noise to the detriment of amenity.

Overall, the proposed conversion of the first floor of the garage into an annexe will safeguard amenity in

accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Parking and Highways

The planning statement (ref. 3926.PN) states that “the previously approved ground floor incidental garage is to remain”, which is corroborated by the proposed floor plan. Therefore, the garage would be retained for vehicular parking and the varied condition will include wording to ensure that this remains in use as parking.

Conclusion and Planning Balance

The application has been fully considered and is in accordance with local and national planning policy.

The proposed annexe would be incidental to the main dwelling by only providing a basic living environment in the form of a bedroom and bathroom, with the ground floor garage to be retained for vehicular parking. There would be no alteration to the building and no impact on the Green Belt, the amenity of future occupiers and neighbours will be safeguarded and there are no parking or highway issues.

As such, it is recommended that planning permission is granted.

The decision notice will include the following conditions:

Time Limit

1. The development to which this permission relates must be begun no later than the 9 November 2026.

Approved Plans

2. The development hereby permitted shall be carried out only in precise accordance with the following approved details, plans and specifications:
 - Application Form - dated 7 September 2023;
 - Planning Statement (ref. 3926.PN) - dated September 2023;
 - Drawing no. 1273/1 - Site Location Plan (scale 1:1250);
 - Drawing no. 1273/8A - Proposed Elevations;
 - Drawing no. 01 - Proposed Garage/Annexe Floor Plans.

and those approved pursuant to any conditions contained herein after and there shall be no deviation therefrom.

Use of Building

3. The building hereby permitted shall be used as an incidental annexe for the occupants of Starwood House containing a bedroom and bathroom at first floor, with the garage retained at ground floor for vehicular parking, and the building shall not, at any time, be let or sold and no trade or business shall be carried out therefrom.

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	9 th November 2023	Dated:	10 November 2023

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