



Delegated Report

Planning Application

Planning Application No: 20240171

Location: Little Westwood, Thong Lane, Shorne, Gravesend DA12 4AD

Description: Erection of a single storey rear extension and two storey side extension with roof lights.

Applicant: Mr and Mrs M Cason

Site Visit Date: 7 March 2024

Submitted Documents/Plans

Application form
Covering Letter
Planning Statement
Drawing no. 1222.WD.11B (proposed block plan)
Drawing no. 1222.WD.06D (proposed elevations)
Drawing no. 1222.WD.05A (existing elevations and cross section)
Drawing no. 1222.WD.01B (existing plans)
Drawing no. 1222.WD.02H (proposed floor plans)

Relevant Planning History

20231241	Application for a Lawful Development Certificate in respect of the proposed erection of two single storey rear extensions and an outbuilding.	Certificate granted	23.01.2024
20231003	Application for a Lawful Development Certificate in respect of the proposed erection of two single storey rear extensions and an outbuilding.	Certificate refused	21.11.2023
20220523	Demolition of existing rear single storey extension, and erection of a two storey side extension and single storey rear extension.	Refused	14.07.2022

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
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- C13 – Extensions to Dwellings in the Countryside
- 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 4 – Decision-making
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 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;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Thong rural Conservation Area Appraisal
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009)

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Consultations, Publicity and Representations

Consultees

KCC Heritage

The site lies within an area of multi-period archaeological potential. However, based on existing Historic Environment Record data for the area and the relatively limited extent of the proposed works, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

Shorne Parish Council

The Parish Council has **no objection in principle** to this application, subject to there not being any valid significant objections from neighbouring properties.

The property has been the subject of several planning applications of various types and layouts. This application reverts to the concept of previously refused application ref 20220523 but improves on the design.

The proposed side extension is now fully subservient, which maintains the historic appearance of the house from the roadway. The single storey rear extension is an acceptable design. However, we have concerns about the overall amount of development on the site as the applicant also has permission under application ref 20231241 for a very large outbuilding. That taken together with the now proposed extensions constitute excessive enlargement, and overdevelopment due to proliferation of built forms on the site.

Should this present application be granted permission we would request withdrawal of permitted development rights and for it to be clear that the present application supersedes ref 20231241. As said previously we note the presence on the site of a mobile home unit, purpose unknown.

Neighbouring properties

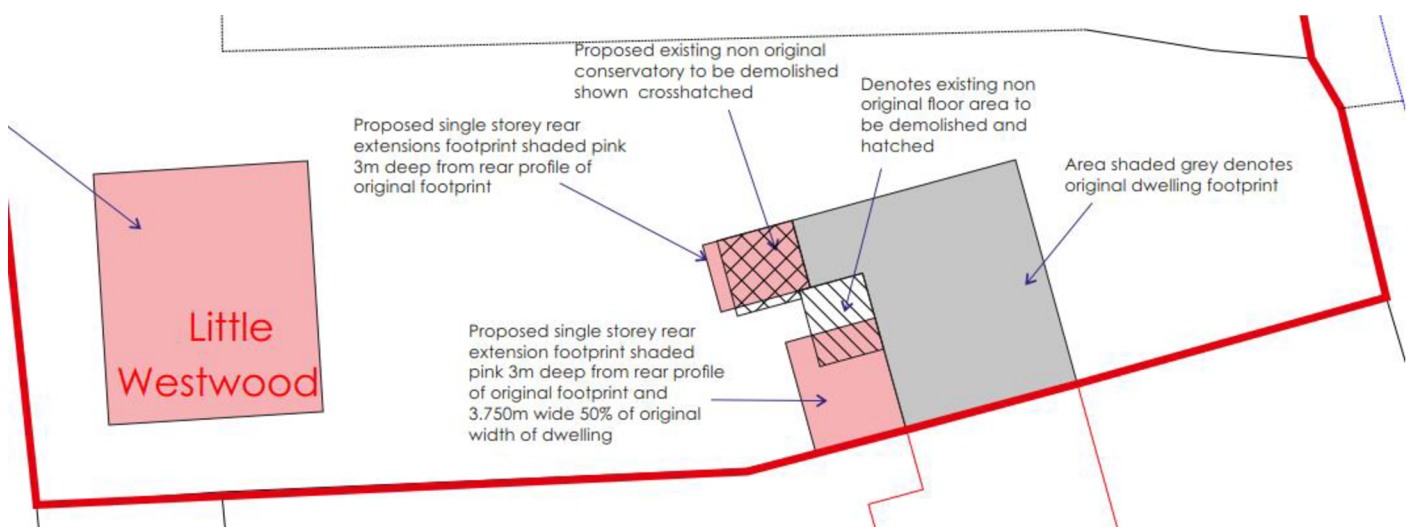
The application has been advertised by site notice, press notice and individual letters to five neighbouring properties. One letter of representation has been received raising no comments but alerting the applicant to the presence of a historical monument:

I wish to point out the presence of a recorded historical monument located on the curtilage boundary of the property with the public highway. The Kent Historic Environment Record includes the following listing; TQ 67 SE 388 Second World War road block buoys, Thong Lane, Thong. There is no objection to the proposed application, only to inform the owner of Little Westwood of the presence of the historic monument. The pair of road block buoys are in use as gateway/entrance markers to the property.

Officer's Analysis

Background

A lawful development certificate for the proposed erection of two single storey rear extensions and an outbuilding has been granted under reference 20231241.



Fall Back:

The above plans show extensions that could be built under permitted development. It shows that a single storey extension with a depth of 3m could be built to the rear closest to the attached neighbour and a further 3m depth added onto the original projection to the north. If built, these would add approx. 18sqm. The plans also show a detached outbuilding that would add a further 56sqm.

In order to be considered as a "fall back", the alleged fall back development has to be a use or development that is possible/can be implemented without the need for further planning permission, for example a current lawful use or change of use (i.e. does not fall within the definition of development in the Planning Act or permission has already been granted but not yet implemented) and/or development permitted by way of permitted development rights (i.e. the GPDO or a development order).

If there is a genuine "fall back" then they must be a possibility that this development will be implemented if the current application is not permitted.

If both these factors are evidenced, then the fall back can be a material consideration in determining an application. The weight to be attached to it is a matter for the planning authority

The case of Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314; [2019] PTSR 1452 (highlighted in bold are most important parts) explains this issue:

"27. The status of a fallback development as a material consideration in a planning decision is not a novel concept. It is very familiar. Three things can be said about it:

- (1) Here, as in other aspects of the law of planning, the court must resist a prescriptive or formulaic approach, and must keep in mind the scope for **a lawful exercise of planning judgment by a decision-maker**.
- (2) The relevant law as to a "real prospect" of a fallback development being implemented was applied by this court in Samuel Smith Old Brewery (see, in particular, paragraphs 17 to 30 of Sullivan L.J.'s judgment, with which the Master of the Rolls and Toulson L.J. agreed; and the judgment of Supperstone J. in R. (on the application of Kverndal) v London Borough of Hounslow Council [2015] EWHC 3084 (Admin), at paragraphs 17 and 42 to 53). As Sullivan L.J. said in his judgment in Samuel Smith Old Brewery, in this context a "real" prospect is the antithesis of one that is "merely theoretical" (paragraph 20). **The basic principle is that "... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice"** (paragraph 21). Previous decisions at first instance, including Ahern and Brentwood Borough Council v Secretary of State for the Environment [1996] 72 P. & C.R. 61 must be read with care in the light of that statement of the law, and bearing in mind, as Sullivan L.J. emphasized, "... **"fallback" cases tend to be very fact-specific**" (*ibid.*). **The role of planning judgment is vital. And "[it] is important ... not to constrain what is, or should be, in each case the exercise of a broad planning discretion, based on the individual circumstances of that case,** by seeking to constrain appeal decisions within judicial formulations that are not enactments of general application but are themselves simply the judge's response to the facts of the case before the court" (paragraph 22).
- (3) Therefore, when the court is considering whether a decision-maker has properly identified a "real prospect" of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. **This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand."**

So, taking this into account, the factors in the determination of the fallback are:

1. It is a genuine lawful fall back development?

The development in question benefits from confirmations via a lawful development certificate.

2. Is there a “possibility” that the fallback would be implemented?

In this case the applicants have clearly stated that they would implement the lawful development certificate however no works have commenced on site.

3. If it is accepted that there is a genuine lawful fallback, which in this case based on the information available, it appears that there is, then the current proposal needs to be assessed against the benefits or harm of that fall back being implemented.

This is a matter of planning judgement based on the facts of the case.

4. If a fall-back argument is not to prevail, reasons for rejecting it should be given.

Coln Park LLP v Secretary of State for Communities and Local Government [2011] EWHC 2282 (Admin)

Notwithstanding the above, the weight that should be attributed to the fall-back position is a matter of judgement relative to the specific development in question. The fall-back position is discussed further in the Green Belt section.

The key issues in consideration of this application is whether;

- the proposal would be inappropriate development in the Green Belt and, if inappropriate its effect on the openness of the Green Belt and the purposes of including land with it;
- the proposal would adversely impact on the landscape character of the site;
- the proposal would impact on adjoining properties;
- the proposal would impact the living conditions of future occupiers
- the proposal would result in any parking and highway safety issues;

Site Location and Surrounding Area

The site is located in the Green Belt and in the Higham Arable Farmlands Landscape Character Area as defined on the adopted Gravesham Local Plan Core Strategy policies map and this must be the starting point for determining this application.

The application site at Little Westwood is a two storey semi-detached set in a generous plot with large detached barn/outbuilding to the side/rear with extensive driveway to the side.

Proposal

This application seeks planning permission for the erection of a single storey rear extension and two storey side extension with roof lights.

The proposed two storey side extension will project to the side by approx. 3.18m and will be 5m deep. It will be approx. 7m high with a pitched roof and will be set back from the front wall by 0.5m and from the ridge of the main house by 0.7m. Internally it would provide for an open-planned family room and a kitchen with downstairs WC at ground floor and a larger third bedroom and bathroom at first floor.

The single storey rear extension will project approx. 4.5m to the rear and will extend the full width of the

property. It will be approx. 3.4m high with a part cat-slide and part-parapet roof.

Proposed front elevation:



Proposed side elevation:



The appropriateness of the development within the Green Belt

Inappropriate development in the Green Belt is development that by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The NPPF (2023) notes that 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 permanence. At paragraph 143 the NPPF (2023) lists the 5 purposes which the Green Belt serves. Of particular relevance in this case is that it assists in safeguarding the countryside from encroachment.

The NPPF (2023) makes it clear that new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions (paragraph 154). The listed exceptions include 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.

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

Furthermore, Saved Policy C13 of the Gravesham Local Plan First Review (November 1994) (LPFR), which relates to extensions to dwellings in the countryside, sets out a number of criteria that should be met when considering proposals for domestic extensions. As the policy pre-dates the NPPF (2023), the weight attached to the policy must be considered carefully; with greater weight being given where the approach is consistent with paragraph 154 the NPPF (2023).

In particular Policy C13 (LPFR) 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 (2023) and should be afforded weight.

In determining proposals for residential extensions in the Green Belt an assessment will be made against the impact of the 'original' existing development. The original building is the building as it existed on 1 July 1948, however, for older homes constructed prior to July 1st, 1948, the 'original dwelling' refers to the floorspace of the dwelling as it was on this date. Any additions that have occurred since the 'original' dwelling date are considered cumulatively and will be counted as part of the overall increase in floorspace of the dwelling when new additions are being assessed. The reason for this is small reductions in openness, repeated many times, can have a cumulatively detrimental effect.

The existing dwelling appears to be the original dwelling (excluding the conservatory). The rear projection as already established is original, but the glazed rear porch is not. The measurements below are taken externally and therefore may differ from those in the submitted planning statement.

Existing dwelling (as built)

Ground Floor: 56sqm

First Floor: 46sqm

Total: 102sqm

Total Proposed dwelling:

Ground Floor: 96sqm

First Floor: 61sqm

Total: 157sqm

Calculations:

$157 - 102 = 55\text{sqm.}$

$55/102 \times 100 = 54\%$

Total floor space increase of proposed extension over original dwelling: 54% (the previously refused application showed extensions that totalled 87.63%).

Saved Policy C13 (LPFR) provides the local interpretation of national policy and states 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. Technically the proposed extension is over the 1/3 allowed by policy C13 and the proposal is therefore considered inappropriate development in the Green Belt. However, the calculation is just one part of the assessment and the overall impact of the development in terms of the bulk and appearance of the extensions is also an important consideration.

Fall Back and Very Special Circumstances

The applicants have submitted a lawful development certificate that allows for extensions totally 18sqm and an outbuilding of 56sqm. The applicants have stated in their planning statement that, if permission is not granted, they would build the outbuilding to create more space for their family and that is their fall-back position. If permission is granted then they would accept a condition to restrict the building of outbuildings. The outbuilding would have a significant impact on the openness of the Green Belt as discussed below and therefore the preference would be that the proposal to extend the property was forthcoming rather than the construction of a large, detached outbuilding.

It is therefore considered that, on balance, provided the permitted development of the dwelling in terms of outbuildings, is removed, the proposed extensions will have less of an impact on the Green Belt than the lawful development certificate would allow and therefore very special circumstances exist.

Impact on openness and the purposes of the Green Belt

Having determined that the proposal is inappropriate development in the Green Belt as it is considered to result in disproportionate additions over and above the size of the original dwelling, it is necessary to assess the effect on the openness and the purposes of including land in the Green Belt. The NPPF (2023) notes that 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 permanence.

The existing dwelling is a modest semi-detached dwelling with a pitch roof and gable roof design at the front and attractive catslide roof to the rear with partial dormer. The proposed two storey side extension has been designed to match the host dwelling in terms of the pitch roof and has been set back from the principle front building line, as well as having both a lower eaves and ridge height. The set back and height has been reduced since the originally refused application and does result in a more subservient extension. The overall width of the extension has also been reduced to ensure it is no longer greater than half the width of the original dwelling.

Paragraph 10.5 of the Householder Extensions/Alterations Design Guide (2021), states that extensions should generally be no greater than half the width of the host building. It also states that the symmetry of pairs of semi-detached homes or groups of terrace houses, should not be unreasonably interrupted. On balance, the set back of the proposed side extension still allows the pair to semis to be read as a pair. Whilst there will be some interruption to the symmetry it is also noted that the neighbouring dwelling has a lean-to to the side that also detracts from the symmetry and therefore no objections are raised.

The lawful development certificate allows two extensions to the rear. The proposed plans show the rear extension to be slightly larger and joins the two together. Infilling what would have been an awkward gap in the development would have no detrimental impact on the openness of the Green Belt.

Overall, the proposed scheme, provided PD rights are removed, will have less impact on the openness of the Green Belt than that allowed by the lawful development certificate.

Therefore, the proposal is considered to comply with Policy CS02 (LPCS) and Section 13 of the NPPF (2023).

Character and appearance

Landscape Character Area

Section 15 of the NPPF (2023) highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states that the overall landscape character and valued landscapes will be conserved, restored and enhanced and the greatest weight will be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs AONB and its setting.

The application site is located within the Higham Arable Farmlands Landscape Character Area. The topography is very gently undulating with open arable farmland. The area is characterised by original Saxon village of Lower Higham and more recent development to the south, marsh side hamlets and settlements, and isolated farmsteads and scattered properties with locally distinct styles and materials. The condition is poor and the guidelines are to restore and create.

The proposed side extension would be more visible within the street scene which would face directly onto the open fields to the east. However, as discussed above, it would appear subservient and will be contained within the curtilage of the property. As such it will have no detrimental impact on the surrounding landscape character and would accord with Policy CS12 (LPCS) and Section 15 of the NPPF (2023).

Thong Conservation Area

The application property is located on Thong Lane, within the Green Belt and within the Thong Conservation Area. The property forms part of a semi-detached pair, neither of which have been significantly altered since their original construction. Part of the rear extension would be obscured by the original dwelling. The rear extension retains the catslide roof which has a positive contribution to the dwelling and the dwelling as a whole has a positive contribution to the Thong Conservation Area, as laid out in the Conservation Area Appraisal.

The proposed extensions are designed to match the main property, and as mentioned above, are considered to have a subservient appearance. Subject to a condition ensuring the materials match the original dwelling no concerns are raised with regards to the impact on the Conservation Area.

The proposed development therefore complies with Policies CS19 and CS20 (LPCS) , Policy TC3 of the Gravesham Local Plan 1994 and Sections 12 and 15 of the NPPF (2023).

Impact on future occupiers

The revised NPPF (2023) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The proposed development would not have a detrimental impact on the living space or remaining garden of the main dwelling and as such accords with Policy CS19 (LPCS).

Impact on neighbouring properties

The impact on neighbouring properties is considered with regard to criteria specified within Policy CS19, which states 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.

Given the separation distance between properties and the scale of the proposal, it is considered the proposal would not result in loss of light, privacy, outlook and increased overshadowing. No objections have been received. As such the development is in accordance with Policy CS19 (LPCS) in respect of the living conditions for neighbouring properties.

Parking and Highways

The proposal would result in no increase to the number of bedrooms or impact on the existing parking arrangements and therefore the development would accord with KCC Vehicle Parking Standards, and the

proposals would comply with Saved Policy P3 of the Local Plan and Policy CS11 (LPCS).

Conclusion

The proposed extensions will have no significant detrimental impact on the openness of the Green Belt, character of the Conservation Area, landscape character, amenities, parking or highway safety and therefore accord with the abovementioned policies and are recommended for approval.

Recommendation:

Permit

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	17 April 2024	Dated:	18th April 2024