



Delegated Report

Full Planning Application

Planning Application No:	20221239
Location:	Long Acre, Pear Tree Lane, Shorne, Gravesend
Description:	Demolition of existing detached dwelling and erection of replacement dwelling and associated works including landscaping, removal of existing outbuildings and swimming pool, a re-sited pedestrian and vehicular access from Pear Tree Lane and the stopping-up of the existing access.
Applicant:	Mr and Mrs J and L King
Site Visit Date:	06.12.2022

Submitted Documents/Plans

Covering letter
Application form
Planning, Design and Access Statement
Preliminary Ecological Appraisal (by Calumma Ecological Services dated 23 February 2022)
Bat and Reptile Survey (by Calumma Ecological Services dated 9 September 2022)
Countersigned IACPC certificate for Great Crested Newt DLL scheme
Drawing no. 3568.01 (Site Location Plan)
Drawing no. 3568.02 (Existing Block Plan)
Drawing no. 3568.03 (Existing Ground Floor Plan)
Drawing no. 3568.04 (Existing First Floor Plan)
Drawing no. 3568.05 (Existing Elevations 1)
Drawing no. 3568.06 (Existing Elevations 2)
Drawing no. 3568.07 (Proposed Ground Floor Plan)
Drawing no. 3568.08 (Proposed First Floor Plan)
Drawing no. 3568.09 (Proposed Basement Plan)
Drawing no. 3568.10 (Proposed Roof Plan)
Drawing no. 3568.11A (Proposed Block Plan)
Drawing no. 3568.12 (Proposed Elevations 1)
Drawing no. 3568.13 (Proposed Elevations 2)
Drawing no. 3568.14 (Proposed Section A-A)
Drawing no. 3568.15 (Comparison of Proposed and Existing with LDC)
Drawing no. 3568.16 (Comparison of Proposed and Existing Elevations)
Landscape Masterplan (Millhouse Landscapes)
Drawing no. 22/04A (Topographical Survey)

Drawing no. 3568.11 (Proposed Block Plan)

Relevant Planning History

Reference	Description	Decision	Decision Date
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20220880	Single storey rear extension with a depth of 8.00 metres, maximum height of 4.00 metres and eaves height of 2.50 metres.	Prior approval not required	12.09.2022
20220769	Application for a Lawful Development Certificate in respect of the proposed erection of a detached outbuilding over the existing swimming pool in the rear garden, this will include a gym, changing room and plant room.	Certificate granted	05.09.2022
20220742	Prior approval for enlargement of the dwellinghouse by the construction of an additional storey.	Refused	11.08.2022
20220731	Single storey rear extension with a depth of 8.00 metres, maximum height of 4.00 metres and eaves height of 4.00 metres.	Prior approval required and refused	01.08.2022
19950814	Erection of 2.75m high chain link angle iron perimeter fencing around proposed tennis court.	Permitted	31.01.1996
19940081	Erection of 2.75m high chain link perimeter fencing around proposed tennis court on one of two alternative sites, I or II.	Refused	12.12.1994
19880401	Widening of the existing vehicular access and erection of a front boundary wall, wall mounted railings and entrance gates varying in height from 1.6m to 3.4m	Refused	01.08.1988
19880409	Erection of a single storey storage building at the side	Refused	06.06.1988
19880653	Erection of side extension at first floor level to form a snooker room.	Permitted	30.09.1988
19870925	Erection of a two storey side extension to form an enlarged garage with a bedroom over; erection of a side and rear extension at first floor level to form an ensuite bathroom, lounge and enclosed balcony; erection of a front extension at first floor level to form an open porch; and the construction of pitched roofs over the entire building	Permitted	20.01.1988
19780341	Replacement of existing mono pitched roof with gable ended double pitched roof and the erection of extensions at ground and first floor level to provide a replacement double garage and additional single garage and carport, a play room, an enlarged bedroom and an additional bedroom and the carrying out of elevational alterations.	Permitted	22.06.1978
19590319	Site for erection of house and garage	Permitted	30.11.1959
19590082	Erection of bungalow and garage	Permitted	08.05.1959
19570055	Development of land for the erection of not more than two dwellings	Permitted	02.05.1957

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change

- CS19 – Development and Design Principles

Gravesham Local Plan: First Review (1994)

- C12 – Replacement Dwellings in the Countryside
- T1 – Impact of Development on 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
- 5 – Delivering a sufficient supply of homes
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 13 – Protecting Green Belt land
- 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- SPG4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)
- Technical Housing Standards – Nationally Described Space Standard (2015)

Consultations, Publicity and Representations

External Consultees

Natural England

No comments.

KCC Heritage

If the proposed building is essentially overlying the same footprint as the existing building, then I consider it unlikely that the proposals would have a significant below-ground archaeological impact and would not be recommending the need for any archaeological works.

KCC Biodiversity

Initial comments:

The ecological surveys are sufficient but prior to determine an updated landscaping plan and information must be provided demonstrating that the proposed bat mitigation can be implemented.

Further comments:

In response to a request for this information, the agent replied with the following:

Bats

We are aware that an EPS licence application will be required and that appropriate mitigation details will also be required as part of this process.

Drawing no 3568.11 Proposed Block Plan shows the provision of two bat boxes on the eastern side of the new house (and also Swift boxes). An internal and appropriately sized and externally accessed 'bat-box' can and will also be provided within the roof space as recommended.

It would be appropriate for details of the bat mitigation to be secured by means of a precedent planning condition.

Landscaping

The plan that has been submitted is an illustrative Landscape Masterplan and does not specify which trees/plants are to be used. Precise details of the species/planting specification etc. can be secured by means of a landscaping condition.

It is the case that the applicants are seeking to implement a package of measures to enhance biodiversity within the site and we can confirm that they wish to ensure that appropriate native species are included as part of the overall scheme.

Japanese Knotweed

As stated at paragraph 10.14 of the Planning Statement the applicants have commenced works to remove the plant. Environet <https://www.environetuk.com/> are undertaking the work. An appropriate condition to secure its removal would be acceptable, if considered necessary.

KCC Biodiversity further responded as follows:

Bats

Brown long eared bats droppings were recorded within the pump house but no bats were recorded emerging during the emergence/re-entry surveys. We are satisfied with the conclusions that the building is likely to be an occasional day or transitional roost.

All bat roosts are protected and therefore there is a need for an EPS licence to be granted prior to the demolition of the pump house and as such GBC must consider the Three Tests* and assess if NE are likely to grant an EPS licence.

We can only consider the third test and we advise that we are satisfied that if it can be implemented the mitigation proposed is sufficient to maintain the favourable conservation status. The ecological report has recommended creating a roof void similar to the size currently found within the pump house (approx. 2mx2mx2m) however it is not clear within the building plans that this will and can be implemented.

Information has been provided by the applicant confirming that the mitigation detailed within the report (two bat boxes on the eastern side of the new house and a bat box within the roof void). The plans have confirmed that the bat boxes will be erected within the site but the plans do not demonstrate the location of bat void. We advise that we would prefer the plans to be updated but advice that if the planning officer is satisfied that there are unoccupied roof voids in the dwelling (e.g. not being used as rooms) we are satisfied that the bat void can be created. Subject to the planning officer being satisfied with the above point we are satisfied the the favourable conservation status of the species can be maintained.

If planning permission is granted a detailed mitigation strategy must be submitted as a condition of planning permission. We suggest the following:

Prior to any works commencing a bat mitigation strategy based on the information within the Bat and Reptile Survey (Calumma Ecological Services; September 2022) must be submitted to the LPA for written approval. The mitigation strategy must be implemented as approved unless varied but a European protected species licence issued by Natural England.

Lighting

The site is currently used by roosting bats and at least 4 species of foraging and commuting bats and we highlight that the lighting scheme will have to be designed to ensure suitable foraging/commuting habitat can be retained within the site and the roosting features will not be impacted. We advise that if planning permission is granted the lighting plan must be designed to take in to account the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' guidelines and avoid impacting the replacement roosts.

We suggest the following wording:

Prior to occupation of the buildings a detailed lighting plan must be submitted to the LPA for written approval. It must demonstrate that the lighting plan has been designed in accordance with Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' guidelines (or subsequent editions/updates) and the replacement bat roosts will not be impacted by artificial lighting. The plan must be implemented as approved.

Great Crested Newts

There is potential for GCN to be present within the site and a signed GCN DLL Impact Assessment and Conservation Payment Certificate has been submitted as part of the application.

This has confirmed that the proposed development will be using the strategic mitigation approach to mitigate impacts on GCN. As such no surveys or details of site specific mitigation are required to be submitted as part of the application.

Other species

The report has detailed that there is suitable habitat for breeding birds and hedgehogs. The report has made recommendations for appropriate precautionary mitigation to avoid impacting these species during the construction period and if planning permission is granted we recommend that these measures are a requirement within the condition wording for the construction management plan.

Designated Sites

The proposed development is 50 metres from Court Wood which is a Local Wildlife Site and Ancient Woodland.

The proposal is for a replacement dwelling and therefore we are satisfied that the operational impact on the designated sites is unlikely to increase from any existing use of the site. However the construction period may have a negative impact on the designated sites and therefore if planning permission is granted we recommend that measures are included within the construction management plan to minimise impacts to the designated sites and surrounding habitats during construction. We recommend that the condition wording for the construction management plan requires measures to avoid impacts on the AW are provided.

Enhancements

The landscaping plan details that a wildflower meadow and wildlife pond will be created within the north of the site and we are supportive of this. However it appears that non-native trees will be planted along the border. We recommend that the landscaping plan is updated to demonstrate that native species are only planted within the north of the site to provide the greatest benefit to biodiversity.

The landscaping plan has confirmed that hedgehog boxes and log piles will be created within the site to

benefit biodiversity.

We recommend that if planning permission is updated an updated landscaping plan is submitted as a condition of planning permission if granted. We suggest the following wording:

Within 3 months of works commencing an updated landscaping plan is submitted demonstrating that native species will be incorporated into the site and confirming the locations for the hedgehog boxes and log piles. The plan must be implemented as approved.

Invasive Species

The ecology report identified Japanese Knotweed an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to plan, grow and knowingly allow the spread of a Schedule 9 species. The applicant has confirmed that full eradication is being carried out prior to any development works.

Dickens Country Protection Society

The Society is concerned at the increase in the size of the dwelling as a result of the redevelopment but recognises that may be some planning gain in replacing the existing building with a new dwelling more in character with the area.

Shorne Parish Council

Parish Council has no objection in principle to this proposal, subject to there not being any significant valid objections from neighbours, but also has the following comments:

The proposed house is narrower, taller and deeper than the existing house (which had itself been previously extended), so has about the same bulk when viewed from the roadway. It includes a partial basement level which allows greater accommodation within the same exterior appearance.

- The proposed roof design is a little unusual but reduces bulk while avoiding a mansard design, there are solar panels hidden from view in the roof valley.
- The proposed elevations are more conventional in appearance than the existing house, therefore more in keeping with the area overall.
- The landscaping plan appears satisfactory with plenty of trees and mixed hedges/shrubs, and two wildlife ponds which should be required by condition to be properly maintained and permanent.
- The brick path should perhaps be extended to the final part of the garden to provide smooth access for wheelbarrows and other garden maintenance equipment.
- A shed/garden store will be needed but no additional outbuildings/structures are shown on the plans.

Internal Consultees

GBC Environmental Protection

No objections subject to watching brief condition and code of practice on construction and demolition informative.

GBC Highways

Initial comments:

The relocation of the access and the set back of the front boundary treatment will be a great improvement on the existing situation and are to be welcomed. Although the sight line has been shown at 2 metres back from the edge of the carriageway rather than the 2.4 metres it should be. It is unlikely to have any impact on the proposal and can be easily corrected.

Unfortunately, the gates as proposed will be too close to the highway and should be set back 5.5 metres (not 5.2 metres) from the edge of carriageway to ensure a car can be parked clear of the carriageway and provide pedestrian access to the gate to open or close it. This can easily be amended. It is noted it is stated that the gates are automatic but if the system fails then they will have to be opened and closed by hand and suitable provision should be made.

Kent County Council's guidance states:

11/Gates

Have you or are you considering installing gates?

The gates should not open outwards onto the public highway and you should have at least 5.5m clearance to ensure vehicles are not obstructing the public highway on accessing your property.

https://www.kent.gov.uk/_data/assets/pdf_file/0003/139485/Dropped-Kerb-Application-Guidance.pdf

The use of bound gravel for the driveway is acceptable providing it is a porous material to ensure no surface water discharges onto the highway.

With 5 bedrooms there should be secure and weatherproof cycle storage for 5 cycles to comply with the requirements of SPG4, although this can be within the garage if there is space. Given the garage size it appears to be only suitable for one car and so there is space for some cycles.

Further comments:

The agent was notified of the visibility splay and gate issues above, and a revised plan was submitted. No further comments were sought.

Neighbouring properties

The application has been advertised by individual neighbour letters to 3 properties, and on site. The consultation periods expired on 19 and 23 December 2022 respectively.

No letters of objection have been received.

One letter of support has been received stating it is of good design and would complement Pear Tree Lane. The existing building looks out of place and due to many years of neglect is beyond economic repair. The re-sited driveway would improve the safety of access onto the highway.

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

Officer's Analysis

Proposal

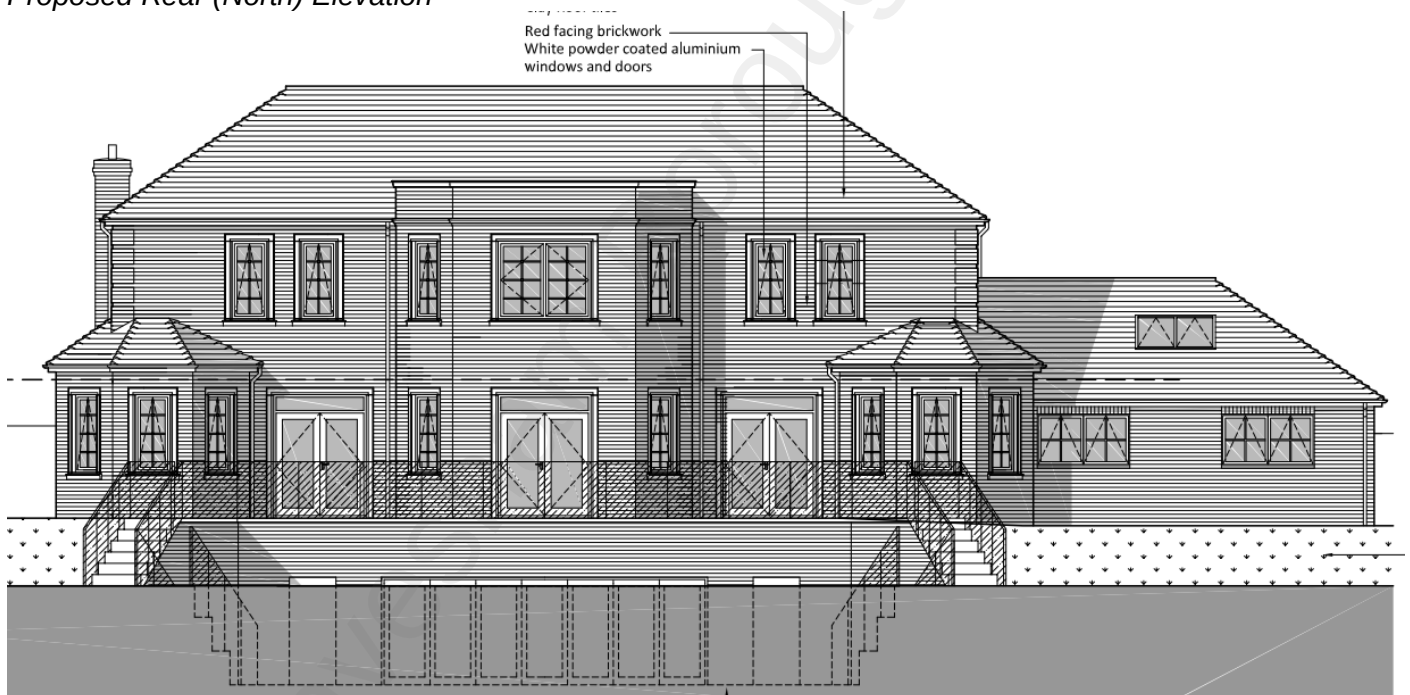
This proposal seeks permission for the demolition of the existing detached dwelling and the erection of a replacement dwelling and associated works including landscaping, removal of existing outbuildings and swimming pool, a re-sited pedestrian and vehicular access from Pear Tree Lane and the stopping-up of the existing access.

The proposed new vehicular and pedestrian access will be centrally sited within the plot frontage. The front boundary will comprise post-and-rail fencing set-back from the highway with planting behind, the area in front of the fence within the vision splays will be laid to lawn. The entrance gates will be set-back a from the edge of the highway to allow for a vehicle to pull off the road whilst the gates are opened.

Extract from Proposed Block Plan



Proposed Rear (North) Elevation



The rear garden area closest to the existing and proposed dwellings is to be re-profiled due to the need to remove the existing swimming pool and pump house. If required, a suitable condition could be imposed securing submission of proposed site levels with cross-sections that would exist upon completion of the development. A landscape masterplan accompanies the application. Full landscaping details can be secured by means of an appropriate condition.

The house will contain a hall, dining room, study, lounge, day room, kitchen, utility and WC on the ground floor, as well as a garage, and 5 bedrooms all with ensuites on the first floor. The basement will contain a gym and changing room, golf simulator, games room, bar, plant room, boot room and WC.

External materials for the proposed dwelling include a clay tile roof, a red stock facing brick, white powder coated aluminium windows with stone cills and surrounds, and larger opening/folding windows/doors at the

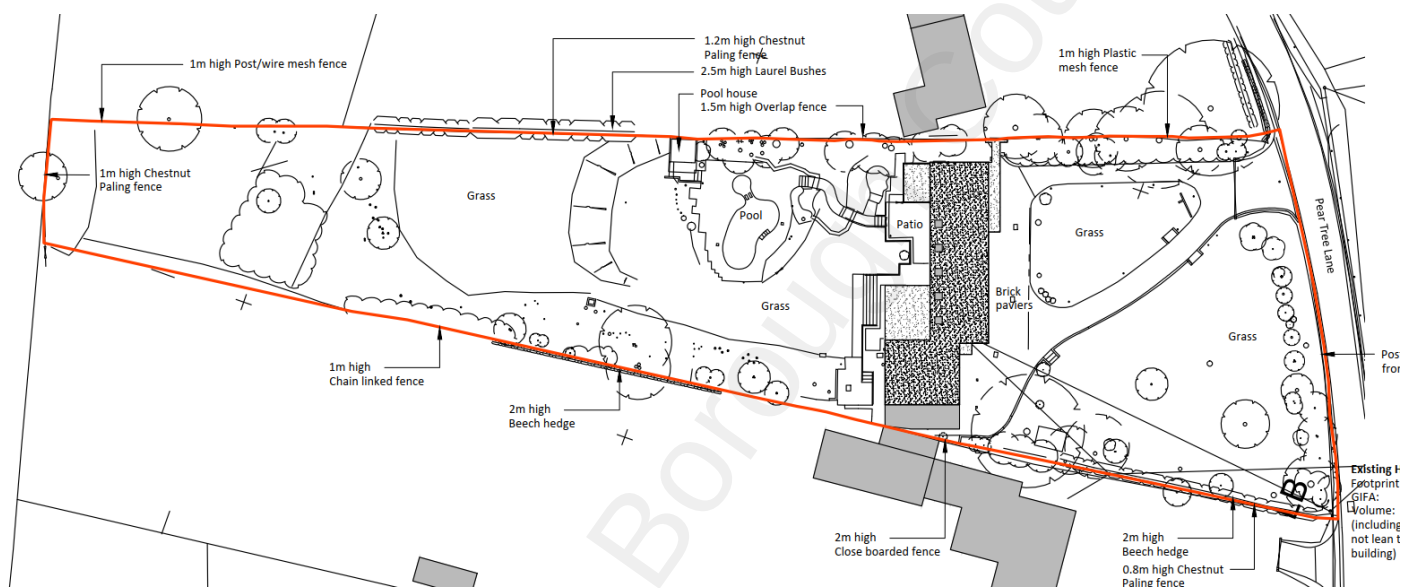
rear will also be white powder coated aluminium.

Principle Issues

The property is located in the countryside outside any settlement boundary, in the Green Belt and in the Shorne Woodland Landscape Character Area. It is also in a Biodiversity Opportunity Area, with a Local Wildlife Site to the north and a SSSI to the south.

The site currently contains a large detached, 2 storey dwelling on a good size plot, with a driveway and garden to the front, and a garden that slopes steeply to the rear, with a swimming pool and pool building near the house.

Existing Block Plan





As the property lies within the Green Belt, this is the starting point for the determination of this application. Therefore, the main issues for consideration with this proposal are as follows:

- Principle of development in the Green Belt
- Impact on openness and the character and appearance of the surrounding area
- Design
- Residential amenity
- Highways

Principle of Development

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.

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; and
- (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 C12 of the Local Plan 1994, which relates to replacement dwellings in the countryside, must also be considered. However, this policy pre-dates the NPPF, and therefore greater weight should be given where the approach is consistent with paragraph 145 the NPPF.

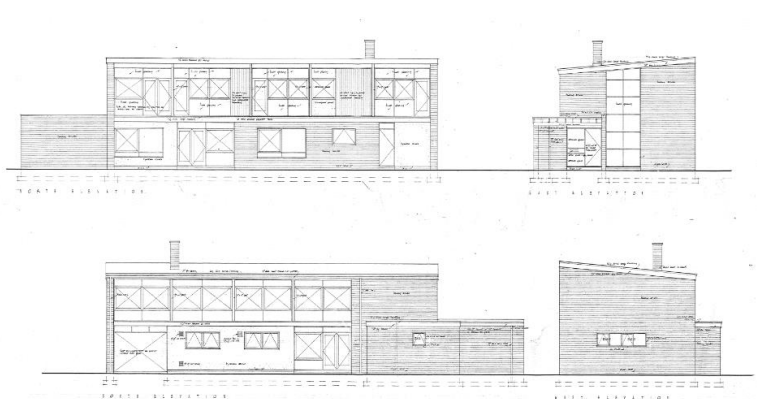
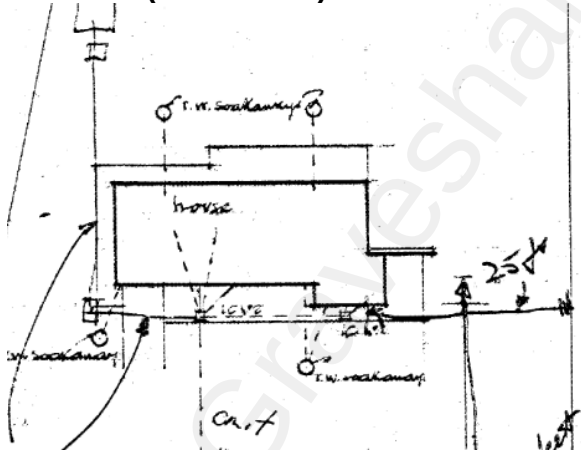
Policy C12 states that there will be a strong presumption against allowing the replacement of existing dwellings, which will only be set aside if the listed criteria are met. Criterion (iii) is most relevant to this proposal, and states that the replacement dwelling must be of similar scale and mass to the existing dwelling, and must be no larger than the existing dwelling. However, only some weight can be given to the size limitation, as the NPPF accepts an increase that is not 'materially larger' than the existing dwelling.

"Original dwelling" for the purpose of Policy C12 means the building in permanent residential use on 1st July 1948. In this case, the original property has already been extended since it was built, as can be seen from the above planning history. These historical increases in the size of the dwelling have already had an impact on the openness of the Green Belt.

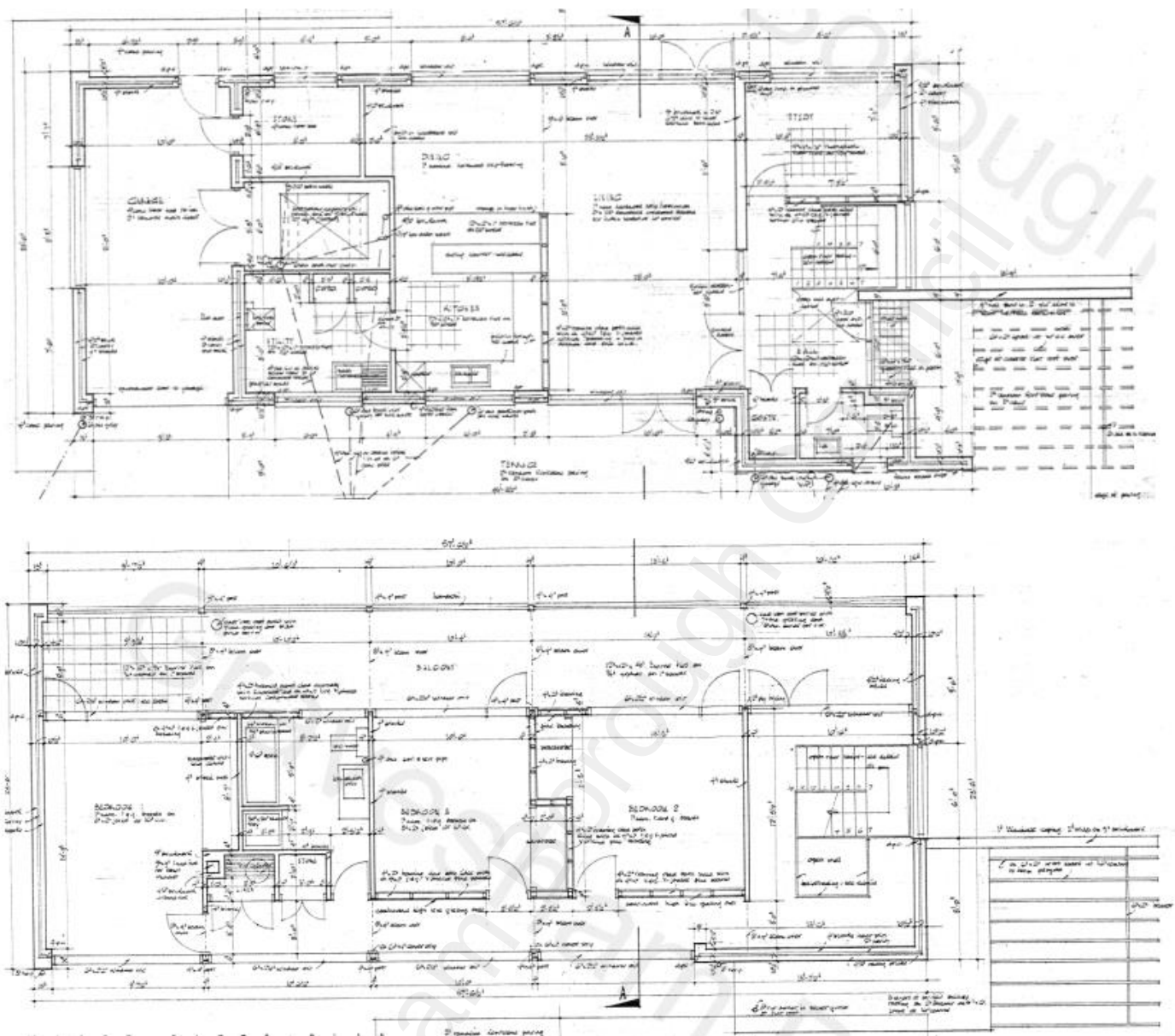
Historical Increases

The original permission for the dwelling is application number 19590319 (TH/6/59/319). The plans for this application shows the original footprint of the development (extracts below).

19590319 (TH/6/59/319) Site Plan and Elevations

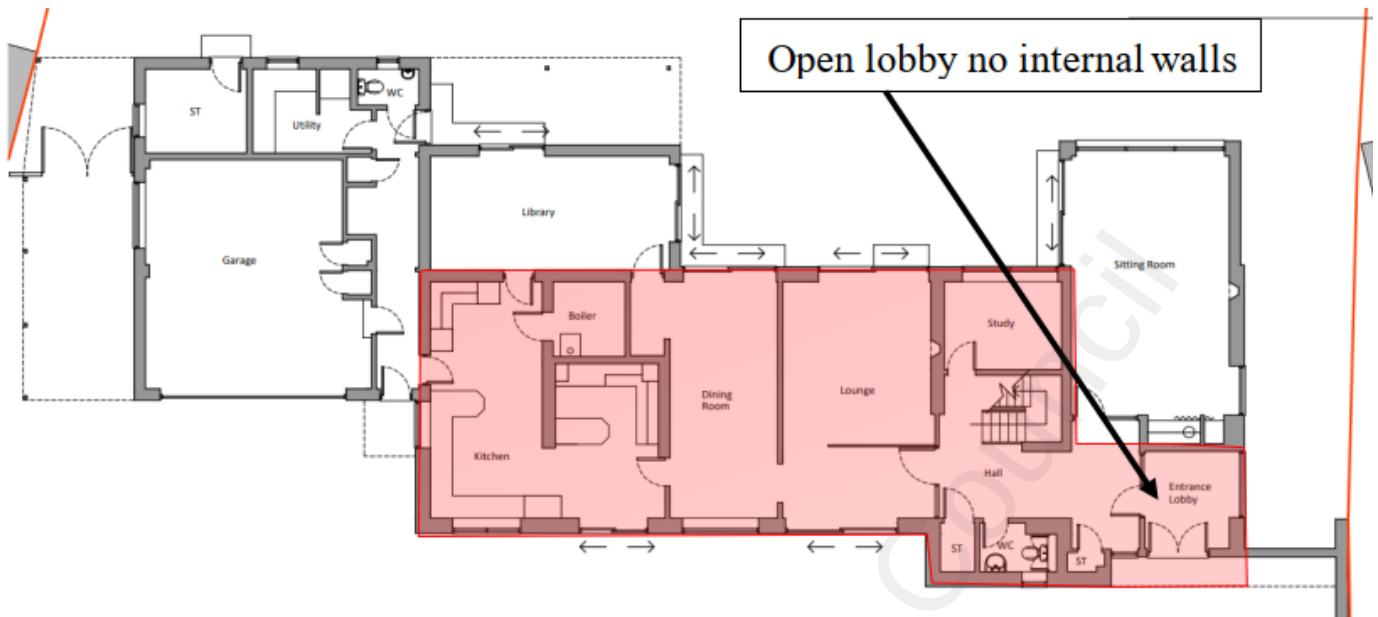


19590319 (TH/6/59/319) Floor Plans

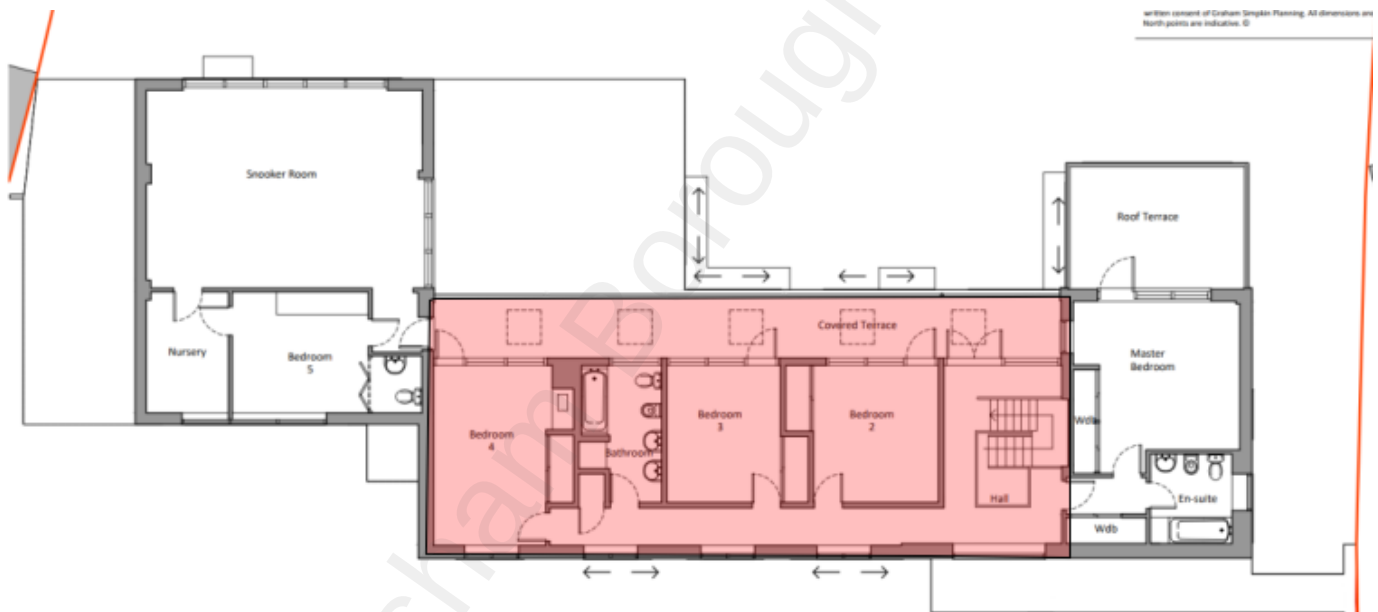


The submitted Planning Statement highlights the extent of the original house as follows:

Ground Floor



First Floor

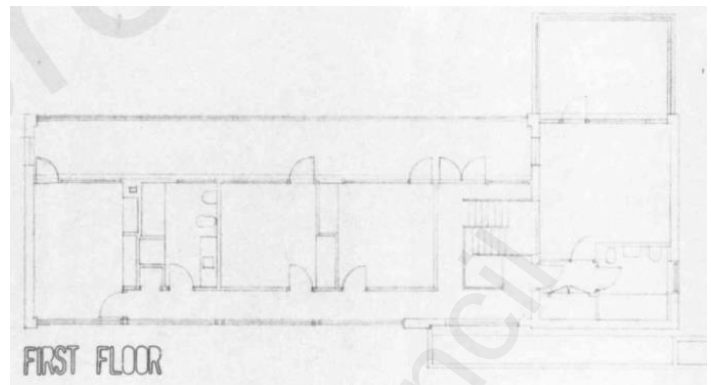
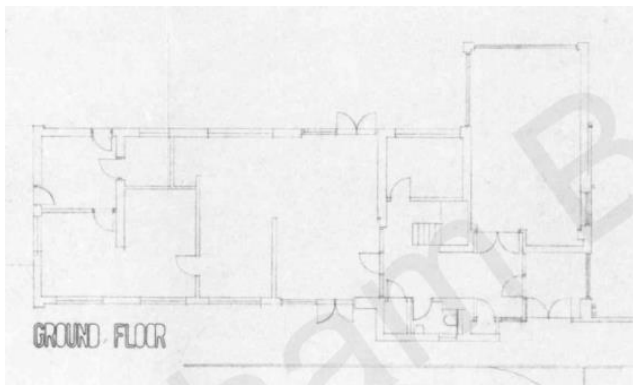


The external gross floor area of the original property has been measured as approximately 272m².

As shown by the images above, extensions have been carried out to the original property. The implemented permissions are as follows:

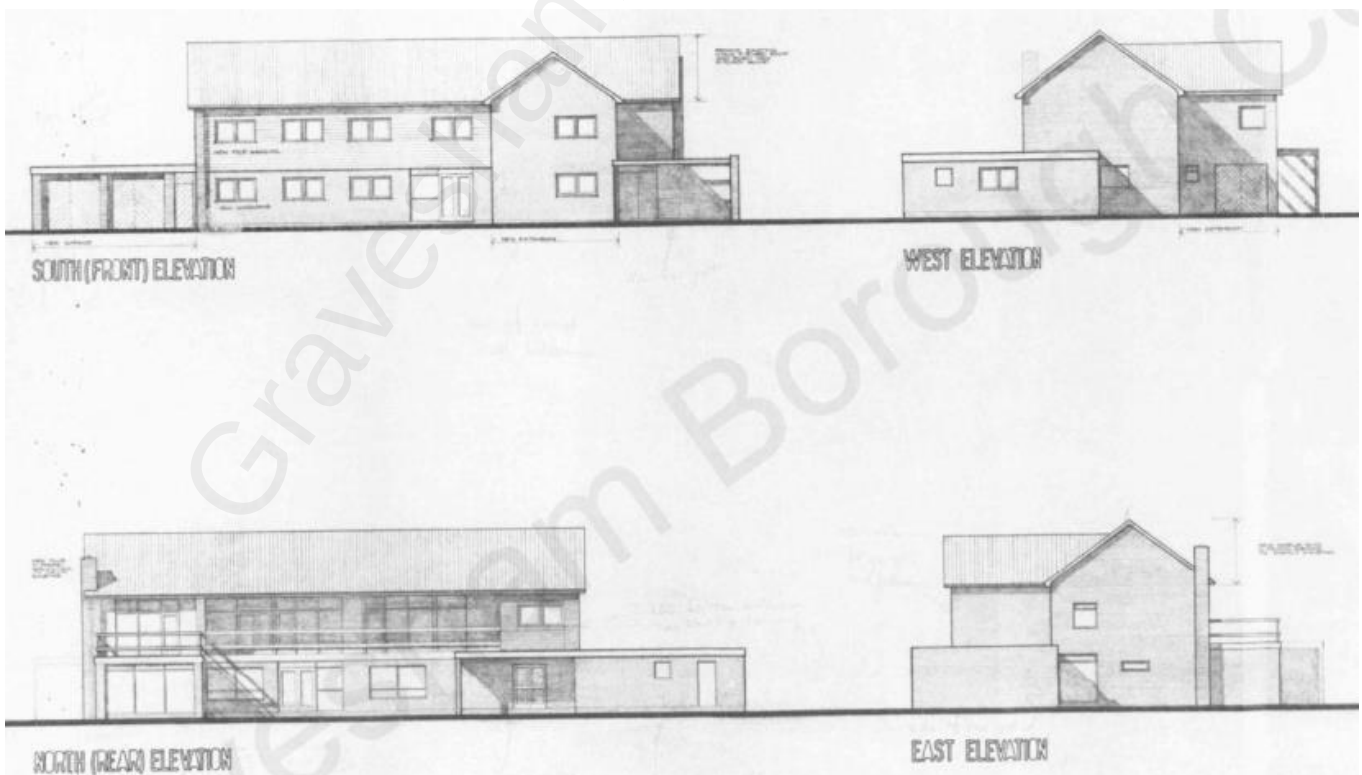
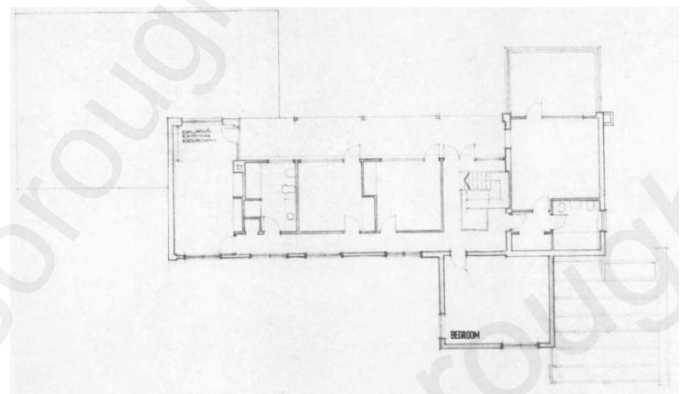
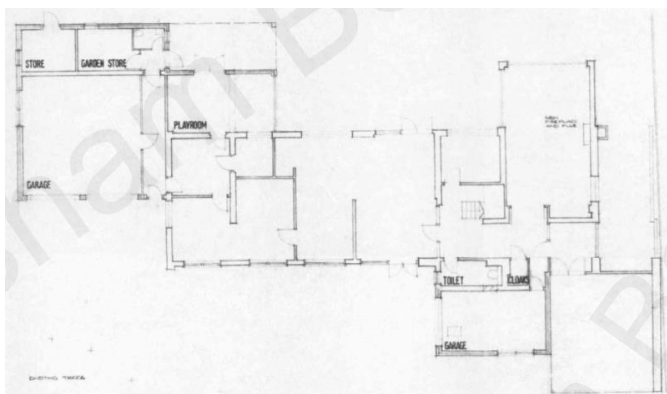
- 19780341 – partially implemented (ground floor extension to the left (west) in the above image)
- 19880653 – fully implemented (first floor extension to the right (east) in the above image)

Following the original construction of the dwelling, a two storey side extension appears to have been built to the east side of the property. There are no planning records relating to this application but an internal document relating to application 19780341 refers to application TH/6/69/162 for the 'addition of a guest bedroom, living and bathroom, which was granted on 25 June 1969. This extension is shown on the existing plans submitted for 19780341:



The gross external floor area of the existing dwelling has been measured as 514m².

With regards to the partially implemented 19780341 application, the elements of the proposal that were not built out (a proposed new ground floor garage/car port and covered entrance area at the front and first floor front bedroom, together with a new pitched roof over the building) could still reasonably be constructed as no subsequent permissions for the property have or would preclude this development from occurring.



These extensions would add approximately a further 144m² gross external floorspace, together with an increase in the height of the roof up to approximately 9m.

Recently, two further applications have been approved for the site, including a single storey rear extension (20220880) and a detached outbuilding over the existing pool in fairly close proximity to the house (20220769). If constructed, these would add an additional 125m² and 160m² gross external floorspace respectively to the existing building and site.

The table below sets out the original, existing and proposed gross external floor areas (these floor areas differ from those set out in the submitted Planning Statement but there is reference to those being internal measurements rather than external (it is external measurements that should be calculated in this case, as set out in saved Policy C13 of the Local Plan 1994)):

	Original gross external floor area (m²)	Gross external floor area (m²) post-1948 extensions	Current proposed gross external floor area (m²)	Difference in gross external floor area between original and proposed (m²)
Dwelling (ground and first floor)	272	514 (>242)	506	234
(Proposed Basement)			(160)	(394)
Total			(666)	
Percentage		>47%	<1% (>23%)	>46% (>59%)
Unimplemented development (19780341)			144	
Proposed single storey rear (20220880)			125	
Proposed outbuilding (20220769)			160	
Total		514	943 (>429)	
Percentage			>45%	

From the calculations above, the amount of additional extensions already carried out to the original property equates to approximately 242m², which is over the usual limit of one third of the gross floor area of the original dwelling set out in Policy C13 of the Local Plan 1994 in relation to extensions to dwellings in the countryside.

Appropriateness of Development in the Green Belt

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.

The construction of new dwellings is inappropriate in the Green Belt (paragraph 149 of the NPPF 2021). There are exceptions to this, as follows:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;**
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out the development plan (including policies for rural exception sites); and
- 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; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

In this case, as a replacement dwelling, the proposal would fall within the above exceptions and is therefore not inappropriate development in the Green Belt, though this is dependent on it not being materially larger than the building it replaces and not having a greater impact on the openness of the Green Belt than the existing development. These matters will be considered below.

Size and Fallback

As discussed above, Policy C12 of the Local Plan 1994 states that a replacement dwelling must be of similar scale and mass to the existing dwelling, and must be no larger than the existing dwelling unless it can be demonstrated that a modest enlargement is required to allow for the provision of essential basic amenities such as a bathroom, toilet or kitchen, which currently do not exist or are clearly inadequate or to meet the special needs of the occupants. In this case, an enlargement would not be required to provide basic amenities, as space for these is clearly already provided on this site.

As this policy pre-dates the more recent planning policy on this issue in the NPPF 2021 at paragraph 149 (e), greater weight should be given to this latter approach, where an increase that is not 'materially larger' than the existing dwelling is accepted.

In relation to the proposed dwelling, which would be two storeys plus a basement, the gross floor area (measured externally) has been calculated to be approximately 666m², which is 23% over the size of the existing dwelling. As the proposed dwelling would be less than a third over the size of the existing dwelling, it would not be considered to be materially larger than the existing dwelling and would comply with paragraph 149 (e) of the NPPF 2021.

The submitted Planning Statement additionally refers to the consideration of a "fallback" position and the further lawful development/prior approval consents that have recently been granted. These could reasonably be constructed, taking the external floorspace of the buildings on the site up to 799m². The completion of the works granted under the 1978 permission would increase the size of the existing dwelling further still.

In order to be considered as a fallback, the alleged fallback 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 "fallback" then there 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 case of *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314; [2019] PTSR 1452 explains this issue. Taking this case into account, the factors in the determination of the fallback are:

1. *It is a genuine lawful fallback development?*

The site currently benefits from a lawful development certificate and a prior approval for a detached outbuilding and single storey rear extension respectively, plus a partially unimplemented planning permission dating from 1978.

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

Whilst the state of the existing dwelling is in disrepair, there would be no apparent reason that the existing consented additions at Long Acre could not be carried out should permission for the new dwelling not be forthcoming.

3. *If it is accepted that there is a genuine lawful fall back, then the current proposal needs to be assessed against the benefits or harm of that fall back being implemented – would the current application be less harmful than the use or development previously permitted.*

In this case, it is judged that there would be a genuine fall back. In terms of the amount of buildings on the site, it is clear that due to its size the proposed dwelling would have less of an impact than the existing dwelling plus its consented additions.

This is a material consideration that should be given significant weight in this case when considering the harm to the openness of the site and Green Belt within which it sits.

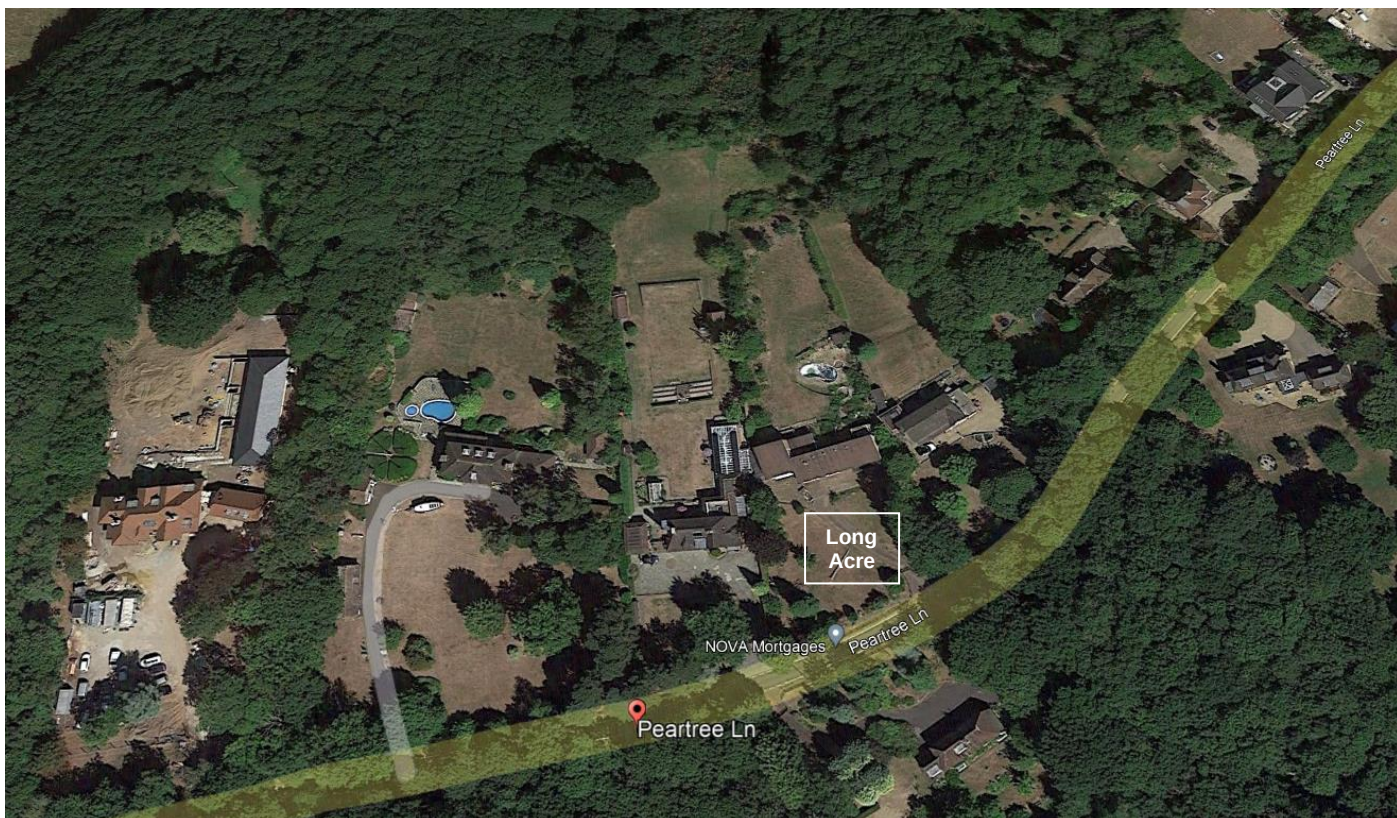
Impact on Openness

The site can be described as previously developed land as it is an existing residential site. As the proposal would not provide affordable housing, the proposal must also be judged against the first part of paragraph 149(g), which seeks to prevent a greater impact on the openness of the Green Belt than the existing development on a site. In this case, the proposal is not considered inappropriate development, but its impact on the openness of the Green Belt must be also assessed, and in turn the impact on the character and appearance of the surrounding area.

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.

The site is located within the countryside, and is one of a number of large, detached houses along the road in generous plots. There is woodland surrounding these dwellings. The site is located in the Shorne Woodland Landscape Character Area.

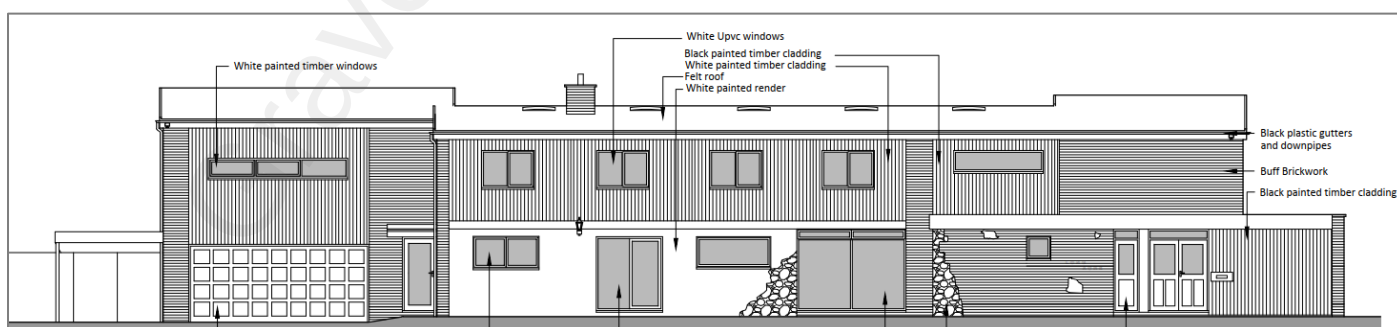
Current Google Earth Image



The existing property extends across the majority of the width of the plot; it is long, low and narrow. The lower height of the building with a low-pitched roof is unusual in comparison to the houses in this area and is a characteristic of the age of the property (1960s). The height of the proposed building would be increased to 8.4m (the existing building has a maximum height of 6.5m) and the depth of the building would also be greater, which would create additional bulk and mass. However, the design of the roof with a double pitch does help to reduce the bulk of the building from the side.

The proposed dwelling would open up space to both sides of the plot, with a width of 16.9m at two storeys and 24.6m including the attached single storey garage. The width of the existing dwelling is 33m, with some 30m of this at two storeys. To the western flank boundary, the existing house extends right up to the boundary, and to the east there is a gap of approximately 2.8m. With the proposed dwelling, this would increase to a minimum of 5m to the property boundaries on both sides at single storey, and to a minimum of 6m on the eastern side and 12m on the western side at two storeys.

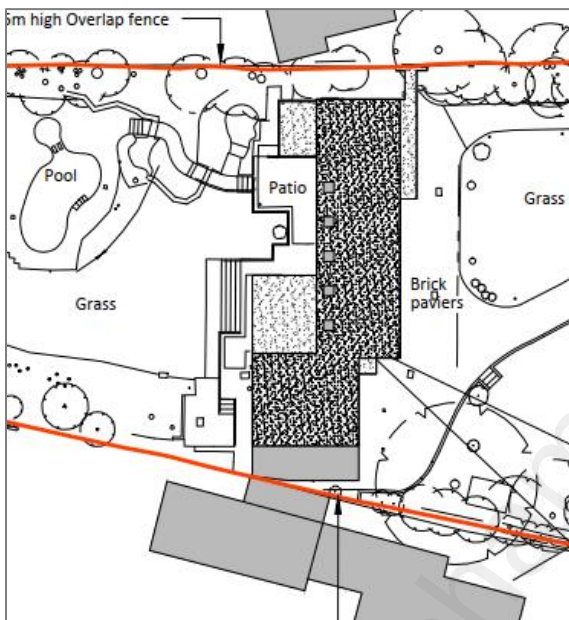
Existing Dwelling



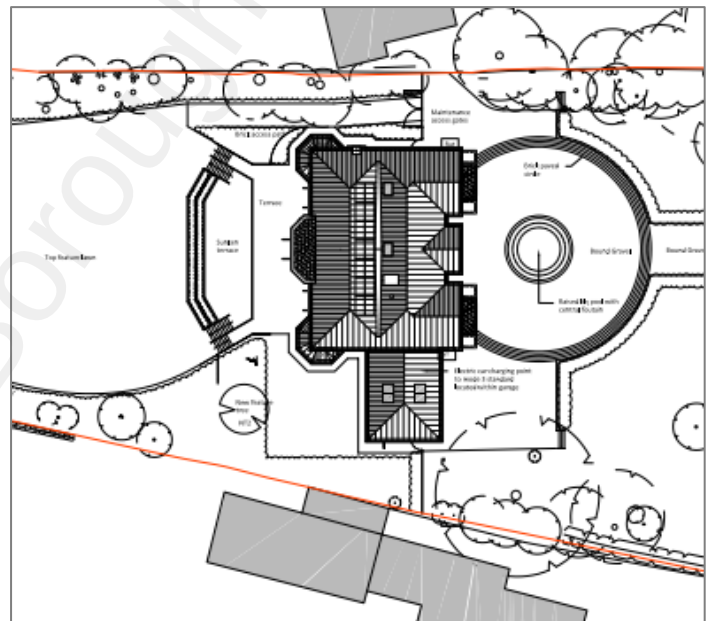
Proposed Dwelling



Existing Block Plan



Proposed Block Plan



In terms of volume, the difference between the existing (approximately 1504m³) and proposed dwellings (2260m³) is some 756m³, which equates to a 33% increase over the size of the existing building. This is considered a moderate increase. As discussed above, however, the additional approved extensions that could be carried out to the existing property would further increase the volume of the buildings on site to over 2900m³.

The proposed replacement dwelling would result in a moderate increase in the bulk, size and scale of the dwelling on the site, and would undoubtedly therefore have an impact on the spatial and visual character of the site. The payoff is the increased height and depth of the proposed building, with a reduced width compared to that of the existing.

The proposed dwelling would be in a similar position to the existing house on the application site and would be set well back from the road. The space gained at the sides of the property would open up the area around the dwelling and add to the spaciousness of the overall site against the established vegetated boundaries. Whilst the volume of the proposed dwelling would be greater than the existing, the gross external floor area would be slightly less. The existing pool would be removed and the basement would accommodate areas ancillary to the use of the house, which could help alleviate the need to impinge on the

site for storage. As it would be below ground level, the basement would have no visual or spatial impact on the openness of the Green Belt.

Furthermore, in the context of the impact of the further consented additions that could reasonably be expected to be carried out to the existing property, the overall impact on openness is considered to be negligible and the proposal would not be considered to have a greater impact on openness than the existing development on the site, thereby minimising the harm to the Green Belt. The use of landscaping would further help to reduce the visual impact.

The proposed development is therefore considered to be appropriate in the Green Belt and acceptable in terms of the harm and impact on the openness of the Green Belt. The proposal would therefore comply with the requirements of Policy CS02 of the Core Strategy 2014 and paragraphs 137, 147, 148 and 149 of the NPPF 2021.

Impact on Landscape Character

Policy CS19 of the Core Strategy 2014 requires that new development is well designed and respects the character and appearance of the surrounding area. The application site is in the Shorne Woodland Landscape Character Area and as such, Policy CS12 of the Core Strategy 2014 is also 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 (LCA) will be taken into account in determining applications. Paragraph 174 of the NPPF 2021 seeks to protect and enhance such valued landscapes.

In relation to the Shorne Woodland Landscape Character Area within which the property sits, the undulating landform and extensive tree cover within this area provides an enclosed character and subsequent low visibility within the area. The overall condition of the landscape is good and has moderate sensitivity. It is recommended that key landscape elements should be conserved and reinforced, including the wooded character of the area.

The development of this site with a replacement dwelling would not have a significantly different impact to the existing property in terms of the impact on the wider landscape character of the area. Pear Tree Lane is rural in nature, with substantial dwellings set within generous plots and the proposal would be in keeping with this. The use of landscaping conditions would further help reduce any visual impact and retain the rural setting with appropriate boundary treatments and hard and soft landscaping. The proposed development is therefore considered to be acceptable in terms of conserving the rural character of the site and surroundings. The proposal would therefore comply with the requirements of the Gravesham LCA 2009, Policies CS12 and CS19 of the Core Strategy 2014 and paragraphs 130 and 174 of the NPPF 2021.

Design

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 proposed replacement dwelling is well designed with the use of high-quality materials. Whilst the development proposed would alter the character and appearance of the site, the new dwelling would not appear incongruous given the pattern and varied styles of development in its immediate vicinity. The roof height would be higher than the existing dwelling, but the neighbouring houses have two-storey pitched roofs such as that proposed.

View of Mullion to the west



Furthermore, the new dwelling would be set well back from the front of the site and centrally located with much of the existing and new landscaping and trees/hedges along the boundaries being retained, helping to mitigate any visual impact.

Therefore, there would be no harmful effect on the character and appearance of the surrounding area and the proposal would be in compliance with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 130 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

It is considered that the proposal would comply with the Technical Housing Standards - Nationally Described Space Standards 2015 in terms of the size of the proposed accommodation, which with a gross internal floor area (GIFA) of approximately 406m², would exceed the minimum standard of 134m² for a 3 storey, 5 bedroom, 8 person dwelling.

The proposal would also comply with the Council's residential layout guidelines in terms of the size of the proposed garden.

Due to the general pattern of development around the site, there would be no adverse impact on the proposed property from overlooking or loss of light.

There is therefore no conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Core Strategy 2014 and paragraph 130 of the NPPF 2021 in respect of the standard of amenity and living conditions for future occupants of the proposed dwelling on the site.

Neighbouring Properties

A residential use of the site would be in keeping with surrounding uses, and the replacement of the dwelling on the site will have a no impact on neighbouring properties with regard to noise, disturbance and activity levels.

Due to the layout of the plot and the similar positioning of the proposed detached dwelling adjacent the neighbouring properties either side (The Grange to the east and Mullion to the west), the distance between neighbouring properties (in excess of 5m at the closest points to the property boundaries), and existing retained boundary screening, it is considered that there would be no loss of outlook, privacy, sunlight or daylight for the occupiers of the neighbouring properties from the proposal. As such, it would comply with Policy CS19 of the Core Strategy 2014 and paragraph 130(f) of the NPPF 2021.

Parking and Highways

A 5 bedroom dwelling would require a maximum of 3 car parking spaces, which can easily be accommodated on the site. The proposal is therefore considered to comply with parking standards.

The relocation of the access and the set back of the front boundary treatment will be a great improvement on the existing situation and would be welcomed. The sight line has been amended to be 2.4m back from the edge of the carriageway, which is acceptable.

Additionally, the position of the proposed gates have been set back 5.5m (rather than the original 5.2m) from the edge of carriageway to ensure a car can be parked clear of the carriageway and provide pedestrian access to the gate to open or close it.

The site would accommodate plenty of space for turning. The use of bound gravel for the driveway is acceptable providing it is a porous material to ensure no surface water discharges onto the highway. This can be conditioned.

With a 5 bedroom property, there should be secure and weatherproof cycle storage for 5 cycles to comply with the requirements of SPG4, although this can be within the garage if there is space. Given the garage size it appears to be only suitable for one car, so there is space for cycle provision.

As the proposal would result in similar traffic movements to the existing, there would not be a significant impact on highway safety. The proposal would therefore comply with Saved Policies T1 and P3 of the Local Plan 1994 and Policies CS11 and CS19 of the Core Strategy 2014.

Any Other Material Planning Considerations

Environmental Protection

The application would have a low environmental risk. A condition should be imposed relating to a watching brief and an informative relating to the code of practice on construction and demolition. The proposal would therefore comply with Policy CS19 of the Core Strategy 2014 and paragraph 185 of the NPPF 2021.

Trees and Biodiversity

The NPPF 2021 in paragraph 180(a) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for, then planning permission should be refused. Policy CS12 of the Core Strategy 2014 reflects this stance and states that sites designated for their biodiversity value will be protected. There will be no net loss of biodiversity in the Borough.

It is recognised that the proposal seeks to retain the existing trees on the site and to provide additional planting. At the front, the proposed driveway access change and vision splays will result in some planting along the front boundary being removed, but additional planting will be established behind the repositioned 1.2m high post and rail fence. Lawn and water features, including a pond will be installed. At the rear, due to the land level changes, the garden is proposed to be terraced with gabion retaining walls between areas of lawn. There will be a wildlife pond proposed at the bottom of the garden, with a compost area, wood piles and new trees. The development is considered to be capable of providing a biodiversity net gain through a

good level of additional planting and habitat creation.

KCC Biodiversity has advised that the submitted ecological surveys are sufficient. Due to the presence of bats on the site in the existing pool pump house, a need for an EPS licence should be granted before its demolition. The proposed mitigation as set out in the application submissions should be implemented (this should be conditioned) and is considered to be sufficient to maintain favourable conservation status. The mitigation includes two bat boxes on the eastern side of the new house, and a 2m by 2m by 2m bat box in the roof void of the proposed house, all of which would appear to be able to be satisfactorily accommodated. This should be conditioned as part of any forthcoming planning permission, together with a bat mitigation strategy. Due to the presence of bats on the site, lighting must also be carefully considered, and such details should also be subject to a condition.

The proposed development will be using a strategic mitigation approach to mitigate impacts on Great Crested Newts (GCN). A signed GCN District Level Licensing (DLL) has been submitted.

With regards to other species such as birds and hedgehogs, and the nearby (50m away) Court Wood Local Wildlife Site and Ancient Woodland, the submitted ecological information makes recommendations for appropriate precautionary mitigation to avoid impacts during the construction period and these measures should be a requirement within a construction management plan condition.

The wildlife area at the north of the site is supported, but non-native trees are proposed to be planted. The submitted landscaping details are not approved, and therefore a condition requiring landscaping details including native species, should be included on any planning permission. Hedgehog boxes and log piles will also be created to benefit biodiversity and their location should be agreed on a landscape plan.

Japanese Knotweed has been found on the site and the application confirms full eradication is being carried out prior to any development works.

Subject to the above recommended conditions, this development complies with the requirements of paragraphs 174 and 180 of the NPPF 2021 and CS12 of the Gravesham Core Strategy 2014.

Archaeology

The site lies within an area of archaeological potential. However, it is considered unlikely that the proposals would have a significant below-ground archaeological impact. The proposal therefore complies with Policy CS20 of the Core Strategy 2014 and paragraph 197 of the NPPF 2021.

Conclusion and Recommendation

Overall, the proposed replacement dwelling would not harm the openness of the Green Belt and would conserve the rural landscape context of this site within the Shorne Woodland Landscape Character Area. The submitted fallback position would result in a less practical, less attractive, larger dwelling that would have a greater impact on the openness of the Green Belt than the proposed. This would regardless outweigh any harm to the Green Belt in terms of openness that would result from the proposed development.

Subject to conditions, the proposal would also be acceptable in terms of design, amenity, parking and highways, environmental protection, biodiversity and archaeology impacts. As such, the proposal would comply with the requirements of Policies CS02, CS12, CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, saved Policy C12 of the Gravesham Local Plan 1994 and paragraphs 126, 130, 137, 147, 149, 174, 176, 185 and 197 of the National Planning Policy Framework 2021.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
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Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	26 January 2023	Dated:	30th January 2023

Gravesham Borough Council