



Delegated Report

Householder Planning Application

Planning Application No: 20230225

Location: Westwood 38 Rhododendron Avenue Meopham Gravesend

Description: Demolition of existing dwelling and erection of replacement dwelling.

Applicant: Mr T Raif

Site Visit Date: 03 May 2023

Submitted Documents/Plans

Application for planning permission form;
Drawing no. 2021-022v1-Location Red line site boundary plan;
Drawing no. 2021-022.P01 Proposed ground and first floor layouts;
Drawing no. 2021-022.P02 B Proposed roof plan;
Drawing no. 2021-022.P03 Proposed front and side elevations;
Drawing no. 2021-022.P04 Proposed rear and side elevations;
Drawing no. 2021-022.P05 A Existing block plan;
Drawing no. 2021-022.P06 Proposed block plan;
Drawing no. 2021-022.P07 Existing ground floor layout and roof plans;
Drawing no. 2021-022.P08 Existing elevations;
Planning statement; and
Appeal decision.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220070	Erection of rear and front extensions, dormer extension in the rear roof slope, installation of rooflights in the front and rear roof slopes, roof alterations and conversion of the roof space to form habitable rooms. Appeal reference: AP2022/00030/REF	Refused Appeal Allowed	25.03.2022 29.11.2022
20190247	Erection of rear extension, construction of a first floor level incorporating dormer extensions in the proposed first floor front and rear roof slopes at first floor level and erection of an open front porch.	Refused	31.05.2019
20040726	Erection of a detached double garage at the rear and construction of new roof to provide three bedrooms and bathroom in proposed roof space.	Permitted	28.01.2005
19910023	Erection of a bungalow.	Permitted	15.02.1991

19870189	Erection of replacement chalet for weekend and holiday use and installation of cesspool	Permitted	06.05.1987
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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
- T1 – Impact of Development on Highway Network
- C12 – Replacement dwellings in the countryside
- C13 – Extensions to dwellings in the countryside
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- 13 – Protecting Green Belt land
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – nationally described space standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

GBC – Highways Officer

Given the planning history of this proposal, I have no objections, but suggest it is appropriate to request a parking plan, given the size of the plot a condition would suffice. Also to comply with the requirements of SPG4, a secure cycle parking space should be provided for each bedroom, making 4 in total, again a condition would be adequate as there is sufficient space to provide the store. Although given the Inspectors decision on the previous appeal you may not consider this appropriate.

KCC - West Kent Public Rights Of Way Officer

Public Rights of Way NS295 lies to the west of the site. The route may be affected by the application, and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

Meopham Parish Council

No objection.

Neighbouring properties

The application was publicised by a site notice, newspaper advertisement and to 12 neighbouring properties by letter. One representation has been received and is summarised as follows;

- No objection providing the revised application is the same as the original regarding the size and location of the property (boundary location and height). The property is now being demolished.

Officer's Analysis

The application site lies within the Green Belt outside the village of Culverstone Green, a rural settlement inset from the Green Belt and identified on the Local Plan Core Strategy Policies Map. The site falls within an area known as the Culverstone Valley Area. While this area has always been subject to Green Belt policy, up until 2014 development within the area was considered against a specific area policy, Policy C14 of the Gravesham Local Plan First Review. Policy C14 and the associated Supplementary Planning Guidance for the Culverstone Valley Area were withdrawn following the adoption of the Gravesham Local Plan Core Strategy September 2014, on the recommendation of the Examination Inspector. From this point, development in this area has been considered against national and locally adopted Green Belt policy, in the same way as other areas within the Borough that lie in the Green Belt.

Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) prioritises development in the urban area as a sustainable location for development. In the rural area it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Local Plan Core Strategy.

The principle issues in the determination of this application are;

- Is the proposed development appropriate in the Green Belt?
- Effect on the openness of the Green Belt
- Effect on the character and appearance of the area - including landscape character
- Other matters
- Very Special Circumstances

Is the proposed development appropriate in the Green Belt?

Paragraph 137 of the National Planning Policy Framework 2021 (NPPF 2021) sets out that the essential characteristics of Green Belts are their openness and permanence and paragraph 138 lists the five purposes that the Green Belt serves. At the application site, the Green Belt assists in safeguarding the countryside from encroachment. Paragraph 147 of the NPPF 2021 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 of the NPPF 2021 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt but it lists certain exceptions. These exceptions are set out in sub-paragraphs 149(a) to 149(g). Sub-paragraph 149(c) identifies the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and sub-paragraph 149(d) identifies the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Saved Policy C13 of the Gravesham Local Plan First Review (November 1994) relates to extensions to dwellings in the countryside and Saved Policy C12 of the Gravesham Local Plan First Review (1994) relates to replacement dwellings in the countryside. These policies set out a number of criteria that should be met when considering proposals for domestic extensions and replacements. As the policies pre-date the NPPF 2021, the weight attached to the policies must be considered carefully; with greater weight being given where the approach is consistent with paragraph 149 of the NPPF 2021.

Saved Policy C12 is largely out of step with the approach taken in the Section 13 of the NPPF 2021 and as such, should be afforded little weight. However, criteria (iv), (v), (vi) and (vii) provide siting, access, layout and drainage guidance which is broadly in line with other areas of the NPPF 2021 and should be afforded some weight.

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

The Inspector's report in relation to planning permission reference 20220070 made reference to Policy C13 of the Gravesham Local Plan First Review (November 1994) and concluded that it was out of date because a development can fail simply on the basis of criterion (ii). However, it should be noted that this was not the way that the policy was applied by the Borough Council regarding that proposal (or indeed is applied by the Council in any proposal in Culverstone). The delegated report for 20220070 clearly made reference to the increase in bulk and massing of the proposal as well as to the increase in floor space and concluded that the proposed development was a disproportionate addition overall. Therefore, it is considered that, whilst Inspector was entitled to come to a different conclusion to the case officer regarding disproportionateness, i.e. that the proposal would not result in disproportionate additions, it does not follow that Policy C13 should be considered out of date.

The current proposed development would be identical to that approved by the Inspector in planning permission 20220070 except that, instead of being comprised of extensions and alterations to the existing dwelling, it would demolish and replace the existing dwelling with a new one. As such, the proposed development must be considered under sub-paragraph 149(d) of the NPPF 2021 instead of sub-paragraph 149(c).

Sub-paragraph 149(d) allows the replacement of a building, provided that the new building is in the same use and is not materially larger than the one it replaces. The existing building at the application site was permitted under application reference 19910023 and was not extended since it was originally built. The building has recently been demolished but prior to the demolition, it was a dwelling and the proposed development would not alter this use.

The application property was a bungalow with a low pitched roof with no habitable accommodation other than at ground floor level. It had a simple L-shaped footprint with a floor area of some 91 square metres. The main roof was pitched with gable ends and a ridge height of some 4.6 metres. There was a gable on the front elevation, which has a barn hipped roof.

The proposed development would increase the footprint of the dwelling to some 128.5 square metres (41% above the original footprint). Due to the addition of new first accommodation, the proposed development

would result in an increase in the floor area of the building to some 228.4 square metres (251% above the existing floor area).

In terms of the bulk and massing, it is considered that the proposed development would add significantly to the appearance of the building. The building would be elongated on the western and eastern sides and across the whole building, the roof would be much taller and bulkier. The building would become two storey in appearance, with an overall height of some 6.6 metres (some 2 metres taller than the original roof height). Whilst it is noted that the roof has been designed with barn hipped, gable ends, which has slightly reduced the overall bulk of the proposed building, it is considered that this design approach would not effectively mitigate the impacts of the increased level of built development overall.

It is acknowledged that the demolition of the bungalow removed the building that is proposed to be replaced from the application site. The applicant has set out the circumstances leading to the demolition and this application (that when he commenced works to extend the building under planning permission 20220070, the structure became unstable and that he did not realise that a further planning permission would be required to demolish and rebuild). Therefore in this very specific context, the proposed development is considered to be a replacement dwelling.

Overall, the floorspace, bulk and mass of the property would be significantly increased by the proposed development. Therefore, it is considered that the proposed development would be materially larger than the dwelling it would replace. As such, the proposal would be inappropriate development and contrary to Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 149(d) of the NPPF 2021.

Effect on the openness of the Green Belt

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 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 degree of activity levels generated (Reference ID: 64-001-20190722).

There is no specific definition of "openness" in the NPPF, and the concept of what is considered as openness has only really emerged from case law. Effectively, 'openness' is epitomised by the absence of built development (i.e. land that is not built on) and it follows therefore that any new built development is likely to have an adverse impact on the openness of the Green Belt, but whether that impact is greater or lesser on sites where there is already built development will be dependent on an assessment on a case by case basis. It is a different concept to "visual impact". Although openness may be considered in a visual sense, the visual impact of a development in the Green Belt may be harmful through the siting, design and materials used. The presence of landscaping or screening may serve to mitigate the visual impact of a development including built development but there might still be an impact on openness.

The development, by its nature, would involve a form of inappropriate development at the application site that would erode the openness of the Green Belt. The proposal would result in building which is significantly larger and bulkier than the original dwelling, consolidating and extending the level of built development at the application site to an unacceptable level. Whilst the site is partially screened by mature vegetation, the prominent position of the building (set significantly above the level of Rhododendron Avenue) would mean that the proposal would be visually intrusive from public vantage points (including a public bridleway). As such, the proposed development would significantly and harmfully impact on the openness of the application site and the Green Belt within which it sits.

This proposal is contrary to paragraph 137 of the NPPF 2021 by its impact on openness, and would also conflict with point (c) of paragraph 138 of the NPPF 2021, which seeks to safeguard the countryside from encroachment. Clearly, this proposal would represent an encroachment of development into the countryside, as the site lies outside any settlement boundary. This also conflicts with Policy CS02 of the

Gravesham Local Plan Core Strategy 2014, which only supports development outside settlement boundaries where it is compatible with national and local policies for protecting the Green Belt.

Effect on the character and appearance of the area

The application site is located in the Harvel Wooded Downs Landscape Character Area. As such, Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 is relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment will be taken into account in determining applications.

The Harvel Wooded Downs Landscape Character Area is characterised by varied topography with steep valley sides and plateaux. Ancient woodland, chestnut coppice and small paddocks and pastures can be found. Views both within and out of the character area are limited because of the combined effect of topography and the heavily wooded character of the landscape.

The application site is located in a rural area and is surrounded by woodland and dwellings in plots of a similar nature. The plot surrounding the original dwelling had a significant area of hard surfacing and some grass and mature vegetation. As a result, the site has a somewhat semi-rural appearance. The proposed development would result in an increase in the amount of built development within an existing residential curtilage but would not adversely affect the overall landscape character of the surrounding area.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area. In particular, the design of new development should be derived from a robust analysis of local context and character and make a positive contribution to the street scene and the character of the area.

The design of the proposed development would be broadly in keeping with the original building and those in its surroundings and the external facing materials would match those on the original dwelling. However, in order for the detail of the development to be satisfactory, a condition should be attached to any planning permission granted, to require details of the external facing materials to be submitted and approved. Overall, the proposed development would be widely visible from public vantage points but would not look out of place in the surrounding environment.

The proposed development would not be detrimental to the character or appearance of the surrounding area and would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Other matters

Amenity of Future Occupiers

The proposed development would not harm the amenity of future occupiers and sufficient garden would be retained to comply with the Borough Council's Residential Layout Guidelines. As such, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

Neighbouring Amenity

The closest residential properties to the application site are The Beech Tree, 36 Rhododendron Avenue (located to the south) and Berwood, Rhododendron Avenue (located to the north). Rosebud and nos. 1, 1A and 48 Beechwood Drive are located to the east and Landi Lodge, Ashdale and Serena, Rhododendron Avenue are located to the west (across the roadway).

Due to the design of the proposed development, to the screening provided by boundary treatments and to the location, layout and orientation of the surrounding properties, there would be no adverse overlooking, overshadowing or overbearing impacts to the occupiers of the surrounding dwellings.

Due to the proximity of The Beech Tree, 36 Rhododendron Avenue (some 8.4 metres to the south) and to

avoid the potential for future adverse overlooking impacts, any planning permission granted should be conditioned to preclude the insertion of windows above first floor level in the southern side elevation.

The comments of a local resident are noted and it is confirmed that the proposed development would essentially result in the same sized and located building as was granted planning permission under reference 20220070.

Overall, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Parking and Highways

The proposed development would result in the dwelling increasing from two or three bedrooms to four bedrooms. Sufficient car parking is available within the application site and no alteration to the existing vehicle access is proposed. The GBC Highways Officer has raised no objection to the proposal but seeks a parking layout plan and details of proposed cycle parking at the application site. However, as there would be no alteration to the existing parking arrangements, then there is no justification to request the submission of a parking plan.

With regard to cycle parking, the KCC Parking Standards (2006) require one space per bedroom for new dwellings. As the proposed development would result in a new four bedroom dwelling, then it would be reasonable to request the provision of four cycle parking spaces within the application site. To ensure that this is provided, a condition to this effect can be attached to any planning permission granted.

As such, the proposal would not be detrimental to highway safety and would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994.

Ecology and biodiversity

Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) requires no net loss of biodiversity in Gravesham and seeks opportunities to enhance, restore, re-create and maintain habitats particularly in Biodiversity Opportunity Areas and within new developments.

At a national level, the NPPF 2021 requires planning decisions to protect and enhance sites of biodiversity value (at paragraph 174(a)) and to minimise impacts on and provide net gains for biodiversity (at paragraph 174(d)). Paragraph 180 of the NPPF 2021 states that when determining planning applications, Local Planning Authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated for.

The proposed development would be within the confines of an existing residential garden, on land which is either hard surfaced or laid to grass. As such, it is considered that there would be no adverse impacts to biodiversity. In order that the details of the proposal are satisfactory, a condition should be attached to any planning permission granted to require the submission and approval of the proposed hard and soft landscaping for the application site, including measures to improve biodiversity. Overall, the proposal would be in line with Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014).

Any Other Material Planning Considerations

The application site is located within Groundwater Source Protection Zone 3 and an area of multi-period archaeological potential. However, as the proposed development would be within the confines of an existing residential garden and only a relatively small amount of groundworks would occur, then it is considered that there would be no adverse impacts to groundwater or archaeology. As such, the proposal would be in line with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review 1994.

The comments of the KCC West Kent Public Rights of Way officer are noted. However, as the proposal constitutes the replacement of an existing building, that is located at the centre of the application site, it is

considered that there would be no adverse impacts to the alignment, or to the use, of Public Right of Way reference NS293 (which runs along the frontage of the application site). Notwithstanding this, any planning permission granted would have an informative attached, which outlines the advice given by KCC in relation to the Public Right of Way.

At the site visit, the case officer noted that groundworks had been undertaken and retaining walls built, in the rear garden of the application site. In addition, a large amount of spoil had been deposited on the site frontage. These issues will be reported to the GBC Planning Enforcement Team for investigation and are not relevant to the determination of this application.

Very Special Circumstances

Referring to paragraphs 147 and 148 of the NPPF 2021, inappropriate development in the Green Belt should not be approved except in very special circumstances and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has identified that planning permission 20220070 is a material consideration in the determination of this application and that it would result in a dwelling, which would be identical in size to that currently proposed.

Therefore, despite the proposed development being materially larger than the original dwelling at the application site, it would actually be the same size as the dwelling that could lawfully have been erected there under 20220070. As a result, the actual impact of the current proposal on the openness of the Green Belt would be no greater than the fallback position which was available under 20220070. As such, this would amount to the very special circumstances that would set aside the objection to the development on the grounds of being inappropriate development, as per paragraphs 147 and 148 of the NPPF (2021)

Suggested conditions

Time limit

Development in accordance with the approved details

Details of external facing materials prior within three months

Details of hard and soft landscaping (with measures to improve biodiversity) prior to first occupation

Details of cycle parking prior to first occupation

Obscure glazing to bathroom/w.c. windows

No windows at first floor level in southern flank elevation

Removal of Classes A, AA, B, C and D permitted development rights

Conclusion & Recommendation

The above analysis sets out that the proposed development would be detrimental to the openness of the Green Belt and contrary to one of the purposes of including land within the Green Belt, namely protecting the countryside from encroachment. The proposal would be materially larger than the dwelling it would replace, consolidating and extending the level of built development at the application site to an unacceptable level and therefore it would be inappropriate development in the Green Belt.

However, due to the existence of a realistic fallback position (planning permission 20220070), very special circumstances exist that would set aside the objection to the development on grounds of being inappropriate development. Furthermore, the proposed development would provide an acceptable standard of living for future occupiers, would not be detrimental to the surrounding landscape, biodiversity, residential amenity or highway safety and would not adversely affect groundwater or archaeology. All of which weigh in support of the proposal.

On balance therefore, it is considered that planning permission should be granted for the proposed development, as an exception to Green Belt policy.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	03 May 2023	Dated:	04 May 2023