

Delegated Report

Householder Planning Application

Planning Application No: 20240424

Location: Thorpewood Newlands Lane Culverstone Gravesend

Description: Retention of outbuilding in rear garden.

Applicant: Mr & Mrs Porter

Site Visit Date: 23.05.2024

Submitted Documents/Plans

- Application Form
- Drawing 01 (Site Location Map)
- Drawing 02 (Existing/Proposed Block Plans)
- Drawing 03 (Proposed Plans and Elevations)

Relevant Planning History

No relevant planning history.

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

Paragraph 33 of the NPPF (2023) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2023), the Council will also seek to replace these.

Other material considerations

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving Well-Designed and Beautiful Places

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPD4 - Householder Extensions/Alterations Design Guide (2021)
- Technical Housing Standards – Nationally Described Space Standard (2015)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Local Ward Councillors

No comments received.

Neighbouring properties

The application was advertised by way of site notice and letters to 9 surrounding properties. The consultation period expired on 14.06.2024 and 4 representations were received.

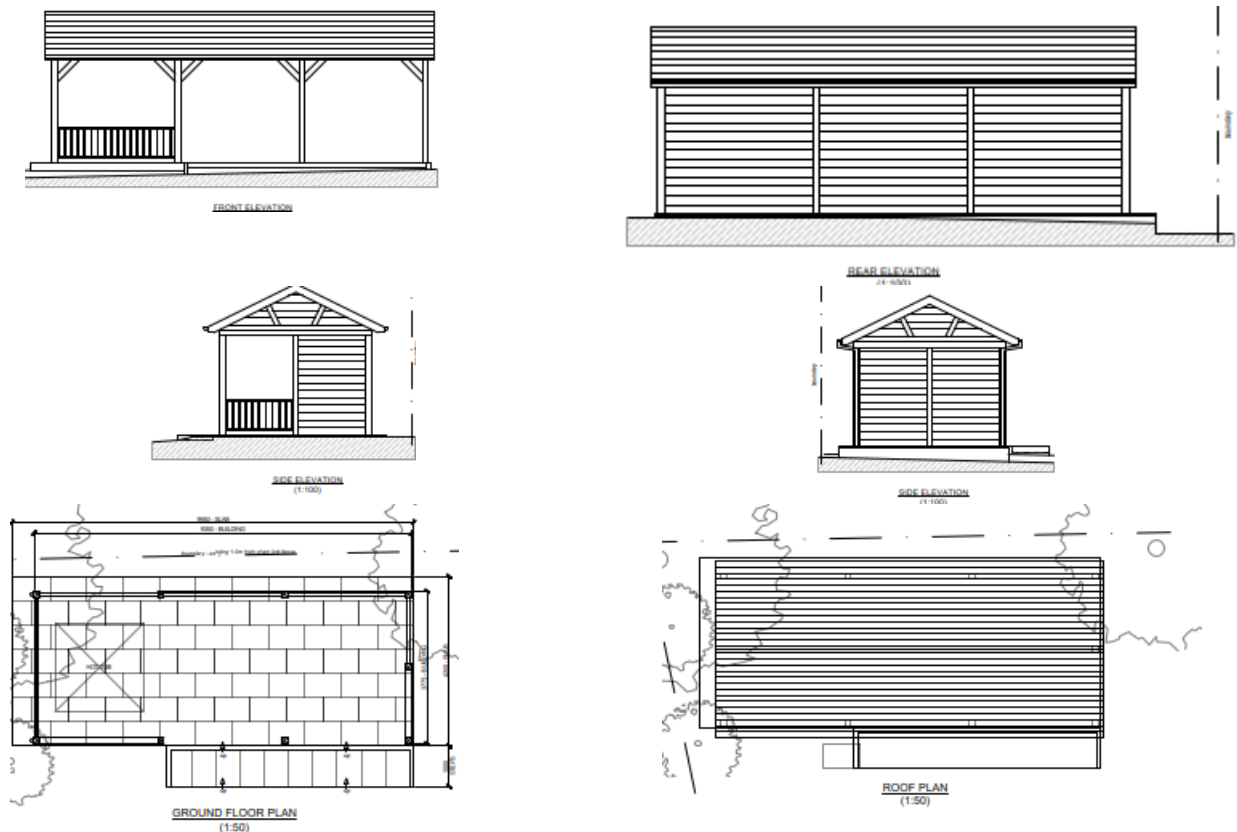
The main points raised in the objection were:

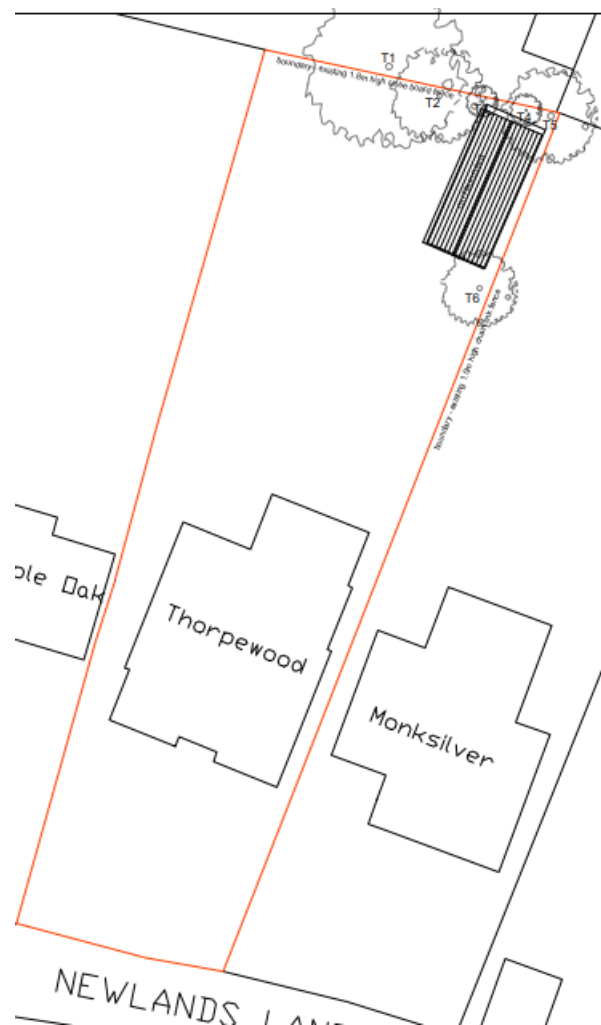
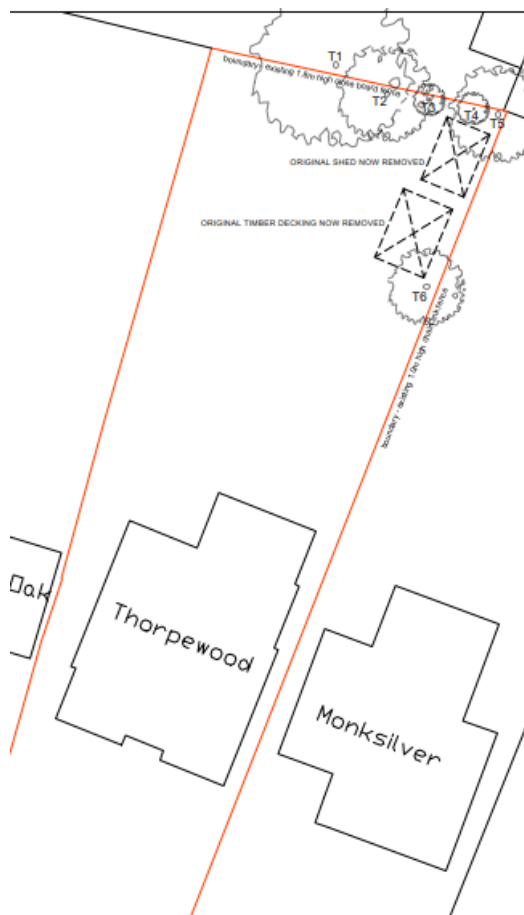
- Proximity of outbuilding to gardens, dwellings and fences
- Noise Nuisance emanating from use of outbuilding
- Large outbuilding maybe used for commercial purposes
- Out of character with the Countryside setting

Analysis

Proposal

The proposal seeks to retain an existing outbuilding.





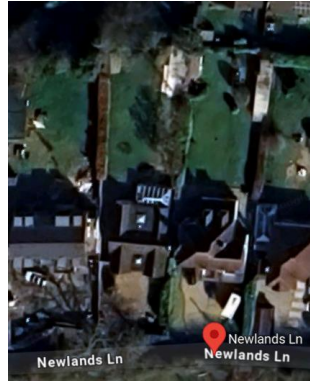
Background

The outbuilding which is subject of this application has already been constructed. The building is some 3.7m in height and is within 2m of the property boundary therefore it does not fall within the parameters of Class E of the general permitted development order 2015 which states:

"If any part of the building, container or enclosure is within 2 metres of the boundary of the curtilage of the house, then the height limit for the total development is restricted to 2.5 metres if it is to be permitted development."

Character and Appearance

The application site is a modest detached bungalow, which lies to the north side of Newlands Lane, within a rural settlement inset from the Green Belt. The application bungalow is positioned between Triple Oak and Monk Silver, the foot of the plot shares a boundary with No's 23 and 32 Silver Birch Avenue.



The outbuilding is situated on the rear and side boundaries and is therefore close to the garden areas of Monksilver and 23 and 32 Silver Birch Avenue. The structure is dual pitch and constructed using timber, it is partially screened to the rear and the side which faces towards Monksilver. The building is largely opened and is intended to accommodate a hot tub and a covered amenity space with no primary living space.



In terms of character, the outbuilding is not considered to be an uncommon addition as there are other outbuildings within the vicinity. Given that it is situated at the foot of the plot it would not be harmful to the wider character of the area as it is not visible from a public vantage point. Furthermore the scale of the outbuilding is not excessive in relation to the plot on which it is situated and the open nature of structure indicates that this is not going to be used as a habitable room.

The outbuilding has not been constructed directly on the boundary line and is situated approx. 0.7m from the common boundary shared with Monk silver and approx. 0.8m from the nearest boundary at the rear. Whilst the height of the structure is above what is allowed under permitted development the extra height is not considered to be harmful in terms of design, appearance and the wider character of the area.

The proposal is therefore considered to comply with the requirements of CS19 Local Plan Core Strategy 2014.

Amenity of Future Occupiers

Post development there is sufficient amenity space to meet the requirement of future occupants and so the proposal complies with SPG2 Residential Layout Guidelines 2020.

Neighbouring Amenity

The proposed development is situated to the North East of the plot and so it is within closer proximity to the main dwellings of No's 23 and 32 Silver Birch Avenue.

Concerns have been raised with regards to potential noise emanating from the outbuilding. The outbuilding is enclosed on the north and east elevations which will offer some noise attenuation as well as privacy screening to the gardens of Monk Silver and 32 and 23 Silver Birch Avenue. The outbuilding can be constructed under permitted development albeit with a larger footprint if the height is reduced to

2m. The main concerns raised relate to the noise element, if this application is refused the applicant is able to alter the outbuilding with a reduced overall height which would not resolve the concerns regarding noise. Under this planning process the Council is able to impose conditions which will prevent the applicant from altering the outbuilding as built which means the applicant cannot create any new fenestrations which face towards any of the aforementioned properties without a further planning permission and so by permitting this application there is a greater degree of control in terms of use and design.

The council is unable to impose any conditions restricting noise levels from an outbuilding, however if it is the case that there is excessive noise emanating from the structure then this is something which can be reported to the Council's Environmental Protection Team for consideration as they are able to investigate under the powers of the Environmental Protection Act 1990.

Any noise concerns must demonstrate that the noise intrusion is beyond normal day to day living and is excessive to the point of impacting surrounding properties' occupant's quality of life. On balance the use of the outbuilding will be for relaxation purposes and there are no indications this will be used for commercial purposes. A condition will be imposed to restrict the use of the outbuilding which means it will only have consent to be used ancillary to the main dwelling and will not be able to have any commercial premises within it.

The outbuilding may cause some overshadowing to the garden area of Monk Silver in the evenings, however this will not impact the main dwelling, nor will it impact a large proportion of the garden area. The existing trees in place would cause the majority of overshadowing to the neighbouring properties.

On balance the outbuilding is not considered to harm neighbouring amenity and is therefore compliant with the requirements of CS19 Local Plan Core Strategy 2014, in order to control the occupancy of the outbuilding and to maintain neighbouring privacy conditions will be imposed.

Parking and Highways

The proposed development will not impact any existing parking arrangements.

Any Other Material Planning Considerations

Impact on the landscape - In addition to being inset from the Green Belt, the application site is located within the Meopham Downs Character Area, as set out in the Council's Landscape Character Assessment document.

Policy CS12 of the Gravesham's Local Plan Core Strategy LPCS (2014) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 that the overall landscape character and valued landscapes will be conserved, restored and enhanced.

It is considered that this development would not be detrimental to the Meopham Downs Character Area, as the property is located in a small settlement and development would not impact on the wider rural landscape.

Conclusion & Recommendation

The proposal is recommended for permission subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Sharon Sahota	Team Leader:	Richard Hart
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Signed:		Signed:	<i>R Hart</i>
Dated:	18/07/2024	Dated:	18th July 2024