

Delegated Report

Householder Planning Application

Planning Application No: 20230471

Location: 9 Warren View Shorne Gravesend Kent

Description: Formalisation of change of use of land to residential use (retrospective). Increased depth of patio and adjustments to the levels of the patio and adjoining area. New windows and doors to the flank elevations. Windows, doors, soffits, fascias and gutters to be replaced in black. Utility room roof to be replaced with EPDM and a rooflight. Pier between the existing garage doors to be removed.

Applicant: Mr Yershov

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form
SM389.Site – Site Plans
SM389.1 Revision A – Existing Plans
SM389.20 – Proposed Plans
SM389.21 – Existing and Proposed Topographical Plan and Sections
SM389.22 – Proposed Block Plan

Relevant Planning History

Reference	Description	Decision	Decision Date
20230478	Single storey rear extension with a depth of 6.00 metres, maximum height of 3.50 metres and eaves height of 2.90 metres.	Prior Approval Not Required	08.06.2023
20140520	Application for Lawful Development Certificate for Proposed single storey side and rear extension to form garden room.	Certificate of Lawful Development Granted	16.07.2014
20060425	Erection of single storey rear extension to form a kitchen.	Permitted	05.07.2006
20020607	Erection of an attached double garage at the front/side with a log store.	Permitted	11.09.2002
19570171	erection of dwellings	Permitted	28.11.1957

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development

- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles

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)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving sustainable development and well-designed places

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

Shorne Parish Council

The Parish Council has no objection in principle to these proposals (save for concerns about the change of use), subject to there not being any significant valid objection from neighbours but has the following comments:

- All black windows, doors, soffits, fascias and gutters: *The property is visible and dominant in the local landscape. The Parish Council regrets this proposal to change the appearance of the house away from the traditional Billings design but unfortunately notes that black windows were installed and retrospectively permitted at the neighbouring house.*
- The new ground floor bathroom window in the western flank wall: *This should have permanently obscured glazing with the window top hung and only openable above 1.7m.*
- Change of use of adjacent land:
 - *The piece of land is about twice the area of the original plot of land. The tongue of land shown projecting northwards we believe may not belong to the applicant.*
 - *Aerial views show this eastern piece of land as being fenced off from adjacent open agricultural land after 1960 and before 1990. It has tended hedging around the perimeter and agricultural land on three sides.*
 - *Since fencing, the southern half has been left rough with trees allowed to grow or deliberately planted, it would be preferable for this habitat area to be left intact. The northern half only has been tended, to varying degrees.*
 - *The piece of land appears to be ancillary amenity land rather than residential.*
 - *Any change of classification should not give rise to permitted development rights, or these should be withdrawn, to preserve the openness and visual amenity of the area.*

- Lower Thames Crossing proposals: We note that all the adjacent farmland is within the LTC red line boundary.

KCC Heritage

The site lies within an area of multi-period archaeological potential. However, I consider it unlikely that these proposals, immediately adjacent to the existing dwelling, would have a significant below-ground archaeological impact and have no further comments to make in this case.

GBC Highways Officer

I have no objections, the land is not adjacent to the public highway.

Dickens Country Protection Society

The society has no objection to the proposed works to No.9 Warren View. The Society objects to the proposed change of use to the area of land in the Green Belt identified with green hatch on the proposed block plan – Plan No. SM389.22. The applicant already has the enjoyment of the land. Extending the residential curtilage would introduce permitted development rights.

Neighbouring properties

The last date to submit comments was 16.06.23. A site notice was placed on site.

5 surrounding properties were consulted, and no comments were received from members of the public.

Officer's Analysis

Principle of Development

This existing residential curtilage is located inside Rural Settlement inset from the Green Belt, where alterations and extensions to residential buildings are generally acceptable in principle as per Policy CS02: Scale and Distribution of Development. However, the land proposed to be incorporated into residential curtilage from agricultural land is in the Green Belt not forming part of the Rural Settlement and so Green Belt Policies would apply to the proposal. An extract from the Local Plan Core Strategy Policies Map (2014), is shown below for clarity. The site in question lies to the bottom right corner of the area outlined in orange and rural settlement inset from the Green Belt.



However, all other relevant matters should be considered. In this instance, the main points to consider would be the potential impact on; Green Belt, Visual Amenity (Design, Character and Appearance), Amenity of Future Occupiers and Residential Amenity of neighbours.

Green Belt

The incorporation of the originally agricultural land into residential curtilage is a multi-faceted issue. The first is that this part of the land falls within the Green Belt whereas the original site for the dwellinghouse, falls in to the Rural Settlement inset from the Green Belt, which excludes it from certain Green Belt policies related to development. The appropriate course of action would be to consider the change of use of the land from agricultural to residential curtilage.

However, aerial views, the planning history, and the applicant's confirmation that the land has been used for ancillary residential garden space since at least the 1990's. This is clear given the division of the land via hedging from the remaining agricultural land. This has a bearing on the assessment as there are time limits to when enforcement action can be taken where there is a planning breach. Section 171B of the Town and Country Planning Act 1990 lays out the time limits for enforcement action. This can be reviewed here: <http://www.legislation.gov.uk/ukpga/1990/8/section/171B>.

As there is clear evidence that the site land has been used as ancillary residential curtilage for more than 10 years, it would not be expedient to take action against the breach. Even where, the formalisation of the residential use of this piece of land would fail other policies within the development plan, including Green Belt policies, it would be outweighed by the inability to take enforcement action.

The proposed scheme however, does show a change in land levels in the Green Belt Area which is not existing. As engineering works this would require consent and should be considered against Green Belt Policies.

Paragraph 147 of the NPPF (2021), states:

'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

Paragraph 150 of the NPPF (2021) sites engineering operations as not inappropriate in the Green Belt provided, they preserve its openness and do not conflict with the purposes of the land within it. As has been ascertained, the purposes of the land have been residential for 30 years plus. The proposed engineering works would alter that landscape to make it more appropriate for ancillary recreational use for the occupiers of the dwellinghouse. In terms of openness, the scheme would not **add any built form** to the Green Belt landscape and would not result in significant alterations in levels such that the open and vast appearance of the site and surrounding agricultural lands would be harmed. As such, the engineering works are considered not to harm the openness or conflict with the purposes of including land within it. It would therefore not be inappropriate in the Green Belt.

The other alterations including; alterations to the patio, windows and doors, soffits, fascia's and gutters, replacement of the utility room roof with a rooflights and removal of the brick pier between the garages to enable a single garage door would not fall within the Green Belt.

Design, Character and Appearance and Landscape Character Area

The site falls within the Shorne Woodland Landscape Character Area where greater protection is afforded to the visual merits of the landscape.

In this instance, the proposed development would not result in any increased footprint or bulk from the building. The main changes visually would be the addition of a rooflight to the ground floor side projections and alterations to the openings, removal of brick pier. It is noted that a large part of the proposed works would fall under permitted development and would not require planning consent. Overall, the appearance of the building would remain relevant to the urban area, the colour to the openings would change from white to black but this would reflect neighbouring properties and would not be out of character. To preserve the open appearance and form of the landscape a condition would be included on the decision notice to prevent permitted development rights on the open landscape, which might otherwise result in built form in

the open landscape.

On balance, the proposed development would comply with the requirements of Policy CS12 and CS19 of the Core Strategy 2014 and paragraph 130 of the NPPF (2021) in terms of the Landscape Character Area and design, character and appearance.

Amenity of Future Occupiers

The NPPF (2021) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, 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. The impact on neighbours will be assessed in the next section of the report.

The layout of the building would remain unchanged and so there would be no alterations to the existing spacing of rooms. The garden area would be formally increased and so there would also be greater external space for ancillary recreation.

The proposal would therefore comply with SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020.

Neighbouring Amenity

As outlined above, it is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, no objection to the proposal was received.

The proposed scheme would not create any overbearing bulk, overshadowing or greater than existing direct overlook to the neighbouring property. Concerns were made by the Parish Council regarding the potential overlook from the ground floor side window introduced. They indicate that it is a bathroom however the floor plans show that this would be a stairway. This is not a habitable room and on the ground floor. It would also replace an existing window. Therefore, there is considered to be no greater harm resulting from this additional window than the existing situation. It would therefore be unreasonable to require the window to be obscured.

The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014.

Biodiversity

There are a number of trees on site particularly to the southern half. These trees do not fall under a Tree Protection Order. Nor is the site in a Conservation Area and the trees do not form part of an Area of Ancient Woodland. This scheme does not propose alteration to these trees. However, it is noted that the trees are afforded no protection, whilst it would be unfortunate to lose any trees in future, the Local Planning Authority cannot enforce this as part of this scheme.

Conclusion & Recommendation

The proposed development complies with all relevant national and local planning policies, subject to conditions.

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

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
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Signed:		Signed:	<i>R Hart</i>
Dated:	29th June 2023	Dated:	29th June 2023