



Delegated Report

Householder Planning Application

Planning Application No: 20230060

Location: 1 Hudson Close Gravesend Kent DA12 5FB

Description: Erection of an outbuilding

Applicant: Mr Ade Oyelola

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form Dated 24/01/2023;
Site Location Plan Received 25/01/2023
Block Plan – Existing Received 25/01/2023; and
Floor Plans, Elevations and Street Scene – Proposed.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220370	Erection of an Outbuilding	Refused	11.07.2022
		Dismissed on Appeal	09.12.2022
20110850	Application for minor material amendment to planning permission reference number 20100277 for demolition of existing dwellings and erection of a total of 195 dwellings comprising 127 two storey, two and three bedroom terraced houses, 10 three storey, four and five bedroom houses, 4 two storey, two bedroom houses with wheelchair access; 54 one and two bedroom flats comprising two blocks of three storey and two blocks of four storey flats and laying out of associated car parking spaces and amenity area; to replace blocks A and B with eight, three bedroom and two, two bedroom houses, making a total after amendment of 181 dwellings.	Permitted	18.11.2011
20100277	Demolition of existing dwellings and erection of a total of 195 dwellings comprising 127 two storey, two and three bedroom terraced houses, 10 three storey, four and five bedroom houses, 4 two storey, two bedroom houses with wheelchair access; 54 one and two bedroom flats comprising two blocks of three storey and two blocks of four storey flats and laying out of associated car parking spaces and amenity area.	Permitted	01.12.2010

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- 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
- 12 – Achieving sustainable development and well-designed places

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);
- Householder Extensions/Alterations Design Guide (2021); and

Consultations, Publicity and Representations

Consultees

Ward Councillors – no comments

Neighbouring properties

Two surrounding properties were consulted and no responses were received. The consultation period expired on 21st February 2023.

Preliminary Matters

A previous application was submitted for the erection of an outbuilding under application 20220370. The application was refused on the below ground:

'The proposed outbuilding is deemed to be excessive in size and bulk and therefore of an unacceptable design. Additionally, it would fail to provide a high standard of amenity for future users. Therefore, the proposal conflicts with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021 and planning permission is refused.'

The current proposal looks to overcome these issues.

Officer's Analysis

Design, Character and Appearance

1 Hudson Close is a three-bedroom end of terrace house in use as a single dwelling and located on the western side of the highway. The property has a small front garden and an allocated parking space.



The application proposes the erection of an outbuilding at the base of the rear garden. The outbuilding will have a flat roof and be used as a home office. The dimensions of the outbuilding are listed below:

- Depth – 3m reduced from 3.6m
- Width – 4m
- Height – 2.5m reduced from 2.8m

The outbuilding will be finished with a flat roof and structural insulated panels. There will be a UPVC window and an aluminium door to the front elevation.

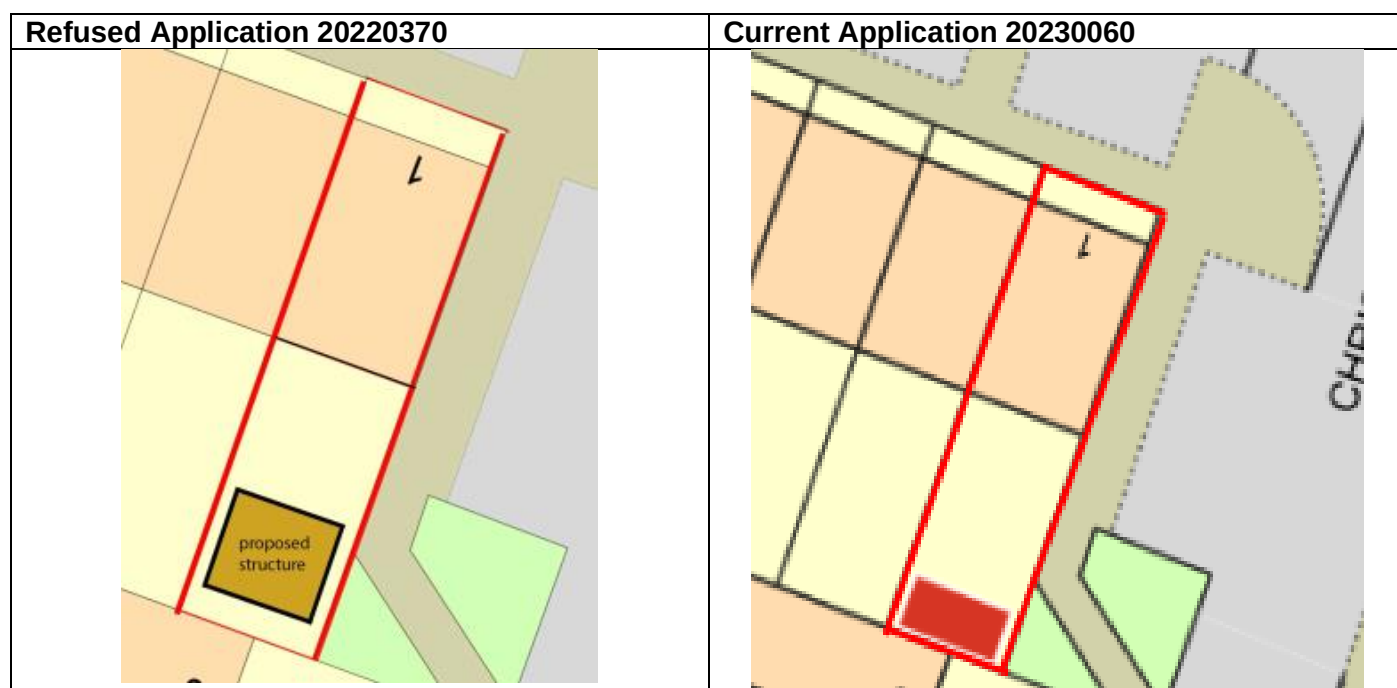
The previous proposal was partly refused as although the dimensions were not excessive, the outbuilding had a large footprint in comparison to the modest garden size. The appeal inspector (appeal decision included as appendix 1) also commented that:

'The proposed outbuilding would appear large in the context of the relatively diminutive extent of the rear garden. The upper parts of the walls and roof would be clearly visible from Christianfields Avenue over the boundary wall' and 'I have not been provided with justification as to why the height of the shed should exceed 2.5m.'

The current proposal has addressed this issue with a reduced depth from 3.6m to 3m and as such, the outbuilding now appears less dominant. Furthermore, the height of the outbuilding has been reduced from 2.8m to 2.5m. The reduction in height goes some way to reduce the dominance of the building. However this reduction will not enable the applicant to submit a Lawful Development Certificate for the outbuilding as Permitted Development rights have been removed for the property under 20100277, and subsequently 20110850.

The outbuilding has also been repositioned further towards the rear boundary, resulting in an overall less

dominant appearance, as shown below:



Due to the reduction in the height and depth and the repositioning of the outbuilding towards the rear boundary, it is considered on balance, that the resubmitted application has overcome the previous grounds of refusal in terms of design. The outbuilding is not deemed to be excessive in size or bulk, is constructed using appropriate materials and is considered acceptable in terms of design and accord with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 of the NPPF (2021).

Amenity of Future Occupiers

The rear garden currently has a pre development area of approx. 57m² and a depth of approx. 10.25m. When the wider development was designed, the properties and the development in which it is located were built with the smallest garden areas allowed by policy. It was for this reason that Permitted Development rights were removed, as any further development of the property would result in substandard private garden amenity space.

Gravesham's RLG states that the garden space for a three-bedroom property should have a minimum area of 60m² and depth of 10m. The previous proposal was substantially below this recommendation at 29.91m² and 5.64m in depth and was therefore also refused on these grounds. The appeal inspector also commented that:

'I appreciate that the scheme would facilitate homeworking to meet the appellants domestic situation. However, I have not been provided with evidence to justify the footprint of the office. In any event, to my mind, the scale of the building as currently shown would have a limiting effect on the usability and function of the garden for family occupation.'

And

'the appellant states that the building could be pushed back closer to the rear boundary to increase the extent of the remaining garden. Nonetheless, I have not been provided with a plan to show this, and even if it were facilitated I am not convinced that it would mitigate the harm I have outlined previously.'

The current application has looked to address this by decreasing the depth of the structure and

repositioning further towards the rear boundary. The application now retains an amenity area of 40.31m² and a depth of 7.5m. Whilst the current proposal has gone some way to address the lack of useable amenity space, it remains substantially below Gravesham's RLG.

The resubmitted application has addressed the grounds of refusal for the amenity of future occupiers by way of reducing the depth of the outbuilding and repositioning further towards the rear boundary. However, the amenity area remains substantially below Gravesham Residential Layout Guidelines and as such, the reduction of the garden area proposed in the application leaves a substandard amenity space contrary to Policy CS19 (LPCS) and Section 12 (NPPF).

Neighbouring Amenity

The proposal will not cause material harm to the amenity of any adjoining properties in terms of outlook, privacy or sense of enclosure. The outbuilding will not provide any primary living and therefore, the application is considered to safeguard the amenity of neighbouring properties in accordance with Policy CS19 (LPCS).

Conclusion

The proposal, although an improvement on the previous application has failed to fully address the previous grounds for refusal and concerns raised by the Inspector. The proposed outbuilding would fail to provide a high standard of amenity for future users. The area and the depth of the rear garden substantially fails to meet the minimum recommendations as set out in Gravesham's Residential Layout Guidelines. Therefore, the proposal conflicts with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021 and planning permission is refused.

Recommendation

Refusal

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

Case Officer:	Mrs Nina Goodbody	Team Leader:	Miss Faye Hobbs
Signed:	<i>N Goodbody</i>	Signed:	
Dated:	20th March 2023	Dated:	21 March 2023