

Delegated Report

Householder Planning Application

Planning Application No: 20240701

Location: Cobb Tree Court Wrotham Road Meopham Gravesend

Description: Erection of garden building to replace existing timber shed.

Applicant: Mr Anthony Durey

Site Visit Date: 18 September 2024

Submitted Documents/Plans

Application for Planning Permission form;
Drawing no. A101/P Site location plan and existing and proposed block plans;
Drawing no. A102/P Existing layout and elevations;
Drawing no. A103/P Proposed layout and elevations;
Heritage Statement 13 August 2014; and
12 photographs.

Relevant Planning History

Reference	Description	Decision	Decision Date
20150868	Application for a minor material amendment to planning permission reference no. 20140592 for demolition of an existing timber barn and erection of single storey dwelling with integral double garage; to allow a reduction in the footprint of the building, reduction in the depth of the pitched roof, increase in the ridge height of the pitched roof and reconfiguration of the internal layout.	Permitted	21.01.2016
20150591	Application for the approval of condition 8 attached to planning permission reference no. 20140592 relating to details of all external materials and finishes including doors, windows, pitched roof and green roof.	Details approved	20.08.2015
20150320	To fell 4no. fruit trees including apple and plum trees and seek approval for 4no. Cobb Trees already removed.	Consent Granted	12.05.2015
20150280	Application for the approval of condition 11 attached to planning permission reference number 20140592 relating to a Level 3 survey of the existing historic barn.	Details approved	02.06.2015
20140592	Demolition of an existing timber barn and erection of a single storey dwelling with integral double garage.	Permitted	02.09.2014

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
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC3 – Development Affecting Conservation Areas
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

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

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Householder Extensions/Alterations Design Guide (2021)
- Meopham Green Rural Conservation Area Appraisal SPD 2017
- Gravesham Landscape Character Assessment (2009)
- Design for Gravesham (2024)

Consultations, Publicity and Representations

GBC Conservation Officer

The proposal is excessive. As well as the excessive size of the proposal, the loss of trees along this boundary (the site is within the conservation area and the trees are protected) will also result in harm to the appearance of the conservation area. The trees offer a screen to the housing beyond when glimpsing views from Wrotham Road and are an important component of the original approved dwelling. Trees and hedges contribute to the conservation area (page 3, 30, of the conservation area appraisal) a green foil that reflects the semi-rural character of the conservation area.

KCC Biodiversity Officer

Initial response:

We have reviewed the submitted information and we advise that insufficient information has been provided to enable us to consider if an ecological survey is required.

Please provide current pictures of the trees to be felled to facilitate the development to enable us to consider if an ecological survey is required. If required all ecological surveys and details of mitigation must be submitted prior to determination.

We note that there are pictures within the heritage statement but we advise that they are insufficient to use to assess the ecological interest.

Biodiversity Net Gain

Our understanding is that this is a householder application and therefore is exempt from BNG. If this is

incorrect please advise and we will provide updated comments.

Second response:

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts.

We have taken this view due to the photos provided by the planning officer. They suggest that the trees have a number of small stems which will reduce the potential for protected/notable species to be present. As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time¹.

Breeding Birds

The proposal will result in the loss of trees and building and they may support breeding birds. Due to suitable habitat being present to support breeding birds we recommend the following information is included if planning permission is granted:

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

Lighting

Lighting can have a negative impact on bats (and other nocturnal species) and therefore any lighting must be designed to minimise light spill.

We recommend that if planning permission is granted the lighting condition has the following requirements:

- Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'²
- Downward facing and on motion sensors
- Plan showing the location and type of lighting to be installed.

Ecological Enhancements

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system.

If planning permission is granted we recommend the following condition is included:

Prior to completion, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include integrated and/or wall-mounted bird and/or bat boxes. Wall-mounted boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.

Biodiversity Net Gain

Under the Environment Act 2021, all minor planning applications in England submitted on or after the 2nd April 2024 will have to deliver at least a 10% biodiversity net gain (unless exempt^{3, 4}).

Having reviewed proposals we consider this application to be exempt from mandatory biodiversity net gain,

so that mandatory biodiversity net gain of 10% will not apply. We consider this application exempt because:

- The application is a householder application as defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

¹ We consider we have taken a proportionate approach to ensure that the provision of information within the planning application is appropriate to the environmental risk associated with the development and its location in line with Clause 4.1.2 of BS42020 (BSI, 2013).

² 'Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust

³ Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)

⁴ The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (legislation.gov.uk)

Meopham Parish Council

Despite the removal of several trees in a conservation area Meopham Parish Council raises no objection (unless trees are subject to protection order) to the application on the proviso that the new structure cannot be used for residential purposes and the scale of the building is not deemed by Gravesham Borough Council to adversely impact the adjoining gardens.

We therefore have no objection to this proposal.

Dickens' Country Protection Society

In the Society's view the proposal is for an excessively long building in a domestic environment and the building is likely to impact on the amenity of adjoining occupiers. If consent is granted the Society would suggest that the building be an annex to the main dwelling and conditions should be imposed controlling any residential or commercial use.

Neighbouring properties

The application was publicised by a site notice and to 15 neighbouring properties by letter. Three representations have been received (supporting the proposal) and are summarised as follows;

- Objects to any changes to the trees, bushes or shrubs including any damage to tree roots due to adverse impacts to wildlife.
- Concerned that the building would be used for commercial or residential purposes in future.
- If granted, conditions should ensure occasional use only, no additional floor or changes to the roof, including windows or rooflights.
- Due to its siting, bulk, massing, materials and loss of trees, the proposal would harm the character and appearance of the conservation area.
- Due to the proximity to the boundary and its height, the proposal would cause adverse overbearing and overshadowing impacts and loss of outlook to neighbouring properties in Cricketers Drive.
- Due to the loss of the screening provided by the trees, the proposal would cause adverse overlooking impacts from the dwelling at Cobb Tree Court to the rear gardens and windows of neighbouring properties in Cricketers Drive.
- The proposed bar/gym/games room would be noisy and detrimental to the residential amenity of neighbouring properties in Cricketers Drive.

Officer's Analysis

Principle of the Development

The application site is within a rural settlement inset from the Green Belt where domestic outbuildings are commonplace. Therefore, it is considered that the general principle of providing an outbuilding is not objectionable in planning policy terms.

Specifically In relation to outbuildings, the Householder Extensions/Alterations Design Guide (2021) sets out that they should not deprive the existing property of adequate private garden space and should be subordinate in scale to the existing dwelling and plot. In assessing such proposals, factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene

or rear garden environment will be considered.

Therefore, in order to determine whether the detail of the development is satisfactory, these issues will be considered in the following discussion.

Design, Character and Appearance

As the proposal is located within the Meopham Green Conservation Area, the following discussion will pay special attention to the desirability of preserving or enhancing the character or appearance of the area, as set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 195 of the NPPF (2023) identifies that heritage assets range from sites and buildings of local historic value to those of the highest significance and that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. At paragraph 200, it requires developers to describe the significance of any heritage assets affected by proposed development and at paragraph 201, it requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected.

Paragraphs 205 to 210 of the NPPF (2023) set out how a consideration of the potential impacts of a proposed development on the significance of a designated heritage asset should be undertaken. If substantial harm would occur, then planning permission should be refused unless four criteria are met (paragraph 207) and if less than substantial harm would occur, then the harm should be weighed against the public benefits of the proposal (paragraph 208).

Policy CS20 of the Gravesham Local Plan Core Strategy September 2014 places a high priority on the preservation, protection and enhancement of its heritage and historic environment. Saved Policy TC3 of the Gravesham Local Plan First Review 1994 sets out that development within or affecting conservation areas will be carefully judged for its impact and will be expected to make a positive contribution to the conservation area.

The Meopham Green Rural Conservation Area Appraisal SPD 2017 refers to a mix of dwellings, walls and garden planting on the western side of Wrotham Road (in the vicinity of the application site) providing a continuous western enclosure. It specially states 'Though denser than elsewhere, development here retains a spaced out, village character with trees at the edges important in places (note for instance the attractive row of small pleached limes along the footway hiding Dashwood Court).' (page 30) and 'A number of trees and tree groups on an off the Green [referring to the smaller, northern grassy rough triangle of green closest to the application site] are important.' (page 34).

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

The application site is located in the Meopham Downs Landscape Character Area (LCA) and as such, Policy CS12 of the Gravesham Local Plan Core Strategy September 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 will be taken into account in determining applications.

The Gravesham Landscape Character Assessment highlights that the Meopham Downs LCA is characterised by a mixture of grazed pasture and arable land, with field shape and size being varied because of the topography of the area. Tree belts and native hedgerows with mature hedgerow trees form distinct boundaries and that the LCA has three large settlements which are located along the A227, where traditional architecture surrounds village greens.

The GBC Conservation Officer considers that the excessive size of the proposal and the loss of trees would result in harm to the appearance of the conservation area. He states that trees and hedges contribute to the conservation area, providing a green foil that reflects its semi-rural character. He also states that the trees offer a screen to the housing beyond when glimpsing views from Wrotham Road and are an important component of the original approved dwelling at the application site.

Meopham Parish Council do not raise an objection to the removal of trees in the conservation area, unless the trees are subject to protection order. Therefore, it should be noted that due to their conservation area location, all the trees at the application site are subject to protection.

The proposed development would result in the erection of a large outbuilding with a floor area of some 93 square metres and a maximum height of 4 metres (eaves height 2.5 metres). The building would have a long, narrow, rectangular shape with a pitched, gable ended roof and have stained timber clad walls, a tiled roof and colour coated metal windows and doors.

The existing dwelling is an L-shaped, single storey building, which has a variety of roof styles including a mono-pitched, living green roof and a tiled, pitched roof. The walls of the building are brick with flint panels. The dwelling and garden are surrounded on all sides by residential development and as such, the application site has a courtyard type appearance, despite there being a large, open area within the site.

With its open aspect, it is considered that the application site provides welcome gap in the immediately surrounding, relatively dense urban environment. In addition, the existing trees on the north western site boundary provide a pleasant green aspect and are visible from between the surrounding dwellings in Cricketers Drive and Wrotham Road;



View between 27 and 29 Cricketers Drive



View between 2 and 3 Sunnyside, Wrotham Road

On Wrotham Road, the trees help to screen the modern dwellings in Cricketers Drive from view from within the Meopham Green Conservation Area and are an important green feature in their own right.

The proposed outbuilding would be excessively large and due to its footprint and height, would not appear subservient to the main dwelling at the application site. Due to the design of the proposal and its proximity to the site boundary, the proposed outbuilding would be highly prominent in the rear garden environment, which would undermine the spacious, open nature of the application site. In addition, the loss of the existing trees on the site boundary would undermine the verdant, green nature of the application site and the surrounding conservation area, which would be harmful to their character and appearance.

It is noted that local residents have also raised concerns that, due to its siting, bulk, massing, materials and loss of trees, the proposal would harm the character and appearance of the conservation area.

Due to the loss of existing trees and vegetation at the application site, the proposed development would also undermine the verdant, green nature of the surrounding Meopham Downs LCA environment, which would be harmful to landscape character.

The positive aspects of the proposal are that the roof material and general design approach would match with the existing dwelling and that it would be viewed in the context of an existing outbuilding with a similar height at Greenshaw House. Although it is noted that the outbuilding at Greenshaw House is much smaller and has an entirely hipped roof and that the existing dwelling has a mainly mono-pitched roof with only a small area of pitched roof.

In line with the requirements of the NPPF (2023), the impacts of the proposal on designated and non-designated heritage assets have been assessed and it is concluded that there would be less than substantial harm to a designated heritage asset, the Meopham Green Conservation Area. As there would be no public benefits arising from the proposal, it is considered that there would be no justification for such harm.

It is acknowledged that the applicant has provided a heritage statement, which states that the proposal would have minimal visual impact on the Meopham Green Conservation Area. However, as the above paragraphs highlight, this is not, in fact the case.

Overall, by virtue of the size, design and location of the outbuilding and the loss of trees, the proposed development would not be subservient to the existing dwelling, would be highly prominent in the rear garden environment and would undermine the spacious, verdant, green nature of the application site and its surrounding environment. As such, the proposal would be harmful to the character and appearance of the application site, the Meopham Green Conservation Area and the Meopham Downs LCA and be contrary to Policies CS12, CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), to Saved Policy TC3 of the Gravesham Local Plan First Review (1994), to Section 16 of the NPPF (2023) and to the Householder Extensions/Alterations Design Guide (2021).

Amenity of Future Occupiers

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants. In this regard, the Nationally Described Space Standards (NDSS) and the Borough Council's adopted Residential Layout Guidelines (RLG) are relevant.

The application property is a three bedroom dwelling and according to the RLG, the minimum area for its private garden is 60 square metres and the minimum depth is 10 metres. As a result of the proposed development, the residual garden area at the application site would be over 400 square metres, with a depth of at least 18 metres and as such, sufficient residential amenity space would be retained.

Overall, the proposed development would improve the living conditions for future occupiers and as such, the proposal would not be detrimental to residential amenity and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

Paragraph 135(f) of the NPPF 2023 sets out that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers. In this regard, the Borough Council's adopted Residential Layout Guidelines (RLG) are relevant.

The closest residential properties to the application site are nos. 25 to 33 Cricketers Drive (located to the north west). Greenshaw House is located to the south west and Dashwood Court to the south. Nos. 1 to 4 Sunnyside are located to the south and Kingsway House is located to the north east.

It is noted that the Dickens' Country Protection Society have raised concerns that the proposal would be likely to impact on the amenity of adjoining occupiers. Furthermore, local residents have raised specific

concerns regarding adverse overlooking, overshadowing, overbearing and noise impacts to the occupiers of surrounding dwellings.

The proposed outbuilding would be used as a bar/games/gymnasium and for domestic storage and as such, has the potential to cause adverse noise impacts to surrounding dwellings. However, as the proposed uses are incidental to the existing residential use of the application site and are unlikely to be louder than other common domestic garden activities (such as parties, BBQs, sports etc) then any adverse noise impacts would not be so significant as to warrant a refusal of planning permission.

Due to the height of the proposed outbuilding and its proximity to the north western boundary, the proposal would cause significant adverse overbearing and overshadowing impacts to the occupiers of nos. 27 to 31 Cricketers Drive. Whilst it is noted that the existing trees on the site boundary are taller than the proposed outbuilding and already cause some overshadowing, it is acknowledged that this impact would reduce in winter months and that the impact of a permanent building would be greater. With a height of 4 metres and a location only 0.7 metres from the site boundary, it is considered that the adverse overshadowing and overbearing impacts would be detrimental to the residential amenity of the occupiers of nos. 27 to 31 Cricketers Drive.

The proposed outbuilding would not have any windows in the north western elevation and screening would be provided by existing boundary fences/vegetation for the windows in other elevations. Therefore, the proposal would not cause any adverse overlooking impacts to any neighbouring dwellings.

Local residents have raised concerns that the loss of the trees on the site boundary would lead to adverse overlooking from the dwelling at the application site to the rear gardens and windows of properties in Cricketers Drive. However, it is considered that the proposed outbuilding would effectively provide a replacement for the existing tree screen and as such, any there would not be any significant adverse overlooking impacts resulting from the removal of the trees.

In order to prevent any future loss of privacy to neighbours, any planning permission granted should be conditioned to preclude the insertion of any new windows or openings in the rear and side elevations of the proposed development.

Overall, it is considered that the proposed development, by virtue of its height and proximity to the boundary with nos. 27 to 31 Cricketers Drive, would be severely oppressive and overbearing, causing overshadowing and curtailing outlook for the occupants of those dwellings. As such, the proposal would be detrimental to residential amenity and be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and to Paragraph 135(f) of the NPPF (2023).

Ecology and Biodiversity

Biodiversity Net Gain (BNG) is a mandatory requirement for all new development and proposals must deliver a BNG of at least 10% unless they are exempt. In this instance, the proposed development is a householder proposal and therefore is exempt from BNG.

Notwithstanding the BNG exemption, biodiversity is an important consideration in all new development. Policy CS12 of the Gravesham Local Plan Core Strategy (2014) states that there will be no net loss of biodiversity in the Borough and that opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within Biodiversity Opportunity Areas and within new development.

Local residents have raised concerns that changes to the trees, bushes or shrubs at the application site would have adverse impacts to wildlife. However, the KCC Biodiversity Officer has advised that the proposed development has limited potential to result in significant ecological impacts. Should planning permission be granted, she recommends the imposition of conditions and an informative to ensure that any adverse ecological impacts are mitigated and to ensure that biodiversity enhancement is undertaken at the application site.

Overall, it is considered that, provided that appropriate conditions are attached to any planning permission

granted, then there would be no significant adverse ecological or biodiversity impacts.

Any Other Material Planning Considerations

The application site is located within an area of multi-period archaeological potential and Groundwater Source Protection Zone 3. However, as the proposed development is 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 November 1994.

The Dickens' Country Protection Society have suggested that if consent is granted, then the building should be used as an annex to the main dwelling only and that conditions should be imposed controlling any residential or commercial use. Similarly, Meopham Parish Council and local residents consider that the new structure should not be used for residential or commercial purposes. Due to the large size of the outbuilding, it is agreed that it would be important to ensure that any future use remains incidental to the dwelling. Therefore, any planning permission granted would be subject to conditions that preclude any commercial/business activities being undertaken and preclude the provision of any primary living accommodation.

It is noted that the application site is subject to an Article 4 direction (reference Ar/09/4) which removes the permitted development rights available under Classes A, C, D and H of Part 1 and Classes A and B of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

It is also noted that by virtue of condition 11 of planning permission reference 20150868 (the original approval for the application property), no outbuildings can be erected at the application site without planning permission having first been obtained. Therefore, there is no permitted development fallback position for any similar outbuilding proposal at the application site.

Conclusion & Recommendation

The proposed development would match with the general design and roof material of the existing dwelling and would have no adverse ecological or biodiversity impacts or adverse overlooking or noise impacts to surrounding residential occupiers. Furthermore, it would not be detrimental to groundwater or archaeology. All of which weigh in support of the proposal. However, the proposed development would be harmful to the character and appearance of the application site, the Meopham Green Conservation Area and the Meopham Downs LCA and be severely oppressive and overbearing, causing overshadowing and curtailing outlook for the occupants of nos. 27 to 31 Cricketers Drive.

Overall, it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits and therefore planning permission should be refused on design/conservation/landscape and residential amenity grounds.

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

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	K Joyce	Signed:	R Hart
Dated:	2nd October 2024	Dated:	3rd October 2024