

Delegated Report

Planning Application

Planning Application No: 20230077

Location: 130 Old Road East, Gravesend, Kent DA12 1PF

Description: Extension and alteration of existing detached garage

Applicant: Mr Rijvants Thamey

Site Visit Date: Various

Submitted Documents/Plans

Application form

Drawing no. 001 rev A (existing and proposed block plan)

Drawing no. 003 rev A (proposed plans and elevations)

Drawing no. 004 rev A (plans and elevations as built)

Drawing no. 002 rev A (existing house)

Relevant Planning History

20220737	Retention of an outbuilding	Refused, appeal dismissed	25.08.2022
20220464	Retention of outbuilding to be a games room/gymnasium	Refused	23.06.2022
20211184	Retrospective application for a single storey rear extension.	Permitted	17.11.2021
20211132	Retention of an outbuilding to be used as a games room.	Refused, appeal dismissed	17.11.2021
19490481	Private garage	Permitted	04.05.1949

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

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)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural 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);
- Householder Extensions/Alterations Design Guide (2021); and

Consultations, Publicity and Representations

Consultees

Highway Development Management Officer

I have no highway objections, in terms of the ability to park vehicles, it appears the proposal is like for like.

Neighbouring properties

The application has been advertised by site notice and individual letters to two neighbouring properties. One letter of representation has been received:

We object to this application for the following reasons.

1) The garage is built to the boundary. The flat roof projects slightly over the boundary wall. This is unacceptable. The garage wall should be set back from the boundary.

2) The plan retains the platform which was built unauthorised and has an enforcement order for its removal.

If the platform is retained then no.130 will have a large area of raised height, which whenever it is used will cause a disturbance to neighbours on both sides.

Unfortunately there have been rowdy drunken gatherings at the unauthorised building and we do not want this happening on an elevated platform artificially higher than the natural ground levels.

Also retention of the platform means the garden is not being restored to how it was, as required by the enforcement order.

We cannot know that the no.130 holly tree will remain and continue to offer us shielding from people on the platform.

3) The existing garage is already a 2 car garage. We are concerned that the large amount of extra space this new plan creates may result in a change of use from garaging. This may result in antisocial behaviour as documented in the past. It also leaves a unacceptably large area of former greenspace permanently under concrete.

Officer's Analysis

Proposal

This application seeks planning permission for the extension and alteration of existing detached garage. The building will be approx. 8.25m deep, 6.3m wide and 2.6m high with a flat roof. There will be a raised platform to the front of the building facing onto the garden of approx. 3m in depth:



The raised platform that the unauthorised building currently sits on will remain. The full depth of the proposed building and raised patio is shown to be approx. 11.11m which is the same depth of the previously refused extension to garage and raised platform. The picture below shows the end of the existing building which is approx. 1.1m less than where the end of the patio is proposed to be finished. The height of the platform will be more or less in line with the bottom of the doors as seen below.

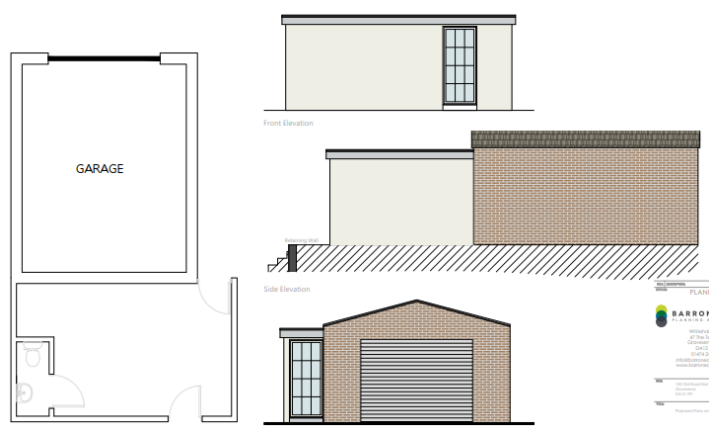


Site currently:



Background

20220737 sought permission for the retention of an outbuilding:



This was refused for the following reasons:

1. The outbuilding, as amended, due to its height, elevated position and use of materials, together with the cumulative impact of the existing garage, results in a dominant and incongruous feature when seen from neighbouring properties that is not visually attractive or locally distinctive and appears as an alien feature within the street scene that neither conserves or enhances the character of the local built environment. It does not integrate well within the surrounding local area and is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.

2. The outbuilding, due to its overall height and raised platform causes a dominant form of development on the boundary with no. 132 Old Road East resulting in overlooking and perceived overlooking into the rear garden and rear windows of this property and therefore fails to comply with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130(f) of the NPPF 2021.

The application was then dismissed at appeal (APP/K2230/D/22/3305920 – appendix 1). The main points the Inspector made were:

- The current outbuilding is uncharacteristically close to the appeal dwelling and adjoining residence at 132 Old Road East and results in a cramped environment
- The reduction of 1.6m and a lower roof would go some way to improve the situation but by spanning the whole width of the site the element would remain dominant and visually obtrusive

- Despite a reduction in size, its proximity to no. 132 would remain. The considerable height would dominate the outlook from the rear openings of the adjoining house and the environment in and around the patios and back garden. This would be in a manner which would be overbearing and oppressive.
- No loss of privacy to no. 132 if there was a planting scheme, obscure glass door and privacy screen

Prior to this both 20220464 and 20211132 were also refused the latter being dismissed at appeal (APP/K2230/D/21/3287841 – appendix 2).

There is currently an appeal in progress against an enforcement notice that requires the applicant to:

1. Demolish the outbuilding the subject of this notice in its entirety
2. Remove the raised platform and restore the land to its former condition
3. Remove from the land all resultant rubble or debris upon compliance with step 1

Design, Character and Appearance

The application site is a two storey semi-detached property with a garage to the rear. The properties are located off a private access to the front and there is vehicular access to the rear. The land slopes steeply down to the east. There are many outbuildings visible in the street scene, most being used as garages or sheds.

As well as the garage to the rear, the property has an unauthorised outbuilding/raised platform and a single storey rear extension that was approved under reference 20211184.

The now demolished outbuilding had a footprint of approx. 32sqm and, in combination with the existing garage measured over 60sqm (these measurements are taken from the 20211132 application). This current application shows the existing buildings as being the same as the proposal under the same reference which is incorrect. However a site visit shows the situation on site is entirely different:



The proposed building will have a footprint of approx. 49sqm. Whilst it has been reduced in size from previous applications it will still be approx. 2.2m deeper than the existing garage on site and extend the full width. It will have a flat roof which will aid in reducing the overall bulk, however, due to its elevated position, it will still be readily visible, bulky and dominant when seen from neighbouring properties.

The raised platform upon which the unauthorised building was sat is proposed to be retained. This platform is approx. 1.8m high and will also be readily visible from neighbouring properties. The proposed larger garage building, raised platform and the approved rear extension result in a significant amount of built form

on the site.

There are other rear outbuildings visible to the rear of neighbouring properties but not to this scale and not with an accompanying 3m raised patio. Where buildings are large, the gardens are also larger than on this site.

The materials consist of a cream render and the only openings are a solid door and shutter to the rear and a solid door to the front facing the house. The appearance is bland however, it is more in keeping with other outbuildings and garages that are visible to the rear.

The relationship between the extension and the raised patio is still uncharacteristically close and detract from the setting of the adjacent buildings. The photo below shows the site in April 2020:



This photo below shows the site in 2022 with the approved single storey extension and the outbuilding demonstrating the amount of built form on the site compared to neighbouring properties:



This is exacerbated by the elevated siting and proximity to the boundary fence between nos. 130 and 132. The applicant previously suggested some planting in the form of bamboo along the boundary. Soft landscaping can be used to soften the appearance of a development but should not be used to screen an unacceptable development. The bamboo would need to grow to significant heights in order to screen the building and therefore it is not considered a viable solution to overcome these concerns.

The Planning Inspector also considered that the development could be screened but, as can be seen from the photos, the existing bamboo has only just reached the fence height and would need to grow a further 1.5-2m in order to screen the development. As the platform extends the full width planters would need to be provided to add screening along this boundary. A privacy screen was mentioned in the appeal however

this presumably would need to be located along the boundary of the raised platform which would add to the built form along this boundary and further compound the dominance and oppressive feel to no. 132.

The outbuilding, due to its size, elevated position and raised platform is not visually attractive or locally distinctive appearing as an alien and dominant feature within the street scene that neither conserves or enhances the character of the local built environment. It does not integrate well within the surrounding local area and is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.

Amenity

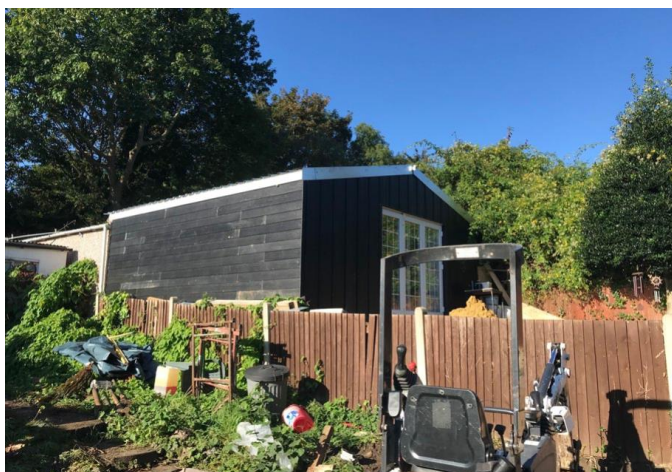
The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

Amenity of future occupiers

The outbuilding and extension occupy a large area of the curtilage of the dwellinghouse. The remaining outside amenity space equates to approx. 57sqm and 8.8m in depth (it is noted that the plans show a measurement of 10.12m but this is not all useable space due to the steps and the planting). The Gravesham Residential Space Standards require a minimum garden space of 60sqm for a three bedroom property and a minimum depth of 10m. The reduction in size of the building and its replacement with a raised platform could be interpreted as increasing the garden depth to approx. 10m and the area to over 60sqm. The garden is on sloped land and so it is not clear that enough of it would be usable amenity space for a family. On balance, no objection is raised however, the close proximity of the building and the main, extended house is already considered to result in a cramped form of development.

Neighbouring amenities

In terms of the impact on neighbouring amenities, the use of an outbuilding and raised platform would result in material harm to adjoining properties, particularly no. 132 in terms of loss of privacy to habitable room windows and private garden area. It is noted that the applicants have tried to address this issue by only providing a single door that is located to the opposite side of the front elevation however, they are instead proposing a raised platform to the front of the building. This has the same affect at the veranda that was previously proposed in terms of perceived overlooking. At 3m in depth, this would be used as a seating area and would have the same effect as large patio doors in terms of overlooking and perceived overlooking. As discussed above, planting on the boundary can be used to soften a development but cannot be relied upon for screening or overcoming overlooking. Boundary treatment would need to be over 2m high from patio level (roughly the bottom of the building in the picture below) to address overlooking issues and therefore this reason for refusal previously has not been overcome.



No. 128 is located to the west of the application site and on higher ground. On balance there is no significant detrimental impact on this neighbour with regards to loss of amenity and this view was supported by the Planning Inspector.

The outbuilding, due to its overall size and raised platform causes a dominant form of development on the boundary with no. 132 Old Road East resulting in overlooking and perceived overlooking into the rear garden and rear windows of this property and therefore fails to comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 130(f) of the NPPF 2021.

Parking and Highways

As it stands the parking is not proposed to change and therefore no objections are raised on highways grounds.

Conclusion

1. The outbuilding, due to its size, width, elevated position, proximity to the dwelling and adjoining residence together with the raised platform, results in a dominant and incongruous feature when seen from neighbouring properties that is not visually attractive or locally distinctive and appears as a cramped form of development within the street scene that neither conserves or enhances the character of the local built environment. It does not integrate well within the surrounding local area and is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.

2. The outbuilding, due to its overall height and raised platform causes a dominant form of development on the boundary with no. 132 Old Road East resulting in a detrimental impact to the outlook from rear openings of this dwelling and perceived overlooking into the rear garden and rear windows of this property which would be overbearing and oppressive and therefore fails to comply with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130(f) of the NPPF 2021.

Recommendation:

Refuse

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

Case Officer:	Mrs Alison Webster	Team Leader:	Miss Faye Hobbs
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Signed:		Signed:	
Dated:	22 March 2023	Dated:	23 March 2023