



Delegated Report

Householder Planning Application

Application No:	20230243
Location:	49 Gouge Avenue, Northfleet, Gravesend, Kent, DA11 8DP
Description:	Demolition of an existing single storey garage outbuilding and erection of a single storey annexe outbuilding for residential accommodation ancillary to the main house alongside associated landscaping.
Applicant:	Mr Matthews
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

Application Form - dated 10/03/2023;
Covering Letter - dated 08/03/2023;
Drawing no. 21307 - 100 - P1 - Block Plan and Roof Plan as Existing and Proposed;
Drawing no. 21307 - 101 - P1 - Floor Plan and Building Section, with 3D Views as Proposed;
Drawing no. 21307 - 102 - P1 - Building Elevations as Existing and Proposed.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220379	Demolition of an existing single-storey garage outbuilding and the construction of a replacement single-storey two-bedroom dwelling. The redefinition of the existing application site boundary into two separate titles for both the existing property at 49 Gouge Avenue and the proposed new property to be accessed off Coulton Avenue.	REFUSED	06.07.2022
20191310	Erection of a one bedroom detached bungalow in rear garden.	REFUSED	12.02.2020
20130578	Erection of a detached two bedroom bungalow in rear garden.	REFUSED	30.08.2013
AP 2013/00030/ REF		APPEAL DISMISSED	03.07.2014

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

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards

Gravesham Local Plan Review

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.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document (2020)

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF, policies in this document may be accorded weight in the decision making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this application these should be relied on instead.

The following draft policy, '*Proposed Policy RES 3: Residential Annexes*', from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going albeit the weight that these emerging policies may be accorded at this stage is very limited.

9.3.8. Planning permission will only be granted for residential annexes within the curtilage of an existing residential property where there is a proven need that cannot be met either within the existing property through adaptation or acceptable extension and:

- *there is a functional link with the principal dwelling (i.e. the occupants should be a dependant relative/s);*
- *both the annex and principal dwelling are in the same ownership and remain so in perpetuity;*
- *the accommodation forms a linked extension to the main dwelling and is capable of being used as an integral part of the dwelling, or forms a separate outbuilding which is in close proximity to and within the curtilage of the principal dwelling, and shares some essential facilities with the main dwelling; and*
- *the scale of the annex is subordinate to the existing dwelling and is the minimum level of accommodation required to support the needs of the intended occupant/s; and*
- *there is adequate parking and amenity facilities (areas for bin storage, drying clothes, garden space etc.) for the needs of the annex occupants and existing residents; and*
- *there is no boundary demarcation or subdivision of garden areas between the curtilage annex and principal dwelling;*

9.3.9. Where planning permission is granted for a residential annex, a planning obligation will be imposed to ensure that the annex retains a functional link with the main dwelling (i.e. the occupants should be a dependant relative(s) and that the annex is retained in the same ownership as the main dwelling and that this remains the case in perpetuity.

National Planning Policy Framework (2021)

- Section 2 - Achieving Sustainable Development
- Section 4 - Decision Making
- Section 9 - Promoting Sustainable Transport
- Section 12 - Achieving 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)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

Consultees

GBC Highways Officer - The property benefits from two existing parking spaces to the front and will have one space for the annex so complies with guidance. I have no objections providing the use of the annex is restricted to ancillary to the occupation of the main dwelling. To comply with the requirements of SPG4 a secure cycle parking space should be provided for the additional bedroom.

Local Ward Councillors - No comment received.

Neighbouring properties

A notice was displayed on site.

In addition, thirteen surrounding properties were consulted and two representations were received. The neighbours registered objection to the development, raising the following considerations:

Material Planning Considerations

- Out of keeping with area
- Impact on the access road
- Impact on emergency service access

The consultation period expired 21st April 2023.

Preliminary Matters

This application has been submitted under the description of an annexe. However the plans demonstrate a fully equipped unit of accommodation with all the facilities for independent living, with separate access and parking. The Local Planning Authority consider the development to be for the erection of a bungalow, similar to that of the previously refused applications on this site (refs. 20130578 / 20191310 / 20220379). The most recent application was refused on the following grounds, which are considered relevant to this application by virtue of the location of the building and the intended use:

1. *The proposed dwelling in the rear garden of 49 Gouge Avenue by virtue of its location, siting, bulk and massing would appear as an inappropriate and cramped form of development within the garden constituting overdevelopment of the rear garden. This would appear as out of keeping with the character of the surrounding area (being garages/outbuildings on a rear access) and conflict with the*

relatively spacious character of the built form in the surrounding area. As such, the proposal is contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework (2021) which seeks to ensure that new development is, amongst other things, locally distinctive and reinforces the local character of the area.

2. The proposed plans show the dwelling would be served by one parking space which has no access to the highway network and is some 50 metres from the proposed dwelling resulting in future occupier having to walk 50 metres along a narrow unlit alleyway to access the dwelling. As such, the proposal would be detrimental to highway and pedestrian safety and therefore contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and saved Policy P3 of the Gravesham Local Plan First Review (1994).
3. The proposed dwelling would provide extremely poor living conditions to the future occupiers of the dwelling and would cause material harm to their amenity and privacy due to a wholly inadequate poor outlook with the close proximity to garages, overlooked private amenity space, the unacceptable access to the dwelling and its location on an unsafe and unlit back-land plot. In addition, there is no access to the highway network for occupiers who would need to bring their weekly bin collection to the kerb. As such, the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) as well as Designing Out Crime and Secured by Design principles.
4. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 170, 175, 176 and 177) of the National Planning Policy Framework (2021) and Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014).

Officer's Analysis

Site Description and Surroundings

The application site accommodates a three-bedroom detached two-storey family dwelling. The property benefits from two off-road car parking spaces, a generous rear private garden and a detached triple garage outbuilding located at the rear of the site. The dwelling is accessed off Gouge Avenue, while the rear garage is accessed off Coulton Avenue by a shared private lane.



Development Proposal

This application proposes the demolition of the existing garage building and the erection of a single storey 'annexe' (considered to be a bungalow). The new annexe/bungalow would be constructed in a similar location to the garage, to the rear of the curtilage accessed by the vehicle service road from Coulton Avenue. It would be approx. 25m from the main dwelling, have an L shape with a flat roof and the following dimensions:

- Depth - 11.21m
- Width (max) - 9.84m
- Width (min) - 5.7m
- Height - 3m



The building would contain a double bedroom, bathroom, kitchen, living/diner and a utility room. It would also benefit from a dedicated parking space and is accessed through a gate at the rear.

Principle of the Development

The planning position relating to the provision of buildings or structures for annexes or the conversion of buildings for use as annexes (sometimes termed 'granny annexes') or other ancillary accommodation is quite complex and sometimes contradictory and there is case law, in relation to such development, which can itself be open to interpretation.

It is recognised that 'residential annexes' in whatever form that might take are an increasingly common form of development that are generally proposed in order to allow relatives to live with their family with some degree of independence. However, to remain ancillary accommodation and not a separate unit of accommodation, the use of annex must normally retain some form of reliance on the main dwelling.

There is no specific local or national planning policy that directly relates to the provision of new, or use of existing buildings, as annexes. However, there are emerging policies in the Regulation 18 (Stage 2) Development Management Policies Document (2020), including RES 3: Residential Annexes, that show the direction of travel the Council is going and such emerging policies may be accorded some limited weight.

- By way of general guidance, a proposed annex should (where possible).
- Be subordinate to, and used in connection with, the main dwelling and must not be able to function without the main dwelling (for example, not having separate kitchen facilities).
- Be interconnecting with the main dwelling as a whole (for instance via doorways); if accessed by a separate external entrance this should not separate from the main dwelling and therefore should rely on a common shared access with the main dwelling.
- Be within the curtilage of the main dwelling.
- Have a functional connection with the main dwelling (e.g. the occupant should be a dependant relative of the residents of the main dwelling or employed at the main dwelling).
- Be in the same ownership as the main dwelling.
- Be designed in such a way as to easily allow the annex to be used at a later date as an integral part of the main dwelling.
- Have no boundary demarcation or subdivision of the garden areas between the curtilage of the main dwelling and the annex.

- Have adequate parking and amenity facilities for the needs of the annex occupants and the residents of the main dwelling.
- Comply with the Council's normal standards for extensions to a dwelling including those relating to design and the amenities of neighbouring occupiers.

***Note: The above is largely reflected in emerging policy RES3: Residential Annexes Regulation 18 (Stage 2) Development Management Policies Document (2020).*

A key consideration in this application is whether the site will continue to operate as a single planning unit or whether there will be two households living independently of each other on the site. However, identifying a separate planning unit requires consideration of a range of factors and not simply if a unit of accommodation is self-contained, but is a matter of fact and degree. Even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling; it is a matter of fact and degree whether a change of use has occurred.

Case Law

The use of an existing outbuilding for ancillary residential accommodation in association with a main dwellinghouse does not require planning permission provided it complies with Sec. 55(2)(d) of the 1990 Act that provides that the use of buildings within the curtilage of a dwellinghouse for any purpose “incidental to the enjoyment” of that dwellinghouse is not development. The position with regard to residential use of a new outbuilding is different.

A number of cases, detailed below, have shown that for the purposes of Sec. 55(2)(d) “incidental to the enjoyment” may be interpreted generously. The creation of an annexe from an existing outbuilding would therefore be unlikely to require permission provided the building was occupied by a family member. However, the situation is not as clear where the occupant is someone who is not a member of the family but has a strong functional connection with the main dwelling, for example, a housekeeper or handyman.

If the accommodation created constitutes a separate planning unit, this then is not an incidental use, as Sec. 55(3)(a) makes clear. Any separate residential occupation of a building or buildings formerly within an existing single residential planning unit is development by virtue of Sec. 55(3)(a) of the 1990 Act, as confirmed by *Wakelin v SoS* 1978, a case in which a large house with a lodge that had been converted into two flats used as guest suites was proposed to be converted into a separate dwelling and sold off. The court held that the house, lodge and grounds were one planning unit and that to sever the lodge would constitute a material change of use.

In essence, an annexe will become a separate single dwellinghouse where it is self-contained with all the necessary day-to-day living facilities and has resulted in the creation of a separate planning unit. *Uttlesford DC v SoS and White* 1992, in which a garage attached to a dwelling had been converted to a ‘granny annexe’, provides leading case law on the matter. In *Uttlesford* an Inspector had determined that where a domestic garage within a residential curtilage was used for living accommodation in connection with the dwelling, no material change of use occurred. The court agreed, ruling that the fact that the elderly occupier of the annexe had all the living facilities that enabled her to live independently from the rest of the family did not amount to the creation of a separate planning unit that required permission. The significance of this case is that the even though the accommodation in the garage was capable of independent use, the court judgment suggested that a quality of separateness was occupation by someone who was not connected with the family occupation of the whole planning unit.

Identifying a separate planning unit requires consideration of a range of factors and not simply the self-containment of the accommodation, and is a matter of fact and degree. In her decision to grant permission for the conversion and extension of an outbuilding at a house in the Essex green belt to a residential annexe, notwithstanding the Council's concern that it would result in the creation of an independent residential unit, the Inspector in *Castle Point* 27/11/2020 DCS No 400-028-727 relied on the *Uttlesford* judgment. The Council had reached its own view that the proposal was tantamount to a new dwelling with reference to *Gravesham BC v SSE* 1984 because the accommodation provided all the facilities for

independent day-to-day living. The Inspector, however, followed the more recent and relevant case law in Uttlesford, stating that even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling and it was a matter of fact and degree whether a change of use had occurred.

In the case before her, the Inspector recorded that whilst the extension and conversion of the outbuilding would provide all the facilities for day-to-day living, it would function as an annexe, with the primary occupants also sharing living space, eating and socialising with the rest of their family in the main dwelling. There was a paved footpath between the annexe and the main house allowing easy access between the two. As such, she held that the garage conversion would remain part of the same planning unit as the main dwelling. Based upon the evidence before her the inspector was satisfied that the proposal related to an annexe. She allowed the appeal subject to a condition that it should not be severed from the main house by reason of being sold or let as a separate unit of accommodation.

In reaching her decision, the Inspector noted that reference had also been made to *Carter v South Bucks DC* 2011 but considered that case was different in that a garage had been converted into a three-bedroomed property with a substantial conservatory extension. It had its own garden, separated from the main dwelling by fencing, trees and shrubs, with no footpath linking the two buildings. Whilst family meals were taken together that was in the substantial garage conversion rather than in the host dwelling. As a matter of fact and degree in that case it was found that a new planning unit had been created.

In this case there is no evidence provided to support the application that details how the annex will be used. Even if the annex was to be occupied by family or friends, this does not make the annex ancillary or incidental, as highlighted in the Swansea appeal. Given that the outbuilding is detached and located 25m from the main dwelling, whilst containing all of the day-to-day living facilities and independent parking and rear access, the building could be occupied independently of the main dwelling. Therefore, as referenced earlier in this report, this application proposes a self-contained unit of accommodation in the form of a bungalow, not an annexe, and would be or become a separate planning unit.

While it is acknowledged that planning conditions could restrict plot severance, there is a clear physical and spatial separation between the annexe and dwelling. It is unclear who will occupy the building, which contains excessive facilities for an ancillary annexe. As such, on the information provided with this application and the relationship between the two structures, the annexe is considered to create a separate planning unit.

It is on this basis and in considering the above case law, as a matter of fact and degree, a new planning unit would be created at the application site. The proposal would therefore conflict with Policy CS02 (LPCS) and paragraphs 149 and 150 of the NPPF (2021).

Design, Character and Appearance

Policy CS19 (LPCS) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area. Section 12 (Achieving well-designed places) of the NPPF (2021) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Gravesham's Householder Design Guidance SPD (2021) discusses outbuildings and states that they should not occupy a significant amount of the garden, be subordinate to the main dwelling and should not be prominent or impact on the street scene. Moreover, the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, allows incidental outbuildings to be constructed in the garden of a dwelling, subject to the following stipulations:

- Not covering 50% of the curtilage
- Being situated behind the principal elevation
- Being single storey
- Not exceeding 2.5m within 2m of the boundary (with a flat roof)
- Eaves not exceeding 2.5m

The proposed outbuilding is not excessive in size or bulk, and will be located at the rear of the property in a position that is not visible from the street scene. Although occupying a large portion of the rear of the garden and exceeding the height of a permitted development outbuilding, a larger pitched roof structure could be constructed in the garden without planning consent.

The outbuilding will be constructed using fibre cement cladding and render, with a felt roof and powder coated aluminium windows and doors. There will be two velux windows on the roof, patio doors onto a patio area and windows/doors on the north, west and south elevations. Therefore, the outbuilding is not excessive in size or height, will be constructed using appropriate materials.

Nevertheless, having determined that the proposed annexe would be, or likely become a self-contained unit of accommodation the assessment in the previous refusal (ref. 20220379) for a bungalow is relevant. The previous delegated report concluded that, *“whilst the site is within the urban area of Gravesend, the principle of redevelopment on this site is not acceptable as the application site is not considered appropriate for an additional residential dwelling. Essentially this is the same as the dismissed appeal, which will be at odds with the character of the area but also an inappropriate location”*. Therefore, Policy CS15 (LPCS) becomes relevant, which at 5.11.16 states all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.

In summary, the construction of an outbuilding has a permitted development fallback position, however the construction of a self-contained unit of accommodation would not be permitted development, and the construction of what would be or likely become a separate planning unit in a location that has been deemed, by the Local Planning Authority and the Planning Inspectorate, as inappropriate and out of character are key considerations. Therefore, the proposal fails comply with local and national planning policy, by failing to achieve good design and compromising the distinctive character of the area in which it is situated. As such, the proposal is contrary to Policies CS15 and CS19 (LPCS) and Section 12 of the NPPF (2021).

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be ‘fit for purpose’ and be ‘adaptable to allow changes to meet the need of users’ and that ‘the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines’ (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The Nationally Described Space Standards (2015) require a single storey dwelling for two persons requires a floor area of 50m², however it does not provide a figure for an annexe. The floor area of the proposed annexe is approximately 69m², which meets the minimum floor area for a unit of single occupation.

Further to the minimum floor area requirements set out in the Nationally Described Space Standards (2015), the RLG breaks down the measurements further, recommending minimum floor areas for specific rooms as shown in the table below. These recommended minimum floor areas have been compared to the proposed room sizes within the property for comparison.

	RLG (minimum floor area)	Proposed Room Size
Living / Diner	18m ²	19.2m ²
Kitchen	7.2m ²	8m ²
Utility Room	-	4.8m ²
Double Bedroom	11.5m ²	16.1m ²
Bathroom & WC	3.6m ²	6.7m ²

The table above demonstrates that the rooms within the annexe accord with the recommendations set out within the RLG.

The proposed annexe will provide acceptable amenity for future occupiers. The size of the unit and the rooms comply with local and national space standards. However, as referenced in the previous delegated report (ref. 20220379) the location of the outbuilding is a poor living environment for future occupiers. The annexe has a rear gate access and driveway, which are accessible from the vehicle track from Coulton Avenue. The outbuilding is approx. 50m from Coulton Avenue and is unlit with no defined footway and garages with limited visibility, which present a clear danger for pedestrians. Moreover, the development of a residential unit on a quiet access road with minimal movement or human activity, that is unlit with a lack of surveillance goes against designing out crime principles and further reinforces that this is a poor living environment.

Therefore, whilst the development would provide acceptable living accommodation, the proposed development would provide poor living conditions to the future occupiers of the development and would cause material harm to their amenity. As such, the proposal is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 16 of the NPPF (2021) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to “secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

The outbuilding is not excessive in size or bulk. It will be constructed on the shared boundary with no.47 Gouge Avenue and as a single storey building, located approx. 24.4m from the neighbouring dwelling, it is not considered to have any impact on amenity in terms of loss of light, privacy, sense of enclosure or outlook. Nevertheless, there were two neighbour objections received but these representations did not reference amenity as a cause for concern. Instead the representations related to the development being out of keeping with the pattern of development and parking / the vehicle access route.

Overall, the proposed development would safeguard the amenity of surrounding residents in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Parking and Highways

Any proposals would need to be considered against saved policy T1 (LPFR) (1994) and Policy CS11 (LPCS). These policies ensure that development provides an acceptable amount of parking in accordance with the adopted KCC Parking Standards and the access and parking arrangements do not have a detrimental impact on highway safety.

The proposed unit would have a dedicated parking space adjacent to the building, with a gated pedestrian access onto the patioed area. Gravesham’s Highways Officer has raised no objection to the development in terms of parking provision. Therefore, in terms of parking provision the proposed development is considered acceptable.

The neighbour representations expressed concern with the proposed development having an impact on the vehicle access road, impeding use by residents and emergency services. While the building would be accessed at the rear, the development is unlikely to cause any material harm to the access road, with a dedicated parking space and due to it being constructed within the boundary of no. 49 Gouge Avenue.

As such, there are not considered to be any parking or highway concerns.

Any Other Material Planning Considerations

Ecology and Biodiversity (Bird Mitigation)

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £314.05 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential annexe and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £314.05 per new annexe.

The applicant has not paid the SAMMS Mitigation Contribution Agreement tariff and therefore fails to comply with the requirements of the Habitat Regulations, as well as Section 15 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS).

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

The proposed annexe has no relationship with the main dwelling by virtue of distance and orientation, which represents both a physical and spatial separation between the two buildings, and can be accessed by a separate rear gate with excessive facilities for an ancillary annexe. Therefore, the proposed development is considered to be an independent unit of accommodation that would be, or become, a separate planning unit. Moreover, the proposed residential development by virtue of its location, sitting and appearance would be out of character with the surrounding area and create a poor living environment for future occupiers, harmful to their amenity by virtue of its back-land location without suitable lighting, surveillance or human movement is contrary to Designing Out Crime principles, but also present a risk to pedestrian safety when accessing the property on the vehicular access lane. Therefore, it is recommended that planning permission is refused. Lastly, the proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas.

As such, it is recommended that planning permission is refused on the following grounds:

1. The proposed annexe has no relationship with the main dwelling by virtue of distance and

orientation which represents clear physical and spatial separation between the two buildings, and can be accessed by a separate rear gate with excessive facilities for an ancillary annexe. Therefore, the annexe could become a separate planning unit which would conflict with Policy CS02 of Gravesham's Local Plan Core Strategy (2014) and paragraphs 149 and 150 of the National Planning Policy Framework (2021).

2. The proposed annexe, considered to be or likely become a separate planning unit, would by virtue of its siting, size and massing be out of keeping with the surrounding garage outbuildings and pattern of dwellings in the surrounding area. As such, the proposal is contrary to Policies CS15 and CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021) which seeks to ensure that new development is, amongst other things, locally distinctive and reinforces the local character of the area.
3. The proposed annexe would provide extremely poor living conditions to the future occupiers of the dwelling and would cause material harm to their amenity by virtue of its location on an unsafe and unlit back-land plot. As such, the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) as well as Designing Out Crime and Secured by Design principles.
4. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 170, 175, 176 and 177) of the National Planning Policy Framework (2021) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	9 th May 2023	Dated:	09 May 2023