



Delegated Report

Householder Planning Application

Planning Application No: 20240995

Location: 17 Milroy Avenue Northfleet Gravesend Kent

Description: Conversion of gym/games outbuilding in rear garden into habitable annexe.

Applicant: Mr Lakhvir Singh

Site Visit Date: 12 December 2024

Submitted Documents/Plans

Householder Application for Planning Permission form;
Drawing no. LC/30 Site location plan;
Drawing no. LC/31 Existing and proposed block plans;
Drawing no. LC/32 Existing layout;
Drawing no. LC/33 Proposed front and side elevations;
Drawing no. LC/34 Proposed rear and side elevations;
Drawing no. LC/35 Proposed layout;
Drawing no. LC/36 Proposed front elevation; and
Planning statement October 2024 received 12 November 2024.

Superseded Documents/Plans

~~Planning statement October 2024 received 04 November 2024~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20200112	**REVISED DESCRIPTION** Retrospective planning application for retention of a first floor rear extension	Permitted	03.04.2020
20191142	Application for a minor material amendment to planning permission reference no. 20190208 for the erection of a part two storey and part single storey rear extension; to allow alteration to rear ground and first floor elevations.	Withdrawn	29.01.2020
20190984	Application for non-material amendment to planning permission reference number 20190208 to allow a new window within the gable wall.	Permitted	11.10.2019
20190208	**REVISED DESCRIPTION** Erection of a part two storey and part single storey rear extension.	Permitted	07.05.2019
20171078	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear extension.	Certificate granted	16.07.2018

20170599	Single storey rear extension with a depth of 6 metres, maximum height of 2.90 metres and eaves height of 2.70 metres.	Prior approval not required	28.06.2017
20161058	Application for a non-material amendment to planning application reference no. 20160549 to allow the addition and relocation of windows.	Refused	29.11.2016
20160549	Erection of a detached outbuilding at the rear to provide gym/games room.	Permitted	25.07.2016
20140425	Erection of an attached two storey dwelling in side garden.	Refused	09.07.2014

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P5 – Exceptions to the Vehicle Parking Standards – Change of Use of Buildings

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 (2024)

- Section 2 – Achieving Sustainable Development
- 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)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

GBC Environmental Protection Team (Regulatory Services)

There is no objection to this application or comments to make.

KCC - Highways & Transportation

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation

protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Neighbouring properties

The application was publicised by a site notice and to six neighbouring properties by letter. No representations have been received. The overall consultation date expired on 13 December 2024.

Officer's Analysis

Principle of a Residential Annex

Residential annexes are an increasingly common form of development that are normally proposed in order to allow relatives to live with their family but to retain some degree of independence. To remain ancillary accommodation and not be considered as a separate unit of accommodation, the use of annex must be closely tied to the main dwelling.

The proposed development would provide residential accommodation in an existing outbuilding, incorporating a bedroom, living room, dining room, kitchen and a shower room. The outbuilding would be occupied by elderly relatives of an existing occupier, who require care. Therefore, there would be a familial and functional relationship between the occupiers of the outbuilding and the main house.

It is noted that the annex would be located within the same curtilage as the main house and there would be no separate garden area. Despite the existence of a rear gate and rear parking area (potentially providing independent access), it is considered that the proposed development must be determined as submitted, i.e. as a residential annex and not as a separate dwelling. Appropriately worded conditions could restrict the occupancy of the outbuilding and prevent plot severance.

If the outbuilding is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted. A recent appeal decision for an annex supports this view (APP/K2230/D/23/3324637).

Overall, provided that any planning permission granted was conditioned to ensure that the use and ownership of the outbuilding remains linked to the main dwelling and that no separate garden or curtilage area can be created in future, then the proposal would be acceptable in principle.

Notwithstanding the above, the following sections will assess the detail of the proposal.

Design, Character and Appearance

The proposed change of use would not result in any alterations to the exterior of the existing outbuilding. It is noted that paving slabs have been laid adjacent to the building, which could be used for parking (as there is an existing access to a rear alleyway that is accessible by vehicles). However, this work did not require planning permission.

Overall, it is considered that the proposed development would not harm the character or appearance of the application site or the surrounding area would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Residential Amenity

The NPPF 2024 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). Paragraph 198 of the NPPF 2024 seeks to ensure that new development takes into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. 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 and avoid adverse impacts from pollution.

Future Occupiers

In terms of additional living accommodation, the proposal will add a further one bedroom to the application property. Garden space around the property will not be affected, as the outbuilding will not be extended. There is therefore no conflict with Policy CS19 of the Core Strategy 2014, or the standards set out in the NDSS 2015 and SPG2 in respect of the accommodation standards and retained garden for future occupants of the dwelling.

If the proposed annexe were to be severed from the main dwelling, there would be amenity concerns. There could be issues over the size of the accommodation being inadequate and there could be privacy issues between the properties on the site and potentially inadequate amounts of amenity and parking space. A one bedroom 2 person unit of accommodation should be 50m² and the annexe is 48.2m². This is satisfactory as an annexe as there will be some form of reliance on the main dwelling, and is not fully self-contained.

As discussed above, the proposed condition restricting the annexe as ancillary accommodation related to the existing main dwelling would help prevent any impacts on amenities. A condition restricting the physical subdivision of the plot with fencing etc. would also be appropriate.

Neighbouring Properties

The single storey outbuilding is existing and the nature of the proposed ancillary use of the outbuilding would not cause any sense of enclosure, loss of light, outlook or privacy to neighbouring properties. The closest property is 20m away which does fall below the required window to window distance privacy. However the rooms to the front of the outbuilding would serve a kitchen and bathroom which are considered non habitable or have an obscure glass window. The flank windows are at an oblique angle to cause overlooking, and looking onto a substantial boundary wall. The submitted plans show no encroachment onto neighbouring land and no representations have been received. The proposal would comply with Policy CS19 of the Core Strategy 2014.

Parking and Highways

The property benefit from off-street parking provision to the front for approx. 3 spaces on frontage as well as space t the site of the annexe, which is accessed to the rear. As such the property is considered to have satisfactory parking provision, in accordance with Saved Policies T1, T5 and P3 of the Local Plan 1994 and Policies CS11 and CS19 of the Core Strategy 2014.

Conclusion

Subject to conditions, the proposal is considered to be appropriate development in the urban area, plus it is acceptable in terms of the design and impact of the annex on the application site itself and on the character and appearance of the surrounding area, and with regards to residential amenity and highway matters.

The proposals would therefore comply with the requirements of Policies CS02, CS11 and CS19 of the Core Strategy 2014, saved Policies T1, T5 and P3 of the Local Plan 1994, and paragraphs section 2 and 12 of the NPPF 2024.

Recommendation

The application is recommended for permission subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
----------------------	-----------------	---------------------	----------------

Signed:	K Joyce	Signed:	fuabh
Dated:	17th December 2024	Dated:	02 January 2025