

Delegated Report

Application No: 20220737
Location: 130 Old Road East, Gravesend DA12 1PF
Description: Retention of an outbuilding
Applicant: Mr Rijvant Thamey
Site Visit Date: Various

Submitted Documents/Plans

The application comprises the following documents and plans:

Application form.

Drawing no. 001 rev A (site layout)

Drawing no. 002 rev A (proposed plans and elevations)

Relevant Planning History

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 10.03.2022
19490481	Private garage	Permitted	04.05.1949

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Paragraph 33 of the National Planning Policy Framework (2021) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- T1 – Impact of Development

Other material considerations

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- Technical Housing Standards – Nationally Described Space Standards (March 2015)
- Housing Standards Policy Statement (1st October 2015)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

Highway Development Management Officer (from the previous application - 20211132)

The hole through to the garage suggests the intent to extend into the garage, which is protected by a planning condition for use as a private garage. The loss of the garage would displace vehicles onto the surrounding highway network with possible adverse consequences for highway safety and the free flow of traffic, plus the loss of some amenity for nearby residents.

The route to the garage also suggests that there will be some impact on parking even if it is intended to retain it as a garage, as fossil fuelled vehicles should not be discharging their exhaust emissions into an area where people may gather. I would therefore suggest the application is flawed as it states car parking provision will not change.

Given the issues raised by a neighbour should surface water disposal be considered as part of the application, either now or as a condition.

I would therefore suggest there are reasonable highway grounds to support refusal. These however would fall away if the wall between garage and games room were restored. Somehow I doubt this would be a long term solution as it could be easily removed later and would require the neighbours to be vigilant if they consider any changes are being made without appropriate permissions.

Neighbouring properties

The application has been advertised by site notice and individual letters to three properties. Four letters of objection have been received (two from the same address). The main objections:

- more vehicles parking to rear and associated noise
- loss of privacy due to elevated position

- Continuous applications seem unfair and unjust
- Possibility of joining the building onto the garage
- Dominant and not visually attractive
- Complete eyesore
- Height due to being built on a platform, the building is like a stage
- Shading
- The owners use it for parties, incidents of antisocial behaviour
- Curtilage is disproportionately built up
- Ambiguity over boundary
- Water runs into neighbouring property, no room for guttering
- Side wall is higher than the permitted height
- The building should be removed
- Oversized, overbearing

Analysis

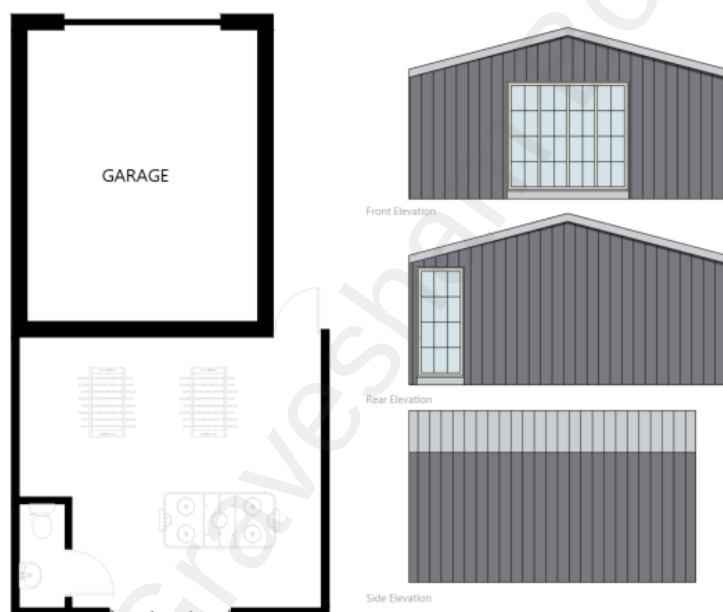
Proposal

This application seeks planning permission for the retention of an outbuilding.

The outbuilding will be approx. 3.7m deep and 6m wide. It will be approx. 2.55m high with a flat roof. Although the description states this is for the retention of the outbuilding, some changes to its existing size are proposed.

Background

20211132 sought retrospective planning permission for the same outbuilding:



This was refused for the following reasons:

1. The outbuilding would not be for use incidental to the main dwelling due to it the potential for forming a wholly separate unit of accommodation with its own potential independent access, which together with the inadequate levels of privacy and amenity space for future occupants, will have an adverse impact on the residential amenities of both properties as well as the neighbouring property (132 Old Road East). The proposal

would thereby fail to comply with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130(f) of the National Planning Policy Framework 2021.

2. The outbuilding, due to its overall height, bulk, use of materials and position on higher ground than surrounding buildings, together with the cumulative impact of the existing garage, results in a dominant and incongruous feature when seen from neighbouring properties to the detriment of the character and appearance of the area contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.

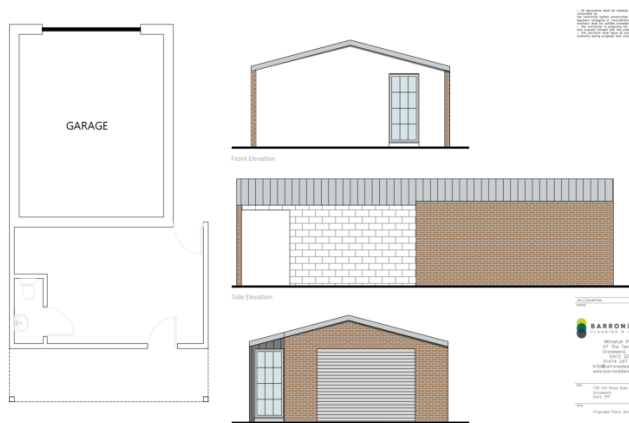
An appeal was lodged and this was dismissed (APP/K2230/D/20/3287841 – appendix 1). The Inspector noted the following with regards to refusal reason (1):

- The land under the building has been built up to the floor level of the existing garage and steps have been created in the rear garden to access the building
- The opening between the garage and the building has been blocked up and the appeal has been dealt with on that basis
- The existing garage has a condition limiting its use and any change to a separate dwelling would require permission in its own right. The use of the outbuilding could be restricted and linked to the main house to overcome this concern

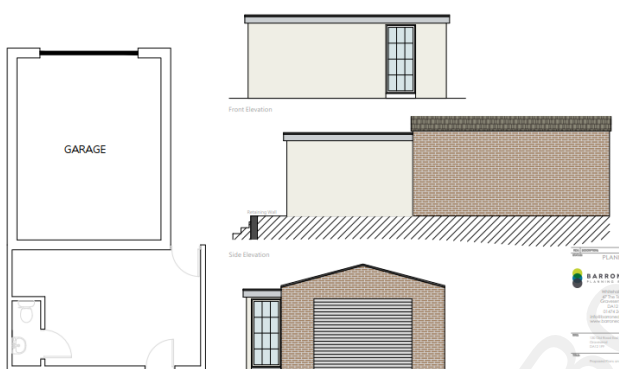
With regards to refusal reason (2) the Inspector made the following comments:

- The relationship between the extension and the outbuilding is uncharacteristically close and the outbuilding's stark dark walls and utilitarian design detract from the setting of the adjacent dwellings
- The above situation is exacerbated by the elevated siting, the front part of which sits relatively close to the top of the boundary fence between 130 and 132
- The site appears cramped, the outbuilding is unduly prominent and detracts from the spacious and verdant character and appearance of the rear garden environment
- Overall she concludes the proposal will unacceptably harm the character and appearance of the area
- Due to the combined depth and elevated position the building is highly prominent. The situation is exacerbated by the alignment of the boundary of the two dwellings, its stark dark walls and utilitarian design
- She goes on to say anyone standing within or exiting the outbuilding would be able to see directly into the garden and rear windows at no. 132
- Less concerns were raised to the impact on no. 128 as the outbuilding has a comparable floor area to the adjacent garden at no. 128, as well as a tall fence and reasonable amount of soft landscaping
- Drainage and security camera could be dealt with by condition

The main difference between the refused application and the second application was that the depth was decreased from approx. 5.3m to 3.7m and the double width patio doors were replaced with a single door. The decrease in depth was replaced by a veranda/overhang so the roof depth and footprint remained the same (see below).



This current application seeks further amendments to the unauthorised building that will result in a depth of approx. 3.7m deep and keeps the width at 6m. The height is proposed to be reduced from approx. 3.3m high to approx. 2.55m high with a flat roof and the veranda is now removed leaving a raised platform (see below):



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 outbuilding that is subject to this application and a single storey rear extension that was approved under reference 20211184.

The outbuilding is large and, due to the slope of the land, appears dominant when seen from the rear properties. It has a footprint of approx. 32sqm and the two buildings together have an external footprint of over 60sqm. The building has been constructed on an elevated platform which increases its dominance. The previous application proposed the reduction in depth by moving an internal wall, keeping the roof the same and creating a veranda. This did nothing to reduce the overall bulk as the roof remained. The proposed plans now show the roof to be removed and replaced with a flat roof. The materials have also been changed from dark cladding to render. Whilst it is acknowledged that the reduction in height does aid in reducing the dominance of the building, it is still in an elevated position attached to an existing outbuilding (garage) and results in a significant amount of built form on the site. The change in materials, as stated in the previously refused application, does nothing to improve the appearance, particularly for the neighbouring properties. The Inspector was clear that the dark materials added to the impact of the building and did not cause it. The overall size and height was the cause of the impact. The height is proposed to be reduced by 0.5m but the depth remains the same as the last

application.

The relationship between the extension and the outbuilding 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 exasperated 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 outbuilding, due to its height, elevated position and use of materials 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 of Future Occupiers

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. 55.6sqm and 8.3m in depth. 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 of the building by approx. 1.6m and its replacement with a raised platform could be interpreted as increasing the garden depth to approx. 10m and the area to 64sqm. 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/games room 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 proposing to replace the large patio doors with a single door that is now 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. This could 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 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 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 Core Strategy 2014 and paragraph 130(f) of the NPPF 2021.

Parking and Highways

Providing the garage remains as such and as shown on the plans then there is sufficient off road parking to serve the property. The hole through to the garage suggests the intent to extend into the garage, which is protected by a planning condition for use as a private garage. The loss of the garage would displace vehicles onto the surrounding highway network with possible adverse consequences for highway safety and the free flow of traffic, plus the loss of some amenity for nearby residents.

The route to the garage also suggests that there will be some impact on parking even if it is intended to retain it as a garage, as fossil fuelled vehicles should not be discharging their exhaust emissions into an area where people may gather. As it stands the parking is not proposed to change and therefore no objections are raised on highways grounds.

Conclusion

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.

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 Core Strategy 2014 and paragraph 130(f) of the NPPF 2021.

Recommendation:

Refuse

See draft Decision

Case Officer: AW	Team Leader: Richard Hart
Signed: 	Signed: <i>R Hart</i>

Dated: 24 August 2022	Dated: 25th August 2022
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Gravesham Borough Council