

Delegated Report

Householder Planning Application

Planning Application No: 20221279

Location: 25 Harman Avenue Gravesend Kent DA11 7RJ

Description: Retention of outbuilding

Applicant: Mr Sathi

Site Visit Date: 26th January 2023

Submitted Documents/Plans

Application Form
Block Plan Existing
Block Plan Proposed
Location Plan Proposed
A101 – Proposed Elevations and Floor Layout

Relevant Planning History

No Relevant Planning History

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

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 12 – Achieving sustainable development and 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); and
- Householder Extensions/Alterations Design Guide (2021).

Consultations, Publicity and Representations

The final date to submit comments on this application ended on 16th January 2023.

Consultees

Ward Councillors: No comments received.

Neighbouring properties

3no. surrounding properties were consulted, and 2 comments were received (One representation and one objection).

Summary of objection:

- The development began in March 2022, before planning consent was sought.
- It exceeds the height allowed under permitted development rights.
- The height, width and depth and overall footprint are so large, the building looks like a detached dwelling.
- No utilities are shown on the plans.
- The building is not in keeping with the surrounding area due to its size.

Summary of representation:

- The elevation is over a meter above neighbouring fences, which is not aesthetically pleasing and obscures views.
- It would cause significant overshadowing of neighbouring gardens.
- Concerns raised regarding fire risk of the large timber construction, close to neighbouring properties.
- Concerns raised regarding the magnitude of the building in a suburban garden.

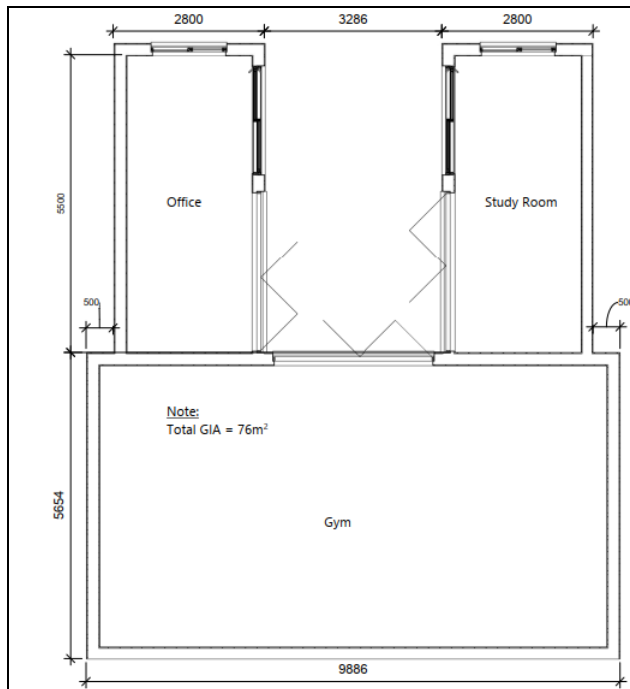
Officer Note:

- Given that the building proposed is not an independent ancillary building, utilities would not be required.
- A right to a view is not a material planning consideration.
- Please see officer assessment for clarification on all other matters.

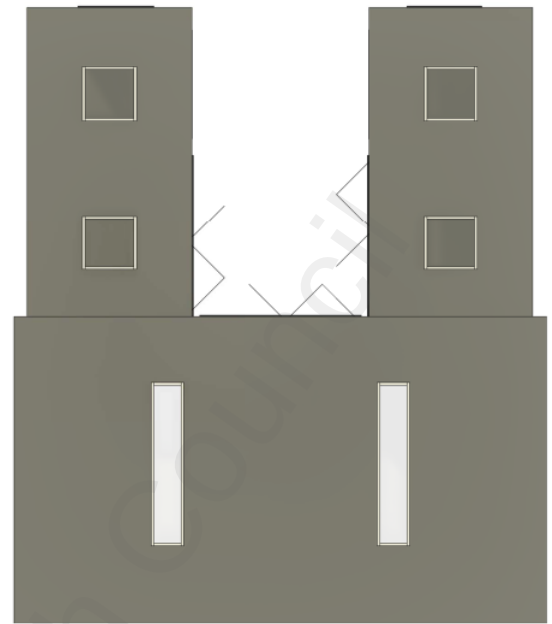
Officer's Analysis

Proposal

This application seeks consent to erect a single storey outbuilding with a courtyard style layout. It is indicated that the building would be use as a gym, study and office room, incidental to the main dwellinghouse. It would be timber clad, with a flat cold deck roof with felt finish and upvc windows and doors. It is noted that this is a part retrospective application. For clarity the plans of the building (not to scale) and photographs are shown below.



Proposed Floor Layout



Proposed Roof Plan



Proposed South Elevation



Proposed North Elevation



Proposed West Elevation



Proposed East Elevation





Principle of Development

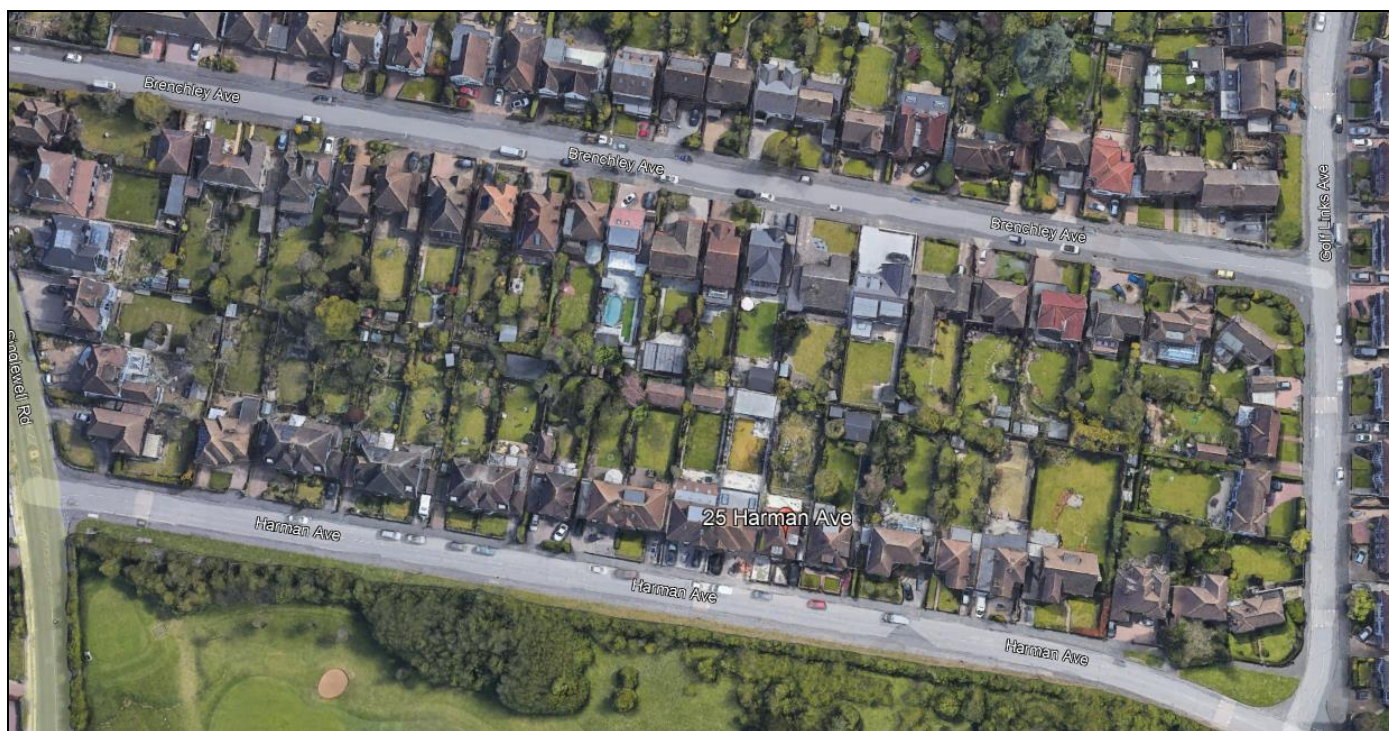
This application is located inside the Urban Boundary, where alterations and extensions to residential buildings are generally acceptable in principle as per Policy CS02: Scale and Distribution of Development. However, all other relevant matters should be considered.

In this instance, the main points to consider would be the potential impact on; Visual Amenity (Design, Character and Appearance), Amenity of Future Occupiers and Residential Amenity of neighbours.

Design, Character and Appearance

The proposed outbuilding would have a limited impact on the streetscene, given its single storey height and rear location. However, that is not to suggest that based on its location it would automatically be appropriate to the character of the area. And so, further consideration of the scale, layout and design of the outbuilding would be required to fully assess its impact on the character of the area.

This particular area is largely residential and as can be seen in aerial views of the area, outbuildings are common. And so the introduction of an outbuilding in principle is not uncharacteristic for this locality. However, these outbuilding tend to be smaller in footprint than that proposed and located discreetly to the rearmost end of the garden.



Aerial views show outbuildings in the rear gardens of the local area.

The area of the proposed outbuilding is approximately 86.6m². When compared to the main dwellinghouse with an area of 117 m², this outbuilding would have a footprint which is 74% of the size of the main dwellinghouse. Whilst this is less than the main dwellinghouse, simply being less does not make a building appear subordinate. This outbuilding proposes a significant amount of footprint in relation to the main dwellinghouse, in a manner uncharacteristic to the area with long projecting ends in a prominent courtyard like fashion. Given its scale not only would the building not be subservient to the main dwellinghouse, it would lend itself to future sub-division and potential use as separate living accommodation.

Paragraphs 10.14 – 10.16 of the Householder Extensions/Alterations Guide provide clear guidance on this:

Outbuildings & Garages

Outbuildings

10.14 An outbuilding should normally only be used for purposes incidental to the enjoyment of the house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and summer houses. A purpose incidental to a dwelling house does not include use as separate self-contained accommodation, or other primary living accommodation incorporating such components as a bedroom, bathroom, or kitchen. Proposals to provide separate accommodation or a commercial use (unless it constitutes working from home) in an outbuilding requires planning permission.

10.15 Outbuilding should not deprive the existing property of adequate private garden space and should be subordinate in scale to the existing dwelling and to the plot. In assessing proposals, the Council will consider factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment.

10.16 As with all extensions, outbuildings should not detract from the character of the area (this is especially important where the outbuilding will be visible from the street) and should be unobtrusively located to the side and rear of the existing dwelling. They should also not have an adverse impact on the amenity of the surrounding properties in terms of noise and disturbance created through access or overlooking / overshadowing of existing properties.

Policy CS19 of the Core Strategy 2014, also insists upon the importance of the design, layout and form of new development and its cohesiveness with the context within which it would be situated:

- Using the collaborative approach advocated in Building for Life 12 and in line with the guidance set out in Kent Design, the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings. Account will also be taken of the wider site context, including 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;

This outbuilding would be a large, obtrusive, uncharacteristic addition to the rear garden of this dwellinghouse, which would appear prominent and would have a significant level of built form in this rear garden, resulting in a cramped and overdeveloped plot and lending itself to future sub-division to form an independent dwellinghouse. This would be harmful to the character and setting of this area.

On balance, the proposed development would **NOT** comply with the requirements of Policy CS19 of the Core Strategy 2014, Paragraphs 10.14-10.16 of the Householder Extensions/Alterations Design Guide (2021) and paragraph 130 of the NPPF (2021) in terms of design, character, and appearance.

Amenity of Future Occupiers

There are no minimum internal space standards for rooms used as a gym, study or office. The depth of the garden from the rear wall of the dwellinghouse would be 16.3m and the area would be 137.5m². This exceeds the maximum required garden depth and area.

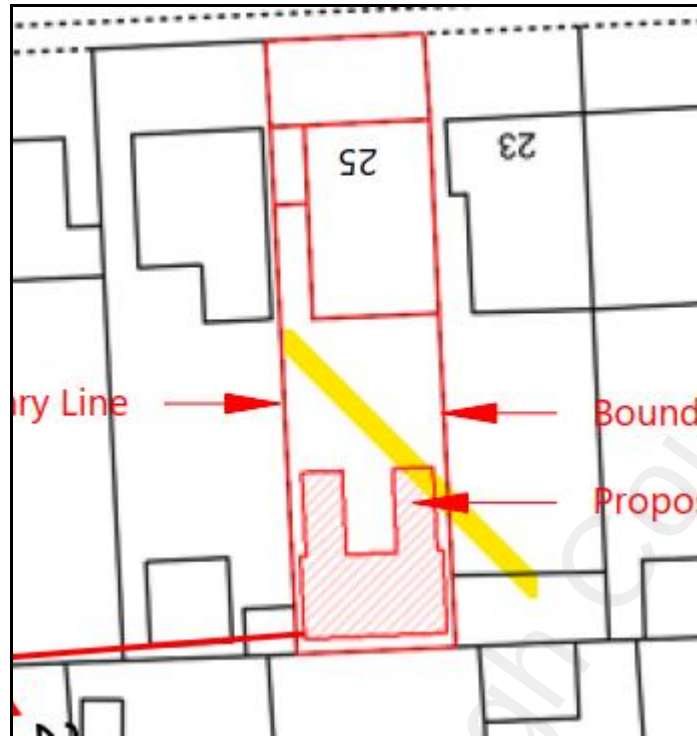
The rooms meet the required minimum space standards and the dwellinghouse would continue to have adequate rear garden depth and area as per SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020.

Neighbouring Amenity

There are 3 neighbours directly adjoining this plot. To the sides 23 and 27 Harman Avenue and to the rear; 27 Brenchley Avenue.

23 Harman Avenue

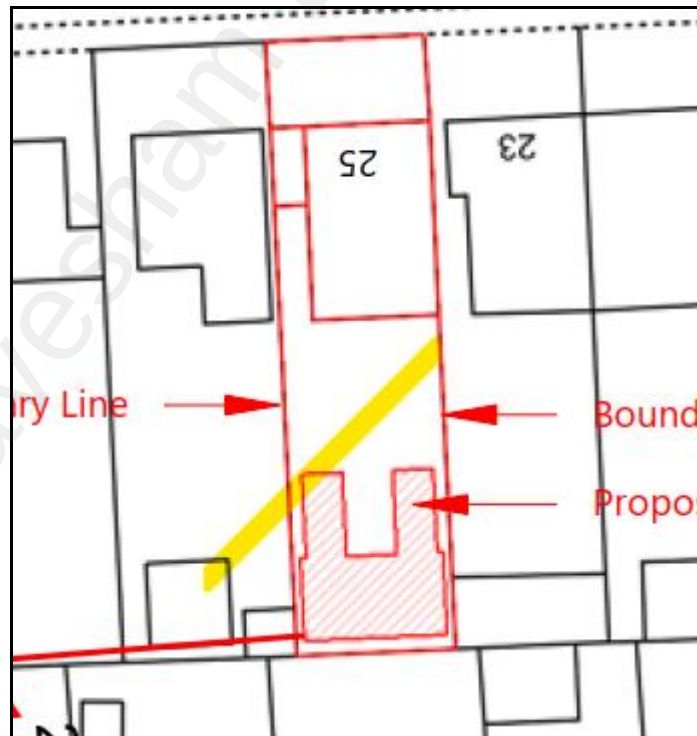
This neighbour is located to the east. The proposed outbuilding would sit beside this dwellinghouse outbuilding set at a similar position to the rear. However, the subject outbuilding would project by 7.5m forward of this neighbour's outbuilding.



A 45 degree line shows that the nearest opening on the neighbouring outbuilding would likely be overshadowed. However, this is not the only window serving this building and given that it is an incidental building it is not likely main habitable room of the dwellinghouse. Therefore, the level of overshadowing would not be significantly harmful to this neighbour. There are also no side openings and so direct overlook would not be an issue.

27 Harman Avenue

This neighbour is located to the west.

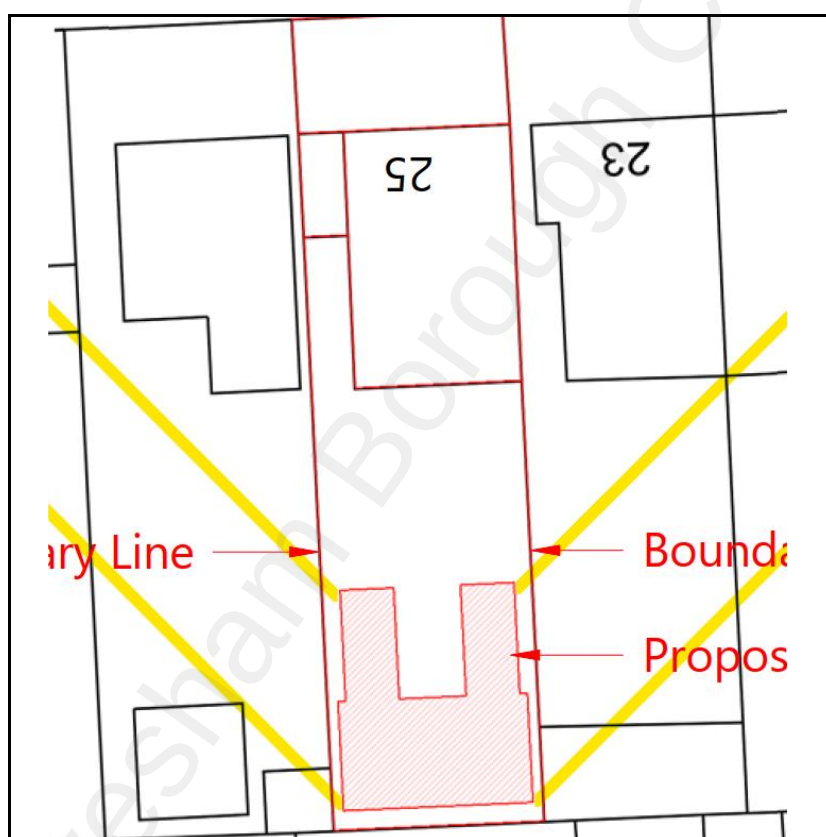


A 45 degree test shows that there is likely to be no significant overshadowing of openings on this neighbour's outbuilding.

23 and 27 Harman Way

Paragraph 9.5 of the Householder Extensions/Alterations Guide makes clear that regard should be had to the impact on overshadowing of private gardens and notes particular this could be a concern for single storey extensions on the boundary with long projections, such as in this case.

9.5 Depending upon the orientation and position of neighbouring windows and private amenity areas, problems of overshadowing can occur from an extension. This is particularly so if the neighbouring property is to the north of the proposed extension. Extensions should not create an unreasonable amount of overshadowing of neighbouring properties. Account should be taken of the orientation and position of neighbouring properties, and in particular any impact that the extension will have on neighbouring windows and private gardens. Where an extension would result in a significant reduction in light, or cause excessive overshadowing, planning permission may not be granted. In particular, care should be given when proposing extensions on the boundary with neighbouring properties that are either single-storey with a long projection, or are two-storeys in height. When considering overshadowing the Council will have regard to the 45 / 25 degree rule (see Appendix 1), as well as the Vertical Sky Component (VSC) Average Daylight Factor (ADF) and the Annual Probable Sunlight Hours (APSH) methods where necessary. See the BREEAM guidance for detailed information on these.



Using A 45 degree test, it is clear to see there would be significant overshadowing of the garden at 23 and 27 Harman Avenue. The significant overshadowing would be at its highest in the morning for 27 Harman Avenue and in the evening for 23 Harman Avenue given the sun's east to west, southerly route.

In addition, paragraph 7 states:

9.7 An extension close to a neighbouring properties window, or a large extension on the boundary, can cause a loss of amenity by appearing overbearing and creating a sense of enclosure and dominance. Careful consideration will therefore need to be given to the relationship to existing neighbouring windows and to the size and design of an extension that may change the outlook from a neighbouring property.

Given the significant depth of the projections on either side close the boundary with both neighbours to either side, the outbuilding would result in an overbearing level of bulk, creating a sense of enclosure,

contrary to this policy.

27 Brenchley Avenue

This neighbour is located to the south. Its front elevation faces south, and so the rearmost end of this neighbour's garden meets that of the subject dwellinghouse. The proposed building would be single storey and would be 22.8 metres from this dwellinghouse's rearmost elevation. Given the significant distance from the main dwellinghouse, the lack of rear facing openings and single storey nature of the building, it would not likely significantly harm the residential amenity of this neighbour's property.

Summary of Residential Amenity

Policy CS19 of the Core Strategy 2014 states:

- New development will be located, designed and constructed to:
 - safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land;

The outbuilding as partially erected, would result in a significant level of overshadowing of neighbouring gardens, an exceptional level of overbearing bulk at the boundary result in a sense of enclosure. The resulting impact would be significantly harmful to adjoining neighbours at 23 and 27 Harman Avenue.

The proposal is therefore considered to **harm** the amenity of neighbouring properties in contravention with policy CS19 of the Core Strategy 2014 and the Householder Extensions/Alterations Guide.

Conclusion & Recommendation

The development would be a significantly, large and prominent building, despite its single storey nature, uncharacteristic for this residential setting and harmful to the character of the area. It would also result in significant overbearing overshadowing of neighbouring gardens and prominent and dominating bulk at the boundary with adjoining neighbours, significantly harming the residential amenity enjoyed by those occupiers.

This would be contrary to the Householder/Extensions Guide, CS19 of the core Strategy 2014 and Paragraphs 130 of the National Planning Policy Framework 2021. The recommendation is therefore to refuse this application.

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

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	8th February 2023	Dated:	9th February 2022