



Delegated Report

Householder Planning Application

Planning Application No: 20230944

Location: 196 Lower Higham Road Gravesend Kent DA12 2NN

Description: Retention of detached garage and home office.

Applicant: Mr And Mrs Capek

Site Visit Date: 18/10/2023

Submitted Documents/Plans

- Application Form
- Drawing No: BDS-LHR-P901 Rev A (Existing Site Plan and Section AA & Location Map)
- Drawing No: BDS-LHR-P902 Rev D (Proposed Site Plan and Section AA & Location Map)
- Drawing No: BDS-LHR-P903 Rev D (Proposed Garage and Office Plans, Elevations & Section)

Supplementary Information

- Planning Statement

Relevant Planning History

Reference	Description	Outcome	Decision Date
20230716	Application for non-material amendment to planning permission reference number 20211056 relating to variation to garage layout and home office.	Refusal of non material amendment	27.07.2023
20211056	Erection of detached garage and home office.	Permitted	11.10.2021
20210287	**REVISED APPLICATION FORM** Erection of a detached garage, with car port and office/garden room	Refused	06.08.2021
20150574	Application for a non-material amendment to planning permission reference no. 20150075 to allow insertion of two additional windows on front elevation.	Permitted – Non Material Amendment	20.07.2015
20150075	Erection of single storey rear extension, the construction of two dormer windows in the west roof slope including the raising of the roof ridge height by 1 metre, erection of a canopy above the front door.	Permitted	20.03.2015
20140442	Erection of a single storey rear extension, side dormer for loft conversion to form bedroom and bathroom, and a canopy above the front door. Modifications to external finishes of elevations.	Permitted	01.07.2014

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

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

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) 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) general conform with the National Planning Policy Framework (2023), the Council will also seek to replace these.

Other material considerations

National Planning Policy Framework (2023)

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

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- SD4 – Householder Alterations and Extensions Guidance (2021)

Consultations, Publicity and Representations

Highway Development Management Officer

As presented, I consider the proposal unacceptable.

Adopted guidance gives the preferred size of a single garage as 5.5m x 3.6m, extract from SPG4 below. The minimum acceptable width would be an internal width of 2.9 metres, which provides space to open the car doors and replaces the space that would usually be borrowed from adjacent parking spaces or open space. Here I measure the internal width as some 2.75 metres

Garages

B2. Experience has shown that garages provided for individual residential dwellings are unlikely to be used for the parking of a vehicle unless sufficient space is also incorporated within the garage for storage. This may have less relevance for garages that are provided as a communal facility for residential accommodation. However, the needs of the mobility impaired, either as a driver or as a passenger, should also be considered in the design of garages and sufficient space should also be allowed to enable a garage to be used as a secure location for any cycle parking provision.

Taking these factors into account the preferred internal dimensions of a garage that should be considered for residential developments in Kent are:

Preferred Garage Size for Single Car	5.5m (length) x 3.6m (width)
Preferred Garage Size for Two Cars	5.5m (length) x 6.0m (width)

Where it can be demonstrated that cycle parking is provided elsewhere width of garage can be reduced.

If you are minded to approve, I would recommend the office can only be used as ancillary to the occupation of the main dwelling and not for operating a commercial business which could generate its own car parking requirements

Neighbouring properties

The application was advertised by way of letter to nine surrounding properties. The consultation period expired on 9th October 2023 and five objections were received and three supporting comments were received. Many of the objections were duplicates including one which entered an incorrect address:

- Impact on outlook
- View of Brick Wall
- Removal of fence will unveil a view of parked vans from habitable rooms
- The only difference between the application that was rejected is that the rear fence will be re-sited
- The latest plan just repositions end corner fencing which looks out onto habitable room just a few metres away from where large builders vans will be parked. There is no change to the actual building plan that was refused

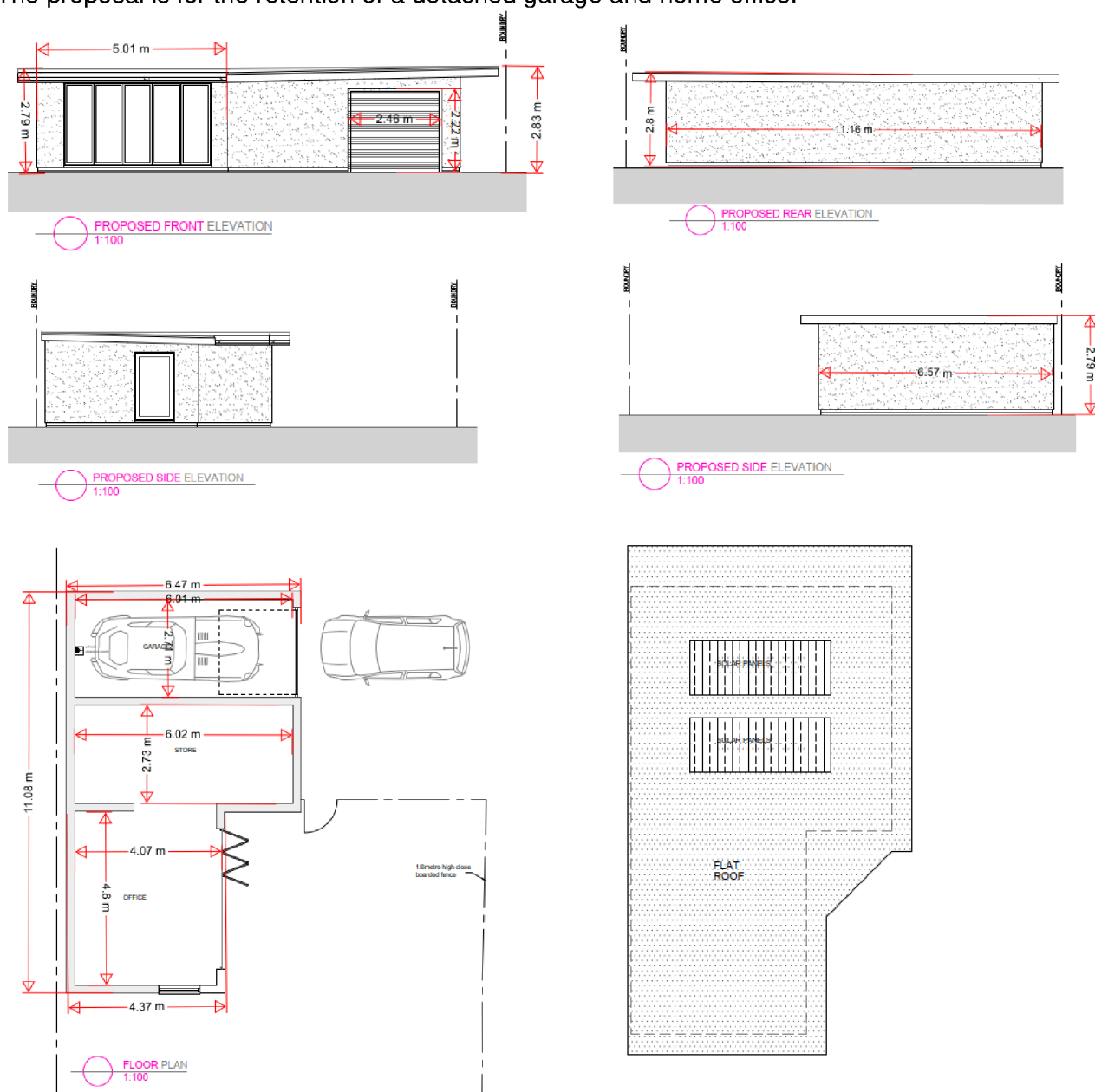
The main supporting comments were:

- No issue with the gate with traffic with suitable control measures in place, there is a warning flashing beacon of opening and closing of the gate
- The applicant has the right to work from home at the bottom of his garden
- no health and safety risks from this building and the use of the driveway than any other resident vehicle in Readers Close who use it and delivery vehicles that also use the drive
- if the new plan is agreed all the occupants of the close who face the rear of the proposed development will look out onto large works vehicles parked up on site
- I do agree that there will be lots of large vehicles as the site is not big enough for that

Analysis

Proposal

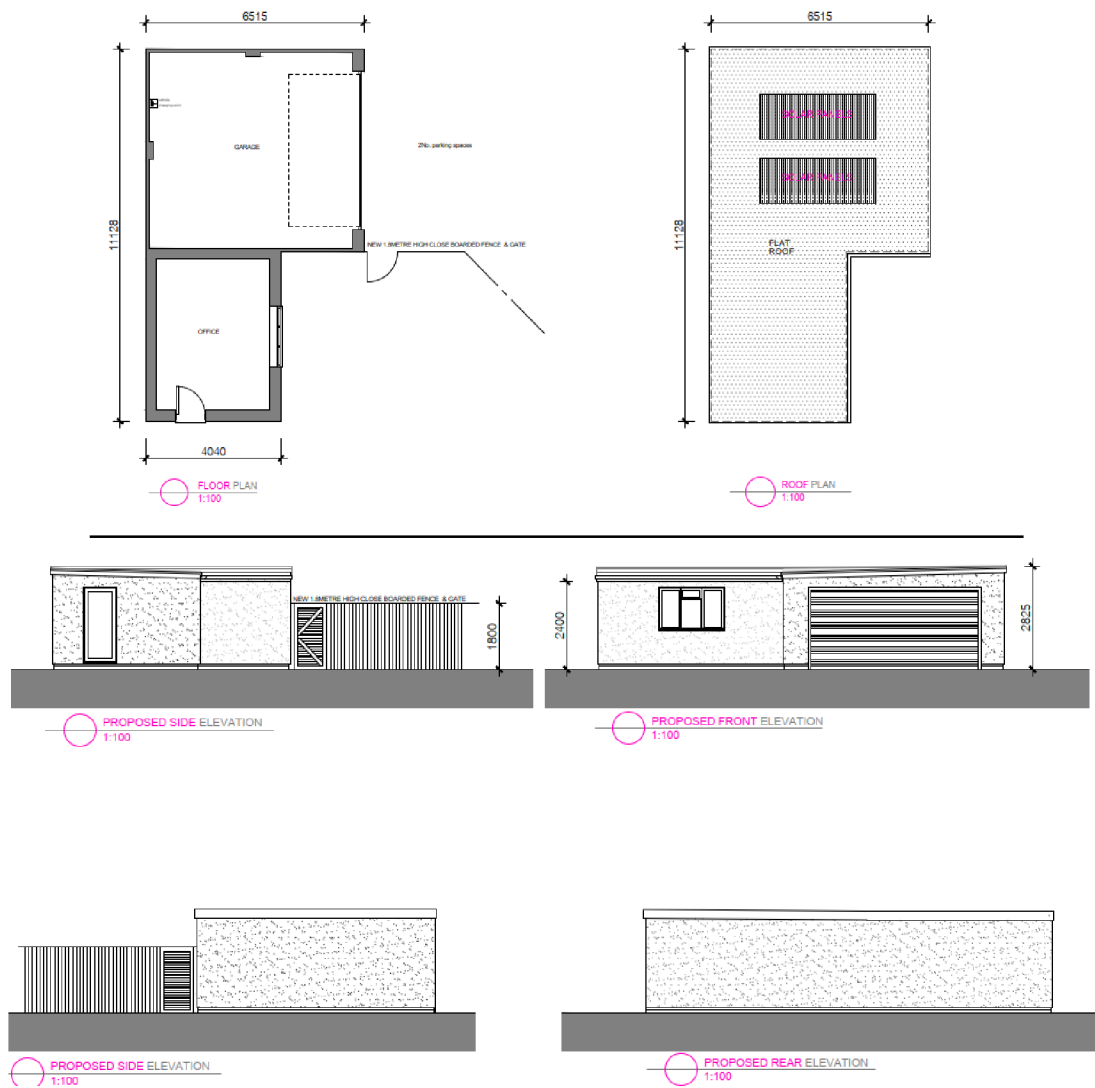
The proposal is for the retention of a detached garage and home office.



Background

The current submission follows the refusal of 20230716 which was an application for a non-material amendment to planning permission reference number 20211056 relating to variation to garage layout and home office.

Under 20211056 the approved garage was granted consent based on the below dimensions and layout.



Upon a recent site visit it was noted that the entire site curtilage had been enclosed with close board fencing and a sliding electric gate, the garage/home office had been partially constructed.





Procedural matters

It is evident from the site visit that the current situation on site with regards to the boundary fencing and sliding gate has not been correctly shown on the submitted plans and that the permission granted under 20211056 has not been correctly implemented.

The boundary fencing and subsequent visibility splays do not form part of this proposal however given that there will be an area of hardstanding to the front of the garage and a parking space is shown on this current proposal this has evidenced the intention of vehicular parking on this area and so there is a requirement to demonstrate this section of parking complies with highway safety, however this would require a separate application as this application relates solely to the retention of a garage and home office only.

Character and Appearance

The application property is a detached house situated on a generous plot. The property has been extended and modified in recent years including an increase in the overall roof height to allow for the creation of additional bedrooms in the roofspace. The rear garden alongside the garden of other neighbouring properties were sold in recent years to allow for the creation of five properties to the rear, now known as Readers Close.

The properties are accessed via a private road which runs to the side of the application property. There is a private road to access the properties in Readers Road and the garage.

The applicant was recently refused permission to erect a detached garage, with car port and office/garden room under permission reference 20210287. The main reasons for refusal were the detrimental loss of impact to a nearby property. The applicant then went on to submit a further application under 20211056 which reduced the scale of the building and made a significant reduction in the roof height, the application was then permitted subject to the below conditions.

Prior to bringing into use of the garage herein approved, vision splays of 2.0m x 2.0m shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6m above carriageway level shall be permitted within the splays thereafter.

Reason: To safeguard highway safety in accordance with Policy CS11 of the Core Strategy 2014.

4. *Notwithstanding the provisions of Article 3, and Part 1 Classes A and G of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended, or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, with or without modification, no window, door or other form of opening other than those on the approved plans shall be formed in any elevation of the Garage/Office hereby permitted.*

Reason: In order to protect the amenity and privacy of the occupants of the neighbouring properties in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

5. *The garage hereby permitted shall be used only for the accommodation of a private motor car or cars for the residential occupants of, or for uses ordinarily incidental to the enjoyment of, 196 Lower Higham Road Gravesend, Kent DA12 2NN as a private dwellinghouse and for no other purpose and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to that Order in any statutory instrument revoking and re-enacting that Order, with or without modification, shall be carried out on the site in such a manner or in such a position so as to preclude vehicular access into the garage. For the avoidance of doubt the building shall not at any time contain any primary living accommodation or be sold, parted, let or exchanged as a separate unit of living accommodation and no trade or business shall be carried on therefrom.*

Reason *In order to restrict the use/occupancy of the outbuilding and to ensure that the development is in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).*

6. *The outbuilding as hereby permitted shall ensure that the garden curtilage is fully enclosed and all garden boundaries are maintained and that there is no encroachment on to any adjoining property; for the avoidance of doubt any proposed garden boundaries must be enclosed by timber fencing to a height of 2m above the existing ground level of the site before the outbuilding hereby permitted is first occupied.*

Reason: *In order to protect the amenity and privacy of the occupants of the neighbouring properties and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).*

The current proposal seeks to convert part of the garage into a storage area. In terms of design the proposal would not result in any significant alterations as the proposed use of materials and footprint of the outbuilding is shown as being retained in line with permission 20211056.

The large garage door for the double garage would be replaced with a smaller opening to accommodate a single parking space and the rest of the area rendered.

In terms of design the proposal is deemed to be acceptable and compliant with the requirements of CS19 Local Plan Core Strategy 2014.

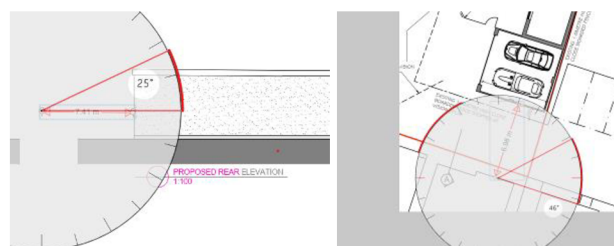
Amenity of Future Occupiers

Post development the garden has sufficient space to comply with the council's technical standards and so there are no concerns in this regard as the proposal adequately safeguards the amenity of future occupiers. The proposal therefore complies with CS19 Local Plan Core Strategy and SPG2 – Residential Layout Guidelines (2020).

Neighbouring Amenity

The proposal has been subject to several objections of some of the points raised are non-planning matters and cannot be considered as part of the planning process.

In terms of loss of light and outlook below is an extract from 20211056 which demonstrates that the proposal would not result in any detrimental loss of light or outlook to neighbouring properties.



The garage is not liable to affect light or privacy to surrounding occupiers due to the path of the sun and there are no windows or openings which directly look upon surrounding properties. In order to further maintain privacy a condition was imposed to ensure that there are no further window or door openings which could impact neighbours' privacy were allowed unless prior planning permission was obtained.

The revised proposal is therefore compliant with CS19 Local Plan Core Strategy and SPG2 – Residential Layout Guidelines (2020) and adequately safeguards neighbouring privacy.

Parking and Highways

The Council's adopted design guidance states:

Garages

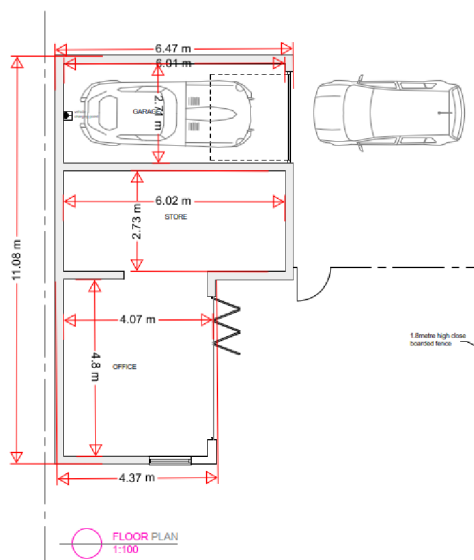
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Preferred Garage Size for Two Cars	5.5m (length) x 6.0m (width)

Where it can be demonstrated that cycle parking is provided elsewhere width of garage can be reduced.

As can be seen from the below measurements the garage will be approx. 2.7m wide and approx. 6m deep, whilst there is sufficient depth the garage is considered to be below the Council's minimum standards and is not fit for purpose to accommodate off road parking provision.

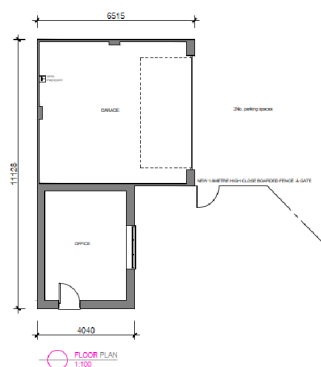


It is noted that the highways officer has commented regarding the fencing and subsequent loss of visibility splays, however as this application is only concerned with retention of the garage/home office the boundary fencing cannot be used as a reason for refusing the application as it relates to the **garage/home office only**.

The main dwelling has never had any onsite parking provision and the Council cannot make the applicant create a parking space within the outbuilding structure. However where there is a parking area proposed it is important it complies with highway safety even where this forms permitted development.

Whilst the proposed plans do show an additional parking space to the front of the garage it should be noted that this does not form part of this application. It should however be noted that the permission granted under 20211056 does require any parking areas to provide adequate visibility splays in the interest of highway safety.

Given the substandard size of the garage this cannot be assessed as a parking area as a vehicle may enter the garage but it would be near impossible to open doors and enter/exit the vehicle. Due to there not being any specific requirements to require on site parking provision the applicant is able to omit the parking its entirety. Based on this submission it is likely the garage will be used for storage purposes only and whilst it should be described as a storage area only, the council cannot prevent the applicant from parking a very small vehicle in it.



The proposed alterations to the garage would result in a substandard parking space and is likely to be used for storage purposes only.

Conclusion & Recommendation

The proposed retention of the detached garage and home office is recommended for permission subject to conditions

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Sharon Sahota	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	28/07/2024	Dated:	3rd July 2024

