



Delegated Report

Householder Planning Application

Planning Application No:	20230665
Location:	The Red House, Bowesden Lane, Shorne, Gravesend
Description:	Erection of a granny annexe to provide accommodation ancillary to the existing dwelling.
Applicant:	Mr Martin
Site Visit Date:	6 July 2023

Submitted Documents/Plans

Application form
Drawing no. 001 Rev. A (Block Plan, Location Plan)
Drawing no. 002 Rev. A (Proposed Floor Plan and Elevation)
Planning Statement

Relevant Planning History

Reference	Description	Decision	Decision Date
20010227	Replacement of existing attached garage/storeroom with single storey games/playroom.	Permitted	17.05.2001
19950708	Erection of a car port on the western side elevation and a detached double garage to the west.	Permitted	14.12.1995
19810496	Erection of stable and tack room at the rear	Permitted	29.06.1981

Development Plan

Gravesham Local Plan Core Strategy (2014)

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

Gravesham Local Plan: First Review (1994)

- C13 – Extensions to Dwellings in the Countryside
- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards

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 (2023)

- 2 – Achieving sustainable development
- 9 – Promoting sustainable transport
- 12 – Achieving well-designed and beautiful places
- 15 – Conserving and enhancing the natural environment
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Supplementary Planning Guidance

- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 (2020)
- SPG4 – KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)
- Kent Downs AONB Management Plan 2021-2026

Consultations, Publicity and Representations

External Consultees

Dickens Country Protection Society

The Society would wish to object to this application on the grounds that the site is in an area within which Green Belt policies [apply] and the North Downs Area of Outstanding Natural Beauty.

New dwellings should only be permitted in very special circumstances and no special circumstances have been put forward to warrant overriding Green Belt policy.

The proposed annex is relatively large and, whilst no kitchen is shown, this could easily be accommodated within the proposed envelope allowing the building to be used as a separate dwelling.

If consent is granted the Society would suggest that conditions should be imposed making the building ancillary to the main dwelling and not to be separately occupied.

Shorne Parish Council

The Parish Council has to OBJECT to this application, for the reasons/comments given below:

- The property is located in the Green Belt and Area of Outstanding Natural Beauty where new buildings would not normally be permitted due to adverse impact on openness and landscape.
- The application terms the proposed building as a “Granny Annexe” but otherwise there is no supporting information provided that would justify setting aside protective policies.
- The proposed building is large, dimensions are not marked on the plans but appear to be 7m wide by nearly 13m long. There is additionally a small patio.
- The building has a full bathroom and spare space that could easily be used as or adapted to provide a kitchen area. As such it is capable of being used as separate living accommodation, which would not normally be permitted.
- Being located behind the garage, with a combination of the fall in land levels and the screening trees it should not be visible from the roadway.

- If however to be permitted, conditions should be attached that the building is only an annexe ancillary to the main property, and cannot be used as self-contained living accommodation or as a separate dwelling, or for operating a business.

KCC Biodiversity

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us including aerial photographs (most recent being dated May 2022) and biological records, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.

The proposals include the addition of a residential structure and hardstanding to the site which will result in the loss of greenspace. Habitats and features including lowland deciduous woodland priority habitat and grassland lie within/immediately adjacent to the proposed building footprint, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. The red line building also includes the area of priority habitat woodland to the south. There are records for great crested newt (GCN), badger and common lizard for the surrounding area. The site lies within the Amber Risk Zone for GCN; a pond lies 140m from the site and the adjacent woodland habitat provides high suitability habitat for GCN. As such, an Ecological Impact Assessment (EcIA) should be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines.

The EcIA will include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and results of any additional surveys undertaken;
- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EcIA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of ODPM 06/2005 which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

The EcIA will also ensure alignment with the National Planning Policy Framework (NPPF 2023) and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2023,) biodiversity should be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2023, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged. The latest biodiversity metric can be used to demonstrate a measurable biodiversity net gain.

PRIORITY HABITAT

The development entails potential impacts to a ‘habitat of principal importance’, or priority habitat, as listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Paragraph 84 of the ODPM Circular 06/2005 states that “...potential effects of a development, on habitats or species listed as priorities... ..are capable of being a material consideration in the preparation of regional spatial strategies and local development documents and the making of planning decisions”.

To enable the local planning authority to fully consider the impact the proposed development will have there is a need for this habitat to be considered as part of an Ecological Impact Assessment (EcIA) for the site. This could include a botanical survey of the site, alongside any proposals for relevant mitigation/compensation for the habitat loss. This information should be submitted prior to determination of the planning application.

Currently, we advise that there is insufficient information submitted to enable the local planning authority to fully consider the impact on the habitat of principal importance.

NORTH KENT SITES

The development includes proposals for a new dwelling / holiday accommodation within the zone of influence (6km) of the Thames Estuary and Marshes Special Protection Area, and Wetland(s) of International Importance under the Ramsar Convention (Ramsar Site). Gravesham Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full Appropriate Assessment is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is still a need for an appropriate assessment to be carried out as part of this application.

Internal Consultees

GBC Highways

The property benefits from an excess of car parking spaces, no highway objections to an ancillary use.

Neighbouring properties

The application has been advertised by individual neighbour letters to 2 properties and on site. The overall consultation period expired on 4 August 2023.

One letter of representation has been received, with the following comments:

- It is stated The Red House is on mains sewage/surface water but this is not necessarily correct.
- Agree with Shorne PC's views.
- If the application is permitted, it will set a precedent and it is already a very busy lane.

The Kent Downs AONB Management Unit and Local Ward Councillors were also consulted and no responses were received.

Officer's Analysis

Proposal

This application seeks permission for the erection of a granny annexe to provide accommodation ancillary to the existing dwelling.

The annexe will be located to the rear of the dwelling, behind an existing detached garage:

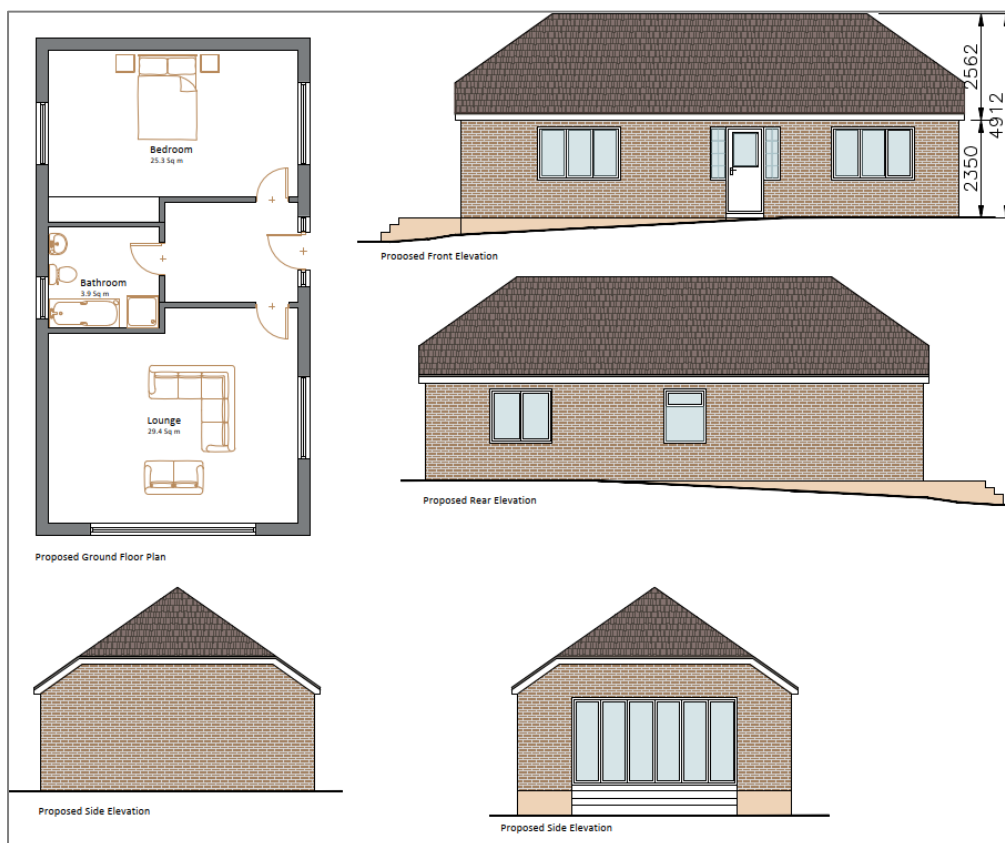
Proposed Block Plan:



The annexe will have an external footprint of approximately 12m by 6.6m with a height of 2.3m to eaves and 4.9m to the top of the barn hipped roof. The building will be of red brick construction with a tiled roof.

It will contain a bedroom, bathroom and lounge.

Proposed Plans and Elevations:



A supporting statement has been submitted, confirming that the proposed outbuilding will be occupied by elderly relatives of the occupant and that there is no intention to let it as a separate dwelling. The Statement also confirms that the site was chosen as the boundaries have well-established tree screens and hedging and will not be seen from outside the site.

Principle Issues

The application site is located in the countryside, outside any rural settlement and in the Green Belt. It is also within the Shorne Woodland Landscape Character Area and a Biodiversity Opportunity Area. Taking into account these designations, the main issues to consider in the determination of this application are the principle of the development in the Green Belt, and the impacts on landscape character and in particular on the National Landscape, on residential amenities, on highways and on biodiversity.

Principle of Development in the Green Belt

The Red House is a detached dwelling in a generous plot surrounded by woodland, with a detached garage to the side of the property and a large driveway to the front of the house. The site lies in the Green Belt, outside the rural settlement boundary of Shorne.

The Red House from current Google Earth Image:



Policy CS02 of the Core Strategy 2014 prioritises development in the urban area as a sustainable location for development. In the rural area it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Core Strategy 2014.

Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 142 of the NPPF 2023). Paragraph 152 of the NPPF 2023 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

There are no specific NPPF or local plan policies that relate to the creation of annexe accommodation at existing dwellings. As such, it is necessary to consider the general policies that relate to development in the Green Belt. Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt (paragraph 154 of the NPPF 2023) but there are certain exceptions. These exceptions are set out in sub-paragraphs 154(a) to 154(g). In the case of this proposal, sub-paragraph 154(c) identifies the extension or alteration of a building provided that it does not result in disproportionate additions over and

above the size of the original building. In addition, sub-paragraph (g) identifies limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.

Saved Policy C13 of the Local Plan 1994 relates to extensions to dwellings in the countryside, and generally seeks to maintain the open character of the Green Belt and retain a stock of rural dwellings of modest size. In relation to this proposal, criteria ii) states there will be an overall limit of one third of the gross floor area of the original dwelling prior to any later extension or alteration, unless the increased floorspace has no overall effect on the existing bulk and appearance of the dwelling. Criteria (vii) is also relevant, which states that proposals for domestic garages and for other outbuildings will be considered on their individual merits but will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot.

As saved Policy C13 pre-dates the NPPF, the weight attached to the policy must be considered carefully, with greater weight being given where the approach is consistent with paragraph 154 of the NPPF. The main aspects of the policy, however, are broadly in line with the NPPF and should therefore be afforded due weight.

It is acknowledged that there is case law (most notably *Sevenoaks District Council v Secretary of State for the Environment and Dawe* 1997) that establishes that a domestic outbuilding may be regarded as an extension to a dwelling provided that it forms a 'normal domestic adjunct'. In considering whether a proposal is considered to be a normal domestic adjunct, consideration is given to location and use in relation to the main dwelling. The proposed annexe would be used for additional accommodation for the host dwelling for direct relatives and would be within its curtilage with a close visual relationship to it (located approximately 8m away), and so it is considered that it would be grouped with the main dwelling. Therefore, the proposed annexe could be regarded as an extension to the dwelling for the purposes of paragraph 154(c) of the NPPF 2023.

In this case, as such, it falls to be considered whether the proposed annexe is a disproportionate addition to the dwelling.

As can be seen from the planning history above, there have already been additions to the property, including the erection of a detached garage on the western side of the main house in 1995. This would not at the time, however, have been considered as a 'domestic adjunct'. An existing link attached garage/store on the eastern side of the property was also replaced as a games/playroom following permission in 2001, extending the original floorspace of the property.

The current external footprint of the dwelling (excluding the existing garage) equates to approximately 158m². This includes the linked addition at the eastern side of the property. With the existing detached garage, the external footprint of the dwelling equates to 213m². Including all the existing built form of the dwelling, and with the external footprint of the proposed annexe (79m²), the proposed built footprint would increase to 292m².

	Original gross external floor area (m²)	Gross external floor area (m²) post-1948 extensions	Current proposed gross external floor area (m²)	Difference in gross external floor area between original and proposed (m²)
Dwelling	109	213	292	134
Attached games/playroom	49			
Existing detached	55			

garage				
Proposed annexe	79			
Percentage		<u>>26%</u>	<u>>27%</u>	<u>>46%</u>

This equates to almost double the size of the original dwelling and therefore would not amount to a proportionate addition to the original dwelling.

The NPPF 2023 is clear that the construction of new buildings is inappropriate development in the Green Belt unless it is for one of the excepted forms of development set out in paragraph 154. The proposal is not considered to form an exception, and consequently, it is considered harmful to the openness of the Green Belt. There are no very special circumstances to justify such a development and to override the harm.

Impact on Openness

Paragraph 142 of the NPPF 2023 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence. Paragraph 001 of the Planning Practice Guidance 2019 on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development, its duration and remediability, and the activity levels generated.

As established above, the application proposal, by its size, would involve an inappropriate form of development at the application site that would erode the openness of the Green Belt.

The application site can be described as previously developed land as it is part of an existing residential site. As the proposed development would not provide affordable housing, the proposal can also be judged against the first part of paragraph 154(g) of the NPPF 2023, which seeks to prevent a greater impact on the openness of the Green Belt than the existing development on a site. In this case, the proposal is considered as inappropriate development but its impact on the openness of the Green Belt must be also assessed.

The proposed annexe will introduce a large, permanent building into what is currently open space, and this will clearly reduce and cause harm to the openness of the Green Belt in this location. The development is therefore clearly contrary to the requirements of paragraph 154(g) of the NPPF 2023 and would be an inappropriate, harmful development in the Green Belt.

Landscape Character

The application site is also located in the Shorne Woodland Landscape Character Area (LCA) and as such, Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (GLCA) will be taken into account in determining applications.

In relation to the wider Shorne Woodlands Landscape Character Area within which the property sits, the undulating landform and extensive tree cover within this area provides an enclosed character and subsequent low visibility within the area. The overall condition of the landscape is good and has moderate sensitivity. It is recommended that key landscape elements should be conserved and reinforced, including the wooded character of the area.

The Red House is set well back from the road within an extensive wooded setting. It cannot be seen from any public view and therefore the impact on the wider landscape character from the proposal would be limited and very localised, being in the rear garden of the property. On this basis, the proposal would not result in an adverse visual impact on landscape character.

Overall, it is considered that the proposed annexe would conserve the rural landscape context of this site within the Shorne Woodlands Landscape Character Area. As such, the proposal would comply with the

relevant requirements of Policies CS02 and CS12 of the Core Strategy 2014, and paragraphs 135 and 180 of the NPPF 2023.

Design

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 135 of the NPPF 2023 sets out various design requirements and includes the need for development to add to the quality of an area, be visually attractive, and sympathetic to local character and history.

Policy CS19 of the Core Strategy 2014 requires new development to be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area. In particular the design of new development should be derived from a robust analysis of local context and character and make a positive contribution to the street scene and the character of the area.

As referenced above, saved Policy C13 of the Local Plan 1994 specifically states that proposals for outbuildings in the countryside are required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot.

Whilst the design of the proposed annexe alone is not unacceptable and it is sited discretely behind the house, at 12m by 6.6m, and up to 5m high, the building would appear overly large in relation to the footprint of the main dwelling and would introduce new built development on a currently undeveloped area of the plot. It would unacceptably further urbanise the application site.

Overall, it is considered that the proposed development would be excessive in size and detrimental to the character and appearance of the property. The proposal would be contrary to the requirements of Policies CS12 and CS19 of the Core Strategy 2014 and saved Policy C13 of the Local Plan 1994.

Residential Amenity

The NPPF 2023 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). 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.

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 plot size is so generous. 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 would be no kitchen so it would not adequately serve as an independent self-contained unit of accommodation on a long-term basis. There could be issues over the size of the accommodation being inadequate and there would also be likely to be privacy issues between the properties on the site and potentially inadequate amounts of amenity space.

However, a proposed condition restricting the annexe as ancillary accommodation related to the existing main dwelling would help prevent any such impacts on amenities. A condition restricting the physical subdivision of the plot with fencing etc. would also be appropriate. Such conditions should be imposed should permission be forthcoming.

Neighbouring Properties

There are no neighbouring residential properties within close proximity of the site that would be affected by the proposal. Overall, the proposal would therefore safeguard the amenities of neighbouring properties, and as such, would comply with Policy CS19 of the Core Strategy 2014 and paragraph 135(f) of the NPPF 2023.

Parking and Highways

Whilst the proposal would increase the number of bedrooms at the property, there is more than adequate space for parking on the site.

However, as no spaces are allocated, the conversion would only be acceptable if it is ancillary to the occupation of the main dwelling. This would be ensured by the proposed restricted ancillary use condition discussed above. On this basis, it is therefore considered that there would be no adverse parking or highways impact from the proposal. The proposal would comply with Saved Policy P3 of the Local Plan First Review 1994 and Policy CS19 of the Core Strategy 2014.

Any Other Material Planning Considerations

Biodiversity

In considering biodiversity impacts, regard should be paid to conserving biodiversity in line with the Council's duty under Section 40 of the Natural Environment and Rural Communities Act 2006 and paragraph 180(d) of the NPPF 2023, which seeks to ensure that decisions contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. It is noted that Policy CS12 of the Core Strategy 2014 (which seeks to secure no net loss of biodiversity) is out of step with the more recent policy approach in the NPPF, which makes specific reference to the need to provide net gains. However, Policy CS12 does seek opportunities to enhance, restore, re-create and maintain habitats within new development.

The proposals include the addition of a residential structure and hardstanding to the site which will result in the loss of greenspace. Habitats and features including lowland deciduous woodland priority habitat and grassland lie within/immediately adjacent to the proposed building footprint, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. The red line building also includes the area of priority habitat woodland to the south. There are records for great crested newt (GCN), badger and common lizard for the surrounding area. The site lies within the Amber Risk Zone for GCN; a pond lies 140m from the site and the adjacent woodland habitat provides high suitability habitat for GCN.

No ecological information has been submitted with this application, including details of mitigation/compensation for habitat loss. In the absence of this, the ecological impacts of the development cannot be adequately assessed, and this would be contrary to the requirements of Policy CS12 of the Core Strategy 2014 and paragraph 180 of the NPPF 2023.

Conclusion and Recommendation

The size of the proposed annexe would be inappropriate in the Green Belt as a disproportionate addition to the original dwelling and harmful to openness, with no very special circumstances to outweigh the harm to the Green Belt in this case. Furthermore, in design terms and with a lack of ecological information, the application should be refused on the following grounds:

1. The proposed detached annexe is considered to comprise an inappropriate development in the Green Belt that would introduce built development into an area of open garden, causing permanent detriment to the openness of the Green Belt. There are no very special circumstances that exist that would outweigh the harm resulting from the proposal by reason of inappropriateness, or any other harm. The

development is therefore contrary to the requirements of Policy CS02 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 11, 124, 143, 152, 153 and 154 of the National Planning Policy Framework 2023.

2. The excessive size of the proposed detached annexe would be out of keeping with the character and appearance of the property. As such, the proposal would fail to comply with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014, saved Policy C13 of the Gravesham Local Plan 1994 and paragraph 135 of the National Planning Policy Framework 2023.
3. In the absence of sufficient ecological information in the form of an Ecological Impact Assessment, including mitigation/compensation and enhancement measures, it is unclear whether there would be adverse ecological impacts from the proposed development, contrary to the requirements of Policy CS12 of the Gravesham Local Plan Core Strategy 2014 and paragraph 180 of the National Planning Policy Framework 2023.

(For reasons for refusal, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	12 June 2024	Dated:	14th June 2024