

Delegated Report

Application No: 20220543

Location: Shorne Mead, Pear Tree Lane, Shorne, Gravesend

Description: Proposed engineering works to rear garden creating retaining walls to sloping site.

Applicant: Mr Gavin Coward

Site Visit Date: 8 June 2022

Submitted Documents/Plans

The application comprises the following documents and plans:

Application form

Drawing no. 3262-003 (location and block plans)

Drawing no. 3262-013 rev A (existing and proposed garden elevation)

Drawing no. 3262-012 (existing garden)

Drawing no. 3262-001 rev D (proposed plans)

Details of the wall

Relevant Planning History

20220788	Single storey rear extension with a depth of 8.00 metres, maximum height of 3.75 metres and eaves height of 2.35 metres.	Refused	12.07.2022
20181314	**REVISED PLAN** Alterations to existing garage to provide garage and annex accommodation incorporating increase in roof height, two dormer windows in the front roof slope and Juliette balcony on the north-west elevation to provide for ancillary accommodation, including a garden room with tea point at ground level and gym and games room accommodation above	Permitted	27.02.2019
20170496	Demolition of existing garage and erection of a detached two storey annex and garage incorporating a dormer window in the front roof slope and Juliette balconies on the	Refused	20.03.2018

	north-west and south-east elevations.		
20140811	Construction of a new roof over existing garage incorporating an increase in the height of the building, two dormer windows in the front roof slope and a Juliet balcony on the north-west side elevation to provide for gym, games room and w.c./changing facilities in the proposed roof space.	Permitted	14.10.2014
20060164	Erection of single storey rear infill extension to form enlarged kitchen/diner.	Permitted	07.04.2006
19970317	Construction of new pitched roofs over existing garages/boat port, incorporating dormer window in proposed front roof slope and infilling of central boat port to form garage.	Permitted	21.08.1997
19840557	Erection of a two storey extension at the side to form a dining room with bathroom over	Permitted	10.08.1984
19830673	Change of use of land from woodland to residential garden and alterations to vehicular access	Permitted	19.12.1983
19780438	Erection of a single storey extension to form an enlarged kitchen childrens playroom and a new boiler room at the side of dwelling	Permitted	21.06.1978
19590307	erection of loose box and tack room	Permitted	10.11.1959
19560253	Extension to lounge	Permitted	09.01.1957
19510230	Additions	Permitted	01.02.1952
19510046	Erection of a private garage	Permitted	09.05.1951
19480125	erection of a garage	Permitted	04.03.1949

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development

- CS12 – Green Infrastructure
- 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

Other material considerations

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Dickens' Country Protection Society

The Society would wish to raise an objection on the grounds that this is a delayed retrospective application in the Green Belt for significant engineering works, disrupting the land and other development immediately adjoining protected woodland.

Shorne Parish Council

The Parish Council OBJECTS STRONGLY to this retrospective application, with the following reasons and comments:

1) *Retrospective application:*

The Parish Council notes that this application, very regrettably, is retrospective. The applicant continued work (at personal risk) for over a year after having been informed by GBC that a planning application was needed, in disregard of the planning system that exists to protect areas and residents from inappropriate development.

2) *Incorrect description and plans, information lacking:*

The works shown on the plans also include creating a very large “pond”, with associated and

other patio areas, and several outbuildings, these have not been included in the application description.

The exact nature and proposed uses of all the outbuildings is not made clear on the plans. The “existing plan” is with works nearly complete, not before the works started.

The revised “Garden Elevations” plan shows that there is a structure with a chimney, partly excavated into the hillside, at the midway patio area, this is not shown on the “Engineering Works” plan.

The “pond” has no plantings and appears to be purposed for swimming but there is no information about any intended treatment or heating of the water.

There is no information about exterior lighting, this needs to be provided.

There is no landscaping/planting plan, this needs to be provided, including for the “pond”.

There is no information about drainage, and especially foul water/sewerage arrangements, this needs to be provided.

3) *Incorrect curtilage on plans:*

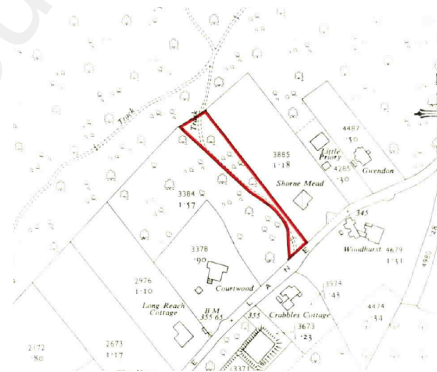
The residential curtilage shown on the plans is incorrect in several ways.

The residential curtilage of Shorne Mead is as defined on Land Registry plan ref K355819, an approximate oblong shape. West of that is another plot of land, presumably now in the ownership of the applicant, which is not residential being a former access track to Court Wood, registered as “Land adjacent to Shorne Mead” under title K553730, this should be outlined in blue.

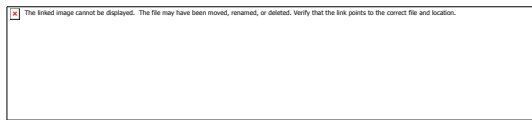
Works have extended onto this non-residential land.



*Residential Curtilage of Shorne Mead
K355819*



*Land adjacent to Shorne Mead
K55373*



No other land in the ownership on the applicant is indicated however there is a double gate opening shown into Court Wood, the purpose of this should be clarified.

4) *Green Belt etc location and appropriateness:*

The property is located in the Green Belt and the Shorne Woods Special Landscape Area, and is immediately adjacent to the Court Woods SSSI.

It has also been noted that spoil has been deposited into the woodland, and this should be removed.

5) *Excessive nature of works, setting of precedents*

The sloped site was previously grassed with trees and shrubs down to a tennis court (constructed around 1990) at the lowest level, immediately adjacent to Court Woods SSSI.

The original soft landscaping was appropriate for the area, whereas the proposals presented include excessive, visually intrusive hard landscaping (including gabion walls over 3m high and 2m deep) and are inappropriate in nature for a Green Belt, semi-rural area.

Should this application be permitted it would set a very unfortunate precedent allowing other residents to also introduce inappropriate, excessive hard landscaping.



Google Earth, April 2020

6) *Water and drainage issues*

The site is located within drinking water Groundwater Protection Zone 3. Together with the large amount of hard landscaping proposed, concerns arise over run off in general and overspill from the pool if chemically treated.

The plans and pictures show a variety of large drainage pipes built into the works, including two near the pond, also manhole covers and other rainwater pipes.

If the “pond” is to be only a wildlife pond, then it is an improvement on the previous tennis court. However any intended use for swimming, and any proposed filtering, chemical treatment and heating of the “pond” to enable this requires clarification as do arrangements for drainage if that should be required.

The revised drainage arrangements for the whole site, and especially for foul water/sewerage, need to be clarified.

7) *Overdevelopment:*

Viewing this application in the context of the near 100% extensions that have already been added to the house, (plus further extension is currently proposed under ref 20220593) and the enlarged garage that has residential uses, overall we consider that the site is being seriously overdeveloped in a way that is harmful to the Green Belt and the local landscape. No further development of any sort should take place without planning permission.

Summary:

In summary, the Parish Council OBJECTS STRONGLY to this application and *requests that the proposals should be refused planning permission*, followed by the taking of all appropriate enforcement actions.

Neighbouring properties

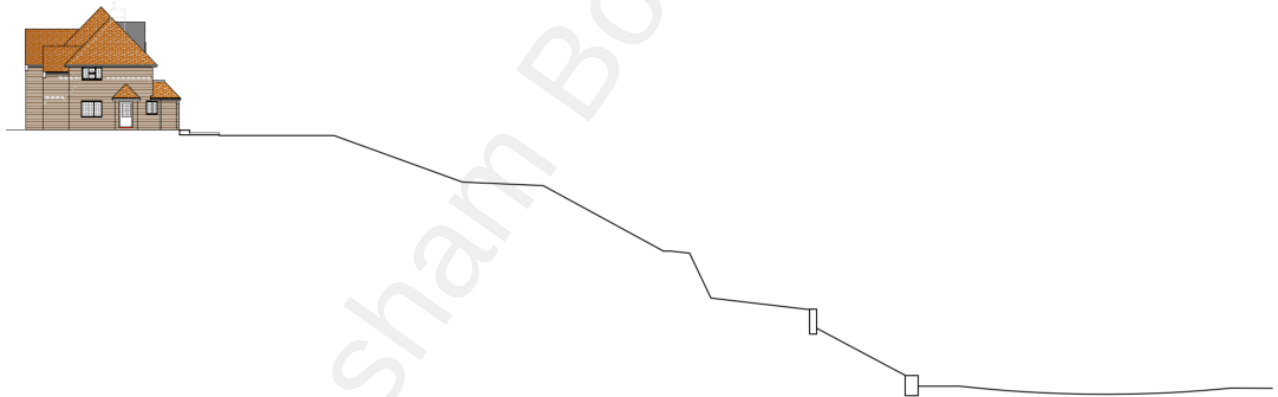
The application has been advertised by site notice and individual letters to four neighbouring properties. No letters of representation have been received.

Analysis

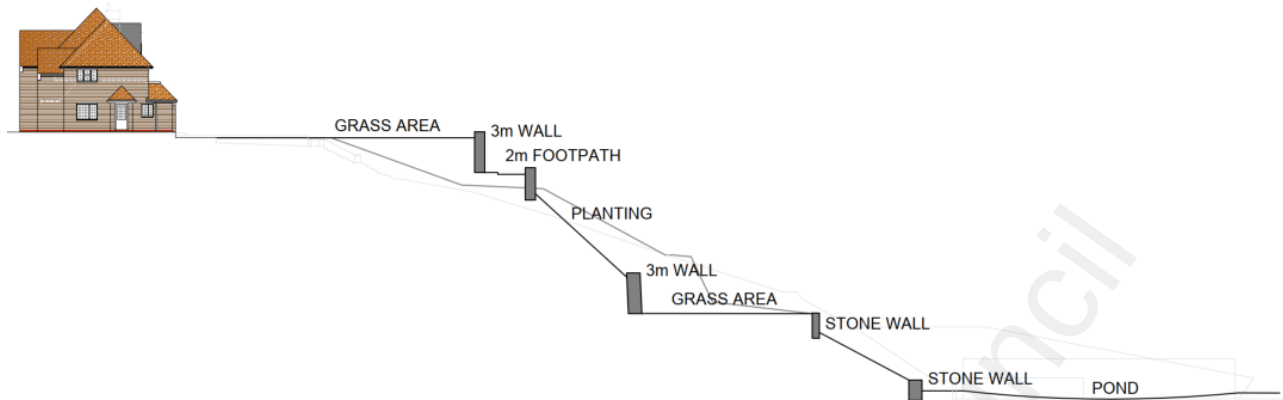
Proposal

This application seeks planning permission for engineering works to rear garden creating retaining walls to sloping site.

The previous land levels are shown below:



The proposed changes to the land levels are shown below:



The plans show retaining walls dividing the garden into different levels and an area of seating in the middle with an outdoor fireplace. At the bottom of the garden where there was once a tennis court is now a pond.

Procedural matter

A query has been raised about the curtilage of the property. Planning application no. 19830673 granted permission for the change of use of land from woodland to residential garden and alterations to vehicular access. This essentially incorporated the two parcels of land that are mentioned by Shorne Parish Council into the garden area of the property. The permission removed permitted development rights for outbuildings and the removal of trees. This current application is only for the change in land levels and the outbuildings will be investigated separately and, for the avoidance of doubt, an informative will be added to the decision notice confirming the application is only for the land level changes.

Character and Appearance

Shorne Mead is a large detached single family dwelling located in the Metropolitan Green Belt adjacent to woodland covered by an Article 4 Direction titled Court Wood – Ar/97/5 and a biodiversity opportunity area. The site is within the Shorne Woodland Landscape Character Area. The dwelling has been extensively extended and the plot currently benefits from a large triple garage with an area for storage in the roof space which is accessed via a large driveway, suitable for the parking of approximately six cars. There is a large front garden and extensive rear garden. This was a sloping site that finished at the bottom with a tennis court at a much lower level.

Green Belt

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para. 150 of the National Planning Policy Framework 2021 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes engineering operations. As the vast majority of works involve excavating into the slope rather than building out the changes in levels are not considered to impact on the openness of the Green Belt and therefore do not conflict with the purposes of including land within it.

Shorne Woodlands

The application site is located within the Shorne Woodlands Landscape Character Area. The key characteristics are undulating topography and woodland. The condition is good and sensitivity is moderate.

The rear garden backs onto a woodland and is not visible from any vantage point. The woodland to the rear is protected, and there is a condition on the garden land that no trees are to be removed at Shorne Mead:

(iii) No trees on the land shall be lopped, topped or felled without the prior consent of the District Planning Authority.

It appears from google maps (below) that the rear garden was recently quite wooded and trees have been removed. It is not entirely clear which ones and, given that this work has now been undertaken:

2020:



2022:



The applicant has undertaken engineering works to create different levels in order to make the garden more useable. These works are extensive however, the site is large and the land level

drops are considerable.

The government attaches great importance to biodiversity. Para. 174 (d) of the NPPF states that planning decisions should minimise impacts on, and provide net gains for, biodiversity. Policy CS12 of the Gravesham Local Plan Core Strategy 2014 states that there will be no net loss of biodiversity in the Borough and opportunities to enhance, restore, re-create and maintain habitats will be sought. It is clear from the photos above that biodiversity has been lost to the development and therefore a condition is recommended that a landscaping scheme be submitted including measures to promote biodiversity and replace those trees that have been lost with suitable specimens at a ratio of 1:2. The landscaping must include the retention of the planting along all the boundaries, and to the front of the gabion walls to soften their harsh appearance.

Unlike the neighbouring property at Springhill, the land level changes have been applied to the whole garden. However the platform areas are not on the whole higher than the original land level but have been excavated into the slope rather than protruding out, with retaining gabion walls.

Although the property is situated within the Green Belt and the Shorne Woodland Landscape Character Area, and despite the modern appearance of the garden, the garden has not been overly landscaped beyond how it appeared before works were undertaken. There remains a significantly sized lawn area and additional planting is yet to be implemented. Once planting takes place and, considering the garden is not visible from a public vantage point, the re-landscaping and subsequent engineering operation is not considered detrimental to the character and appearance of the property or its integration into the wider area.

The landscape character guidelines are to conserve and reinforce the wooded character and the ecological interest of the woodland. Subject to a landscaping condition, the proposals accord with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021

Amenity of Future Occupiers

The re-landscaping of the rear garden essentially creates more usable amenity areas to the rear garden, which is a positive change for future occupiers.

Neighbouring Amenity

Due to the new retaining walls and resultant platform areas, it is important to ensure that these do not result in any overlooking or loss of privacy to the neighbouring properties.

As already stated the majority of the newly created platform areas have been built into the sloping topography and do not project out. As such, there is no increased overlooking to the neighbouring properties. There are no changes to the land level immediately to the rear of the property and therefore the overlooking situation between Shornemead and Little Priory remains the same. There is high boundary treatment between Shornemead and Springhill and a condition can be applied to ensure this remains. Again, the land levels are not being changed immediately to the rear of the house and therefore the overlooking situation remains the same.

No objections have been received from any surrounding resident.

It is therefore considered that the landscaping and resulting platform areas are acceptable and safeguard neighbour amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

Parking and Highways

The proposals will not result in any additional bedrooms or the loss of off road parking and therefore no objections are raised in terms of parking or highway safety.

Conclusion

The proposed works are considered appropriate in the Green Belt, will have no significant impact on the landscape character, amenity, parking or highway safety and therefore accord with the abovementioned Policies and are recommended for approval.

Recommendation:

Permit

See draft Decision

Case Officer: AW	Team Leader: Faye Hobbs
Signed: 	Signed: 
Dated: 20 July 2022	Dated: 20 July 2022