



Delegated Report

Householder Planning Application

Planning Application No: 20221000

Location: Le Courtillet Rhododendron Avenue Meopham Gravesend

Description: Erection of a double detached garage at the front of property with office space and dormer window in roof

Applicant: Mr Nicholas Brearley

Site Visit Date: 06 October 2022

Submitted Documents/Plans

Householder Planning Application form;
Drawing no. AL100 Rev. C Existing and proposed block plans and location plan; and
Drawing no. AL101 Rev. A Proposed layout and elevations.

Superseded Documents/Plans

~~Drawing no. AL100 Rev. A Existing and proposed block plans and location plan; and~~
~~Drawing no. AL100 Rev. B Existing and proposed block plans and location plan.~~

Procedural issues

Following a request from the case officer, the applicant confirmed that the proposed office would be used for home working only (in an email dated 03 October 2022).

It is noted that the proposed block plan was amended on two occasions to accurately reflect the proposed access arrangements.

Relevant Planning History

Reference	Description	Decision	Decision Date
20130457	Increasing the height of the roof of the bungalow to provide habitable accommodation in the roofspace.	Permitted	29.07.2013
19960012	Application for the approval of brick and tile sample as required by condition (ii) of planning permission ref no. GR/95/307W.	Approved	16.01.1996
19950307	Erection of detached bungalow.	Permitted	31.07.1995

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network
- TC7 – Other Archaeological Sites
- C13 – Extensions to dwellings in the countryside

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)

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

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – nationally described space standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

GBC – Highways Officer

Initial response:

I have no objections there are no highway implications, as there is adequate car parking on site. However, I would question if the garage is to be used as a car parking space, access would appear to be restricted by a tree given the positioning of the block plan.

Response to amended block plan:

The layout looks viable, I have no objections.

Meopham Parish Council

The Parish Council objects to this planning application as the proposed development is inappropriate given its excessive bulk and height.

Neighbouring properties

The application was publicised by a site notice and to eight neighbouring properties by letter. No

representations have been received. The overall consultation period expired on 28 October 2022.

Officer's Analysis

The application site lies within the Green Belt outside the village of Culverstone Green, a rural settlement inset from the Green Belt and identified on the Local Plan Core Strategy Policies Map. The site falls within an area known as the Culverstone Valley Area. While this area has always been subject to Green Belt policy, up until 2014 development within the area was considered against a specific area policy, Policy C14 of the Gravesham Local Plan First Review. Policy C14 and the associated Supplementary Planning Guidance for the Culverstone Valley Area were withdrawn following the adoption of the Gravesham Local Plan Core Strategy September 2014, on the recommendation of the Examination Inspector. From this point, development in this area has been considered against national and locally adopted Green Belt policy, in the same way as other areas within the Borough that lie in the Green Belt.

Policy CS02 of the Gravesham Local Plan Core Strategy (September 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 Local Plan Core Strategy.

The principle issues in the determination of this application are;

- Is the proposed development appropriate in the Green Belt?
- Effect on the openness of the Green Belt
- Effect on the character and appearance of the area - including landscape character
- Other matters
- Very Special Circumstances

Is the proposed development appropriate in the Green Belt?

Paragraph 137 of the National Planning Policy Framework 2021 (NPPF 2021) sets out that the essential characteristics of Green Belts are their openness and permanence and paragraph 138 lists the five purposes that the Green Belt serves. At the application site, the Green Belt assists in safeguarding the countryside from encroachment. Paragraph 147 of the NPPF 2021 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 of the NPPF 2021 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt but lists certain exceptions. These exceptions are set out in sub-paragraphs 149(a) to 149(g). Sub-paragraph 149(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. 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 Gravesham Local Plan First Review (November 1994) relates to extensions to dwellings in the countryside. It sets out a number of criteria that should be met when considering proposals for domestic extensions. As the policy pre-dates the NPPF 2021, the weight attached to the policy must be considered carefully; with greater weight being given where the approach is consistent with paragraph 149 of the NPPF 2021.

In particular, Saved Policy C13 places an overall limit on extensions of one third of the gross floor area of the original dwelling unless the increased floor space has no overall effect on the existing bulk and appearance of the dwelling (criteria (ii)). It also requires the massing, scale and form of any extension to be appropriate to the existing dwelling and the Green Belt setting (criteria (vi)). It is considered that these factors are relevant in determining whether the size of an extension is proportionate and as such, these aspects of the policy are broadly in line with the NPPF 2021 and should be afforded weight.

In relation to garages in the countryside, Saved Policy C13 states that they will be considered on their own merits but will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot. It is considered that these factors are broadly in line with the design approach set out in the NPPF 2021 and so should be afforded weight.

The proposed erection of a garage or another domestic outbuilding does not fall within any of the categories listed in paragraph 149 of the NPPF 2021. However, it is acknowledged that there is case law (most notably *Sevenoaks District Council v Secretary of State for the Environment and Dawe 1997* and most recently *Warwick DC v Secretary of State for Levelling Up, Housing And Communities 2022*) which 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 use for the proposed building would be for parking and as a home office and these uses would be ancillary to the main dwelling. There is a relatively close physical relationship between the proposed garage and the main dwelling (they are separated by some 9.6 metres). Therefore the proposed building would be a normal domestic adjunct and as such, would constitute an extension to the dwelling at the application site.

The original building, for the purposes of assessing whether the proposed development is disproportionate, is the dwelling permitted under application reference 19950307. That original dwelling was extended by the addition of a new roof under planning permission reference 20130457. The 2013 permission did not alter the footprint of the original dwelling, it simply added a first floor, which increased the habitable floor area of the building. The following images are extracts from the approved plans for 20130457;



The application property is currently a bungalow containing habitable accommodation in the roof space. It

has a simple rectangular footprint, a pitched roof with gable ends and a ridge height of some 6 metres. The original floor area of the dwelling was 94.4 square metres. Following the roof extension in 2013, the floor area of the dwelling increased to 154.1 square metres. This represented a 59.7 square metre or 63% increase in floor area above the original building.

It should be noted that the 2013 extension was found to be in line with Policy C14 of the Gravesham Local Plan First Review (1994) and the associated Supplementary Planning Guidance for the Culverstone Valley Area (because the use of roof space to provide habitable accommodation was acceptable in principle, providing the roof design did not add to the bulk or visual impact of the dwelling and the height of the building was 6 metres or less) and was not considered to be detrimental to the openness of the Green Belt.

The proposed development would add a square shaped, two storey, detached garage with a dormer in the roof slope, external stairs and office accommodation in the roof space, to the dwelling. The ground floor of the building would be used for parking and the first floor would be used as a home office and it would have a total floor area of 59.3 square metres. The proposal alone would increase the floor area of the original building by 63% and cumulatively (combined with the 2013 permission) would increase the floor area of the original building by 119 square metres or 126%. This cumulative increase in floor area would be well in excess of the one third limit set out in Saved Policy C13 of the Gravesham Local Plan First Review November 1994. As explained at the beginning of this section, Policy C14 of the Gravesham Local Plan First Review (1994) is no longer applicable.

In terms of the bulk and massing, it is considered that the proposed development would add significantly to the level of built development at the application site. The building would be 6 metres tall with a pitched roof, gable ends and a dormer in the southern elevation. In addition the external staircase and roof above it, would add to the overall size and mass of the building. Therefore it is considered that the proposed development would result in disproportionate additions to the original building at the application site.

The application site forms part of the residential curtilage of the application property and lies outside of any built-up area. As such, it falls within the definition of previously developed land and therefore paragraph 149(g) of the NPPF 2021 is relevant. The proposal would be located on land that is currently essentially free from built development (other than having a partially gravelled surface used for parking) and as such, the proposed outbuilding would consolidate and extend the level of built development at the application site to an unacceptable level and have a significantly greater impact on the openness of the Green Belt than the existing situation.

The proposal does not fall within any of the exceptions listed in paragraph 149 of the NPPF 2021 and it is considered to be inappropriate development in the Green Belt. The proposal is therefore contrary to Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 and to paragraph 149 of the NPPF 2021.

It is noted that Meopham Parish Council objects to the proposal on the grounds that it is inappropriate given its excessive bulk and height, a view which is in line with the Borough Council's assessment above.

Effect on the openness of the Green Belt

Paragraph 137 of the NPPF 2021 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 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 degree of activity levels generated (Reference ID: 64-001-20190722).

There is no specific definition of "openness" in the NPPF, and the concept of what is considered as openness has only really emerged from case law. Effectively, 'openness' is epitomised by the absence of built development (i.e. land that is not built on) and it follows therefore that any new built development is likely to have an adverse impact on the openness of the Green Belt, but whether that impact is greater or

lesser on sites where there is already built development will be dependent on an assessment on a case by case basis. It is a different concept to “visual impact”. Although openness may be considered in a visual sense, the visual impact of a development in the Green Belt may be harmful through the siting, design and materials used. The presence of landscaping or screening may serve to mitigate the visual impact of a development including built development but there might still be an impact on openness.

The development, by its nature, would involve a form of inappropriate development at the application site that would erode the openness of the Green Belt. The proposal would result in large building which is located in a prominent position on the site frontage. As such, the proposal would consolidate and extend the amount of built development at the application site to an unacceptable level. Whilst there is some mature vegetation on the site boundaries, due to the prominent position, bulky design and significant footprint of the proposed building, the proposal would be highly visually intrusive when viewed from public vantage points. Overall, the proposed development would significantly and harmfully impact on the openness of the application site and the Green Belt within which it sits.

This proposal is contrary to paragraph 137 of the NPPF 2021 by its impact on openness and would also conflict with point (c) of paragraph 138 of the NPPF 2021, which seeks to safeguard the countryside from encroachment. Clearly, this proposal would represent an encroachment of development into the countryside, as the site lies outside any settlement boundary.

Effect on the character and appearance of the area

Design, Character and Appearance

The application site is located in the Meopham Downs Landscape Character Area (LCA) and as such, Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 is 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 will be taken into account in determining applications. The Meopham Downs LCA is characterised by a mixture of grazed pasture and arable land, with field shape and size being varied because of the topography of the area. Tree belts and native hedgerows with mature hedgerow trees form distinct boundaries.

The application site is located in a rural area and is surrounded by woodland and dwellings in plots of a similar nature. The plot surrounding the existing dwelling has a significant area of gravelled surfacing and some grass and mature vegetation. As a result the site has a somewhat semi-rural appearance. The proposed development would result in an increase in the amount of built development within an existing residential curtilage but would not adversely affect the overall landscape character of the surrounding area. As such, the proposed development would be in line with Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Policy CS19 of the Gravesham Local Plan Core Strategy September 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.

In relation to outbuildings, the Householder Extensions/Alterations Design Guide (2021) sets out that they should be subordinate in scale to the existing dwelling and plot and should not detract from the character of the area, especially when they will be visible from the street.

The design of the proposed development (except for the proposed dormer window) would be broadly in keeping with the original building and those in its surroundings and the external facing materials would match those which are existing. However due to the excessive size and height of the proposed outbuilding, it would not appear subservient to the scale of the existing dwelling. The proposal would be located in a prominent position on the site frontage, widely visible in the surrounding street scene and include a dormer window that would be out of character with the existing building and those in the vicinity, as well as an external staircase. As such, the proposed development would be contrary to Policy CS19 of the

Gravesham Local Plan Core Strategy 2014 and to the Householder Extensions/Alterations Design Guide (2021).

Other matters

Amenity of Future Occupiers

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution.

The proposed development would improve the living conditions at the application site and as such, the proposal would not be detrimental to the amenity of future occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution.

The closest residential properties to the application site are no. 71 and no. 67, Rosewood, Rhododendron Avenue (located to the north and south respectively). No. 72, The Warren, no. 74 and no. 76, Pinehill Rhododendron Avenue are located to the east across the roadway. Woodside, Carters Hill Lane is located to the west.

The proposed development would include an external staircase and glazed door at first floor level on the western elevation that would obliquely face the front windows of no. 71 Rhododendron Avenue. Whilst there is some mature vegetation on the boundary between the properties, there would still be adverse overlooking impacts and considerable perception due to the proximity of the building (some 12 metres from the front windows), the height of the staircase/door and due to gaps in the existing vegetation.

Due to the design of the proposed development, to the screening provided by boundary treatments and to the layout and orientation of the surrounding properties, there would be no adverse overshadowing or overbearing impacts to the occupiers of the surrounding dwellings and other than no. 71, no properties would be subject to any adverse overlooking impacts.

The proposed development would result in a loss of privacy for the occupiers of no. 71 Rhododendron Avenue, which would be detrimental to residential amenity and contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and to the Residential Layout Guidelines June 2020.

Parking and Highways

The application property has four bedrooms and on-site parking for several vehicles on the site frontage. The proposed development would provide a double garage capable of accommodating two vehicles and would retain some of the existing frontage parking. The GBC Highways Officer has not raised an objection to the proposed development.

Overall it is considered that the proposal would make sufficient provision for the parking of cars within the application site in accordance with the Borough Council's adopted Vehicle Parking Standards and would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994.

Ecology and biodiversity

Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) requires no net loss of biodiversity in Gravesham and seeks opportunities to enhance, restore, re-create and maintain habitats particularly in Biodiversity Opportunity Areas and within new developments.

At a national level, the NPPF 2021 requires planning decisions to protect and enhance sites of biodiversity value (at paragraph 174(a)) and to minimise impacts on and provide net gains for biodiversity (at paragraph 174(d)). Paragraph 180 of the NPPF 2021 states that when determining planning applications, Local Planning Authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated for.

The proposed development would be within the confines of an existing residential garden, on land which is mostly laid to gravel or domestic planting. One tree would be removed. In order to protect biodiversity, a condition should be attached to any planning permission granted to require the submission and approval of a landscaping scheme, which includes measures to promote biodiversity enhancement.

As such, it is considered that there would be no significant adverse impacts to biodiversity and the proposal would be in line with Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014).

Any Other Material Planning Considerations

The application site is located in an area of multi-period archaeological potential and within Groundwater Source Protection Zone 3. However, as the proposed development would be within the confines of an existing residential garden with relatively few groundworks, then it is considered that there would be no adverse impacts to groundwater or archaeology. As such, the proposal would be in line with Policies CS18 and CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

Very Special Circumstances

Referring to paragraphs 147 and 148 of the NPPF 2021, inappropriate development in the Green Belt should not be approved except in very special circumstances and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has not identified any issues which they consider would amount to very special circumstances. However it is considered that the fact that there are examples of existing detached garages on site frontages in the area surrounding the application site, warrants consideration. The following images illustrate existing garages at nos. 71 and 73 Rhododendron Avenue (first image) and facing south along Rhododendron Avenue (second image);





These garages are lower in height than that proposed, are subservient in scale to the dwelling on their plots and most have barn hipped roofs, which reduce their overall size and bulk. In addition, it is likely that they were approved under the now redundant Policy C14 of the Gravesham Local Plan First Review (1994). Overall it is considered that the existence of these garages would not justify overriding established Green Belt and design policies in this case.

Conclusion & Balancing Exercise

The above analysis sets out that the proposed development would be detrimental to the openness of the Green Belt and contrary to one of the purposes of including land within the Green Belt, namely protecting the countryside from encroachment. The development would consolidate and extend the level of built development at the application site to an unacceptable level, be a disproportionate addition to the building and be inappropriate development in the Green Belt. No very special circumstances have been advanced pursuant to paragraphs 147 and 148 of the NPPF 2021 sufficient to overcome the presumption against such inappropriate development.

In addition, the proposed development would be out of character with the existing building and those in the surrounding area, detrimental to the residential amenity of the occupiers of no. 71 Rhododendron Avenue and would not be subservient in scale to the existing dwelling at the application site. Matters which carry significant weight.

The proposed development would not be detrimental to biodiversity, to the residential amenity of existing occupiers or to highway safety and would not adversely affect groundwater or archaeology. All of which weigh moderately in support of the proposal.

On balance, it is considered that the benefits of the proposal are significantly and demonstrably outweighed by the significant harm to the openness of the Green Belt, to the character of the existing building and to residential amenity.

Recommendation

Refusal on the following grounds;

1. The proposal, by virtue of its proposed scale, massing and form, would be inappropriate development in the Green Belt, as it would result in disproportionate additions over and above the size of the original dwelling and would consolidate and extend the level of built development at the application site to an unacceptable level, harming the openness of the Green Belt. In the absence

of any very special circumstances to outweigh the harm to the Green Belt, the proposal would be contrary to Policy CS02 of the Gravesham Local Plan Core Strategy September 2014, Saved Policy C13 of the Gravesham Local Plan First Review 1994 and to paragraph 149 of the National Planning Policy Framework 2021.

2. The proposal, by virtue of its size and design, would constitute a bulky addition to the application site, which would not be subservient in terms of scale and massing and would be out of character with the existing building. As such, it would be detrimental to the character and appearance of the existing building and the surrounding area and contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014, the Householder Extensions/Alterations Design Guide (2021) and to paragraph 130 of the National Planning Policy Framework 2021.
3. The proposal, by virtue of its design and proximity to no. 71 Rhododendron Avenue would lead to a detrimental level of overlooking and an unacceptable loss of privacy for the neighbouring residential occupiers. As such, it would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014, to the Residential Layout Guidelines June 2020 and to paragraph 130(f) of the National Planning Policy Framework 2021.

(For detailed informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	1st November 2022	Dated:	02 November 2022