



Delegated Report

Application No:	20230716
Location:	196 Lower Higham Road, Gravesend DA12 2NN
Description:	Application for non-material amendment to planning permission reference number 20211056 relating to variation to garage layout and home office.
Applicant:	Mrs E Gawlik

Proposal

The proposal seeks to make an amendment to planning permission 20211056 relating to a variation to the garage layout and home office.

The application consists of the following:

- Application Form
- BDS-LHR-P903 Rev C (Garage Floor Plans and Elevations - Proposed)
- BDS-LHR-P903 Rev B (Original (Permitted))
- BDS-LHR-P902 Rev C (Site Plan - Proposed))
- BDS-LHR-P902 Rev B (Site Plan - Original (Permitted))

Relevant Planning History

Reference	Description	Outcome	Decision Date
20211056	Erection of detached garage and home office.	Permitted	11.10.2021

Development plan

As an application under S.96A of the Town and Country Planning Act the considerations turn to whether the proposals are non-material. The application is not assessed under the development plan.

Officer's Analysis

There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme - what may be non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under s.96A.

The proposal is to partially change the use of the garage to a store room. The proposed plans also show the installation of a sliding gate and alternations to the fenestrations of the outbuilding which have not been included in the description..The original permission (ref. 20211056) imposed the

following conditions:

2. *The development hereby permitted shall be carried out in accordance with the following approved plans:*

- *Application Form Received 23/08/2021;*
- *Drawing No: BDS-LHR-P901 (Existing Site Plan, Location Plan & Section AA) Received 23/08/2021;*
- *Drawing No: BDS-LHR-P902 (Proposed Site Plan, Location Plan & Section AA) Received 23/08/2021;*
- *Drawing No: BDS-LHR-P903 (Proposed Plans and Elevations) Received 23/08/2021;*
- *Drawing No: TRK01 (Swept Path Analysis) Received 08/10/2021*

Reason: *For the avoidance of doubt and in the interests of proper planning*

3. *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.*

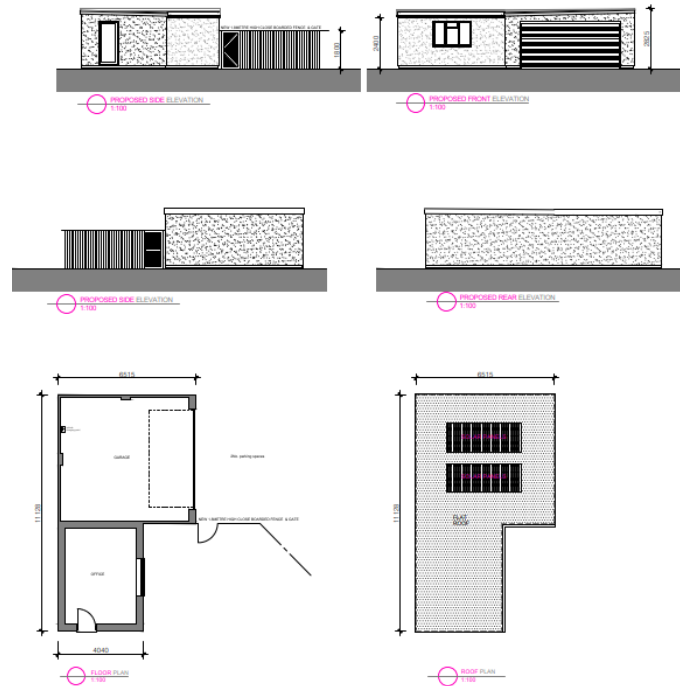
Reason: *In order to protect the amenity and privacy of the occupants of the neighbouring properties in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).*

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.*

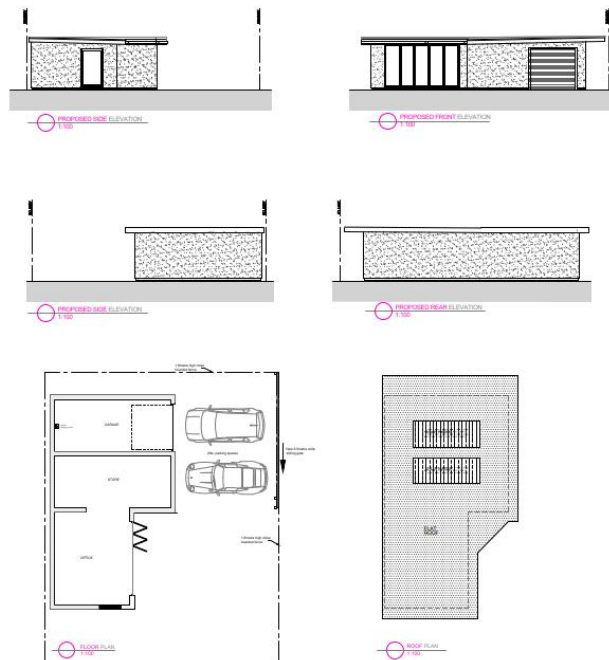
Reason *In order to restrict the use/occupancy of the outbuilding and to ensure that the development is in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).*

The conditions were attached to ensure there was adequate parking provision to serve the needs of the development whilst maintaining neighbouring privacy and ensuring highway safety by ensuring the maintenance of adequate vision splays. The permitted plans under reference

20211056 provided the below garage plans and elevations:



The current submission shows the garage plans and elevations as:



The proposed changes are in conflict with the imposed conditions under permitted application 20211056 and are not minor amendments. The plans show the removal of one of the vision splays and the installation of an electric sliding gate which will inconvenience other road users. Furthermore, the changes to the fenestration require planning permission as a specific conditions

was imposed which prohibited any changes to the fenestration without prior planning consent from the LPA.

The proposed changes are not considered to fall within the scope of S.96A of the Town and Country Planning Act. Furthermore, the changes are in conflict with the approved conditions for planning reference 20211056.

Recommendation

Refusal of Non-Material Amendment

Case Officer:	Mrs Sharon Sahota	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	26 th July 2023	Dated:	27 th July 2023