

Delegated Report

Planning Application

Planning Application No: 20230704

Location: Stavesacre Cottage, Longfield Avenue, Gravesend DA13 9HP

Description: Erection of a first floor extension.

Applicant: Mr Paul Gubb

Site Visit Date: 19 July 2023

Submitted Documents/Plans

Application form

Planning Statement

Drawing no. PG/08 A (proposed rear elevation north)

Drawing no. PG/07 A (proposed side elevation east)

Drawing no. PG/04 A (proposed first floor plan)

Drawing no. PG/02 A (existing first floor plan rear and side elevation)

Drawing no. PG/01 A (existing ground floor plan front and side elevation)

Drawing no. PG/11 A (existing site location block plans and proposed block plan)

Relevant Planning History

20230484	Erection of first floor rear extension; new raised roof incorporating two front dormers and one rear dormer to create habitable accommodation within the new roof space; and upward extension of chimney on eastern side.	Refused	06.07.2023
20190908	Erection of a first floor extension.	Permitted	23.10.2019
20190565	Application for a Lawful Development Certificate in respect of the proposed erection of a first floor rear extension.	Certificate Granted	05.08.2019
20180953	Erection of a first floor extension.	Refused	06.11.2018

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- 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)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural 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); and
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

GBC Highway Development Management Officer

I have no objections; the property already has four bedrooms and so reached the maximum car parking requirement, and no reduction is proposed. However to comply with KCC SPG4 a secure cycle parking space for the extra bedroom should be provided.

KCC Archaeology

Thank you for consulting us on this application.

The site lies within an area of multi-period archaeological potential. However, I consider it unlikely that these proposals, immediately adjacent to the existing dwelling, would have a significant below-ground archaeological impact and have no further comments to make in this case.

Neighbouring properties

The application has been advertised by site notice and individual letters to three neighbouring properties. No letters of representation have been received. The consultation period expired on 11 August 2023.

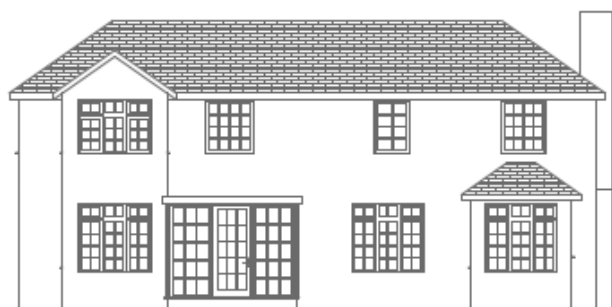
Officer's Analysis

Proposal

This application seeks planning permission for the erection of a first floor extension.

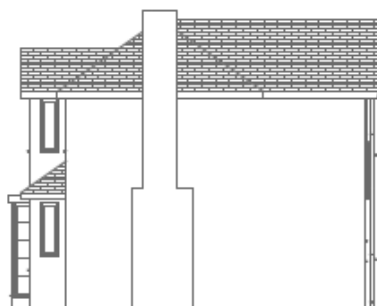
Background

Planning Application Reference 20190908 sought planning permission for a first floor rear extension that was approved on 23 October 2019. The approved plans are shown below:



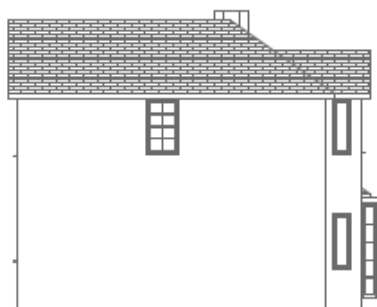
1
-

Front Elevation
1:100



2
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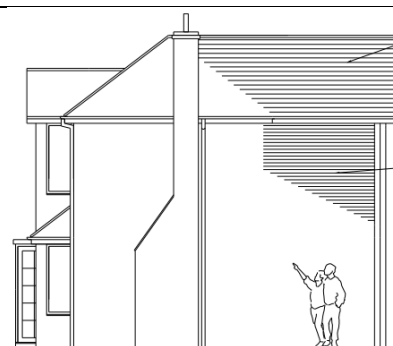
Side Elevation
1:100



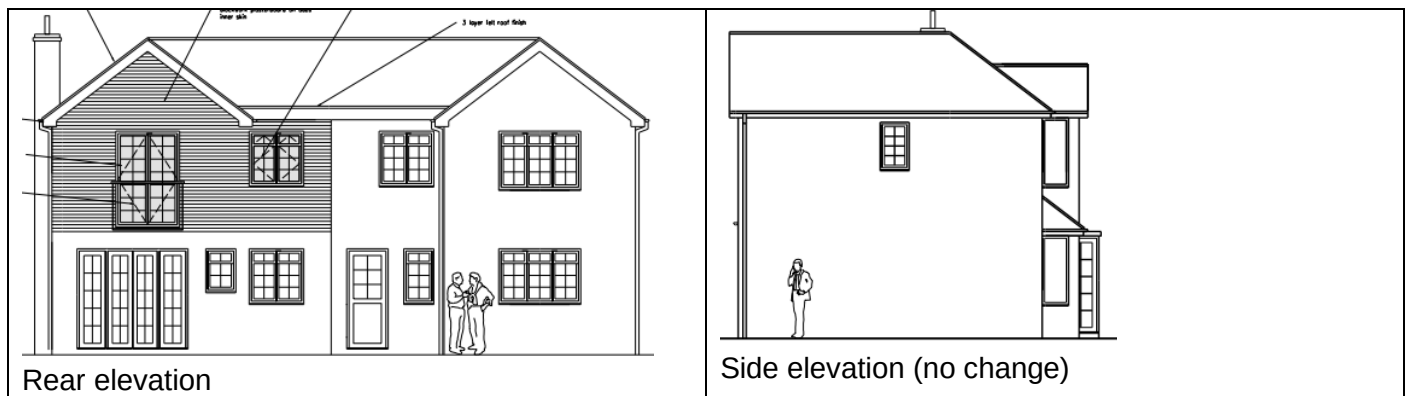
This permission lapsed in 2022 and so the applicants are looking to apply for the same scheme (following the refusal of a larger proposal). The new plans are shown below:



Front elevation (no change)



Side elevation



The plans are identical to those that were previously approved.

Extension to Dwelling

The application site is location in the Green Belt and as such Policy CS02 of the Gravesham Local Plan Core Strategy 2014 is relevant. Development in the urban area is prioritised as the sustainable location for development. In the rural area, Policy CS02 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, i.e. in the Green Belt, will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Local Plan Core Strategy.

There are five principle issues in determining this application;

1. Is the proposed development appropriate in the Green Belt?
2. The effect of the proposal on the openness of the Green Belt
3. The effect on the character and appearance of the area
4. Other matters; and
5. Any very Special Circumstances

It is important to note that this application is a resubmission of an expired application 20190908.

Before this an application was refused under reference 20180953; which was refused on the following ground;

1. *The proposed first floor rear extension is 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 paragraph 145 of the National Planning Policy Framework 2018. Within the Green Belt there is a strong presumption against permitting new development unless it meets specific criteria, one of which is the extension or alteration of buildings in certain circumstances. However in this instance, the proposal would consolidate and extend the amount of built development to an unacceptable level. As such the proposal would be inappropriate development in the Green Belt, by virtue of resulting in disproportionate additions, over and above the size of the original building at the application site.*

Following that, a Lawful Development Certificate was granted for a first floor rear extension, approved under reference 20190565, which was considered as part of the 2019 application.

1. *Is the proposed development appropriate in the Green Belt?*

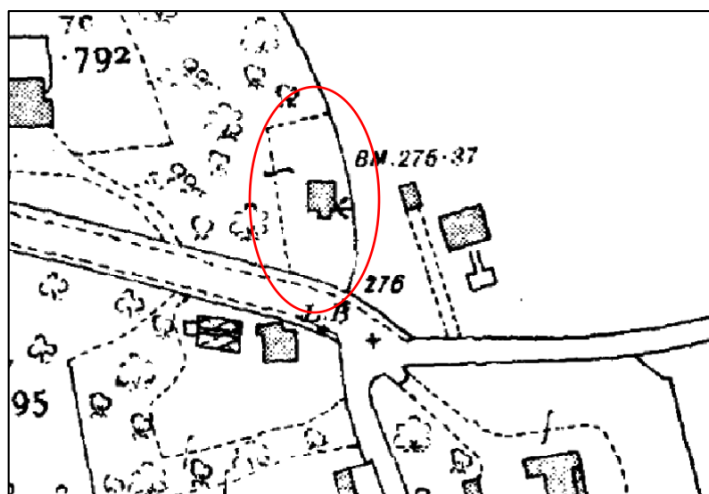
There are strict policy considerations within the Green Belt whereby paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of

inappropriateness, and any other harm, is clearly outweighed by other considerations. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it falls within the specified exceptions. The relevant exception to consider for this application is part c of paragraph 149 of the NPPF which states that it may be acceptable to extend or alter a building provided it does not result in disproportionate additions over and above the size of the original building.

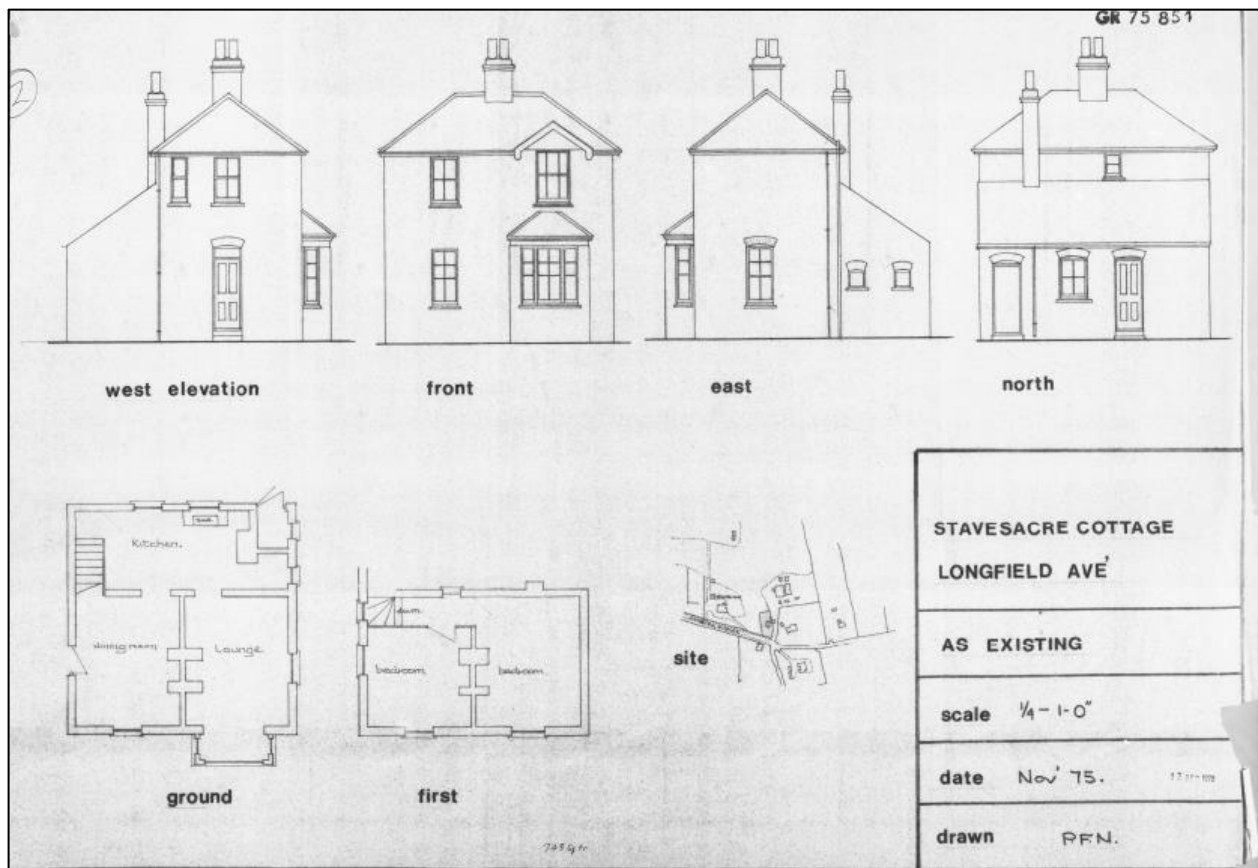
In determining this proposal account will be taken of Saved Policy CS13 of the Gravesham Local Plan First Review (1994) which relates to extensions to dwellings in the countryside. It sets out a number of criteria that should be met when considering proposals for domestic extensions. As the policy pre-dates the NPPF, 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.

In particular 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 and should be afforded due weight.

Upon first observations, Stavesacre Cottage does not appear to be a property that has been extended in the past. The planning history of the property dates from the 1970s and early 1980s and the majority are refusals. Given the fact the property is situated in the Green Belt, it is extremely important to establish the original footprint of the property. Kent County Council's Heritage Map from 1929 to 1952 showed Stavesacre Cottage to have a much smaller footprint than it current has now;



Further investigations into the planning history for the property revealed the true original footprint of the property. The plan extract below is taken from the 19750851 planning application;



Based on the above evidence, the figures below outline the footprint of the property and the additions;

- Original Floorspace = 59.87m²
- Existing Additional Floorspace = 79.72m² (133% increase)
- Proposed First Floor Rear Extension = 15.73m²

It is clear that in numerical terms, the property has already been extended over and above the size of the original dwelling. For clarity the proposed first floor rear extension, combined with the existing extensions, results in the property being extended 159% over the original footprint which is clearly not a modest addition in purely numerical terms, being over the one third limit referred to in save policy C13 of the Local Plan First Review 1994.

However the numerical calculation forms only a part of the overall assessment. Paragraph 149 of the NPPF states that it may be acceptable to extend or alter a building provided it does not result in disproportionate additions over and above the size of the original building. It does not provide a figure. In this instance though, as can be seen from above, the property has already been extended by 133% which is already disproportionate. This additional 26% adds further to these existing additions and accordingly, the proposal would be an inappropriate development in the green belt, in conflict with paragraph 149 of the NPPF.

2. The effect on the proposal on the openness of the green belt

Having established that the proposal is inappropriate development in the Green Belt, the proposed first floor extensions and proposed rear gable feature and subsequent additional built form of development, affects the openness of the Green Belt. However due to the position of the extension to the rear, this loss of openness is likely to be small and unobtrusive due to the extensive planting surrounding the dwelling that restricts the views of the site.

Nevertheless, it gives rise to further conflict with the NPPF which states at paragraph 137 of the NPPF that openness is an essential characteristic of green belts. Accordingly this proposal has a limited extent to the

harm of the Green Belt.

Reference back to paragraphs 147 and 148 of the NPPF 2021 informs us that 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 on inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether the development causes any other harm and whether there are any other relevant considerations to balance the overall planning argument, should now be considered.

3. The effect on the character and appearance of the area

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area.

The proposed extension is a relatively minor addition that extends over the existing single storey rear projection of the property. The extension is 6.4 metres wide and 2.5 metres deep. It is designed with a pitched gable roof to replicate the existing extension on the opposite half of the property. The plans and application form state that all new materials will match the existing property and the general design is sympathetic to what exists. It is not considered that the development has a detrimental impact upon the character and appearance of the host dwelling, or wider area. As such the development is considered to be in accordance with the development and design principles of Policy CS19 of the Local Plan Core Strategy 2014.

4. Other matters

Impact on landscape

Section 15 of the NPPF highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 of the Gravesham Local Plan Core Strategy states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhances and that proposal will take account of the Gravesham Landscape Character Assessment.

The application site falls within the Istead Arable Farmlands Landscape Character Area. The assessment states the sensitivity of the area is moderate and the guidelines are to restore distinctive features and patterns of the landscape, whilst creating elements that support the landscape character. The most applicable guideline for this proposal refers to 'creating design standards in keeping with local character for new developments within the area'.

From the plans submitted with the application, the development is a minor addition to the dwelling and as such the development is not considered capable of having a direct impact on the wider landscape character of this landscape character area.

Amenity of future occupiers

The proposed first floor rear extension will enlarge an existing bedroom and provide an additional bedroom. Both rooms are appropriately sized. There is no increase in the external footprint of the property and therefore no impact on the garden amenity space. It is considered that the amenity of future occupiers is safeguarded in accordance with Policy CS19 (Development and Design Principles) of the Local Plan Core Strategy 2014.

Amenity of neighbours

There are no adjacent properties in close proximity to Stavesacre Cottage capable of being affected by the proposed first floor rear extension. No neighbour representations have been received. It is considered that the amenity of neighbouring properties is safeguarded in accordance with Policy CS19 (Development and Design Principles) of the Local Plan Core Strategy 2014.

Parking and Highways

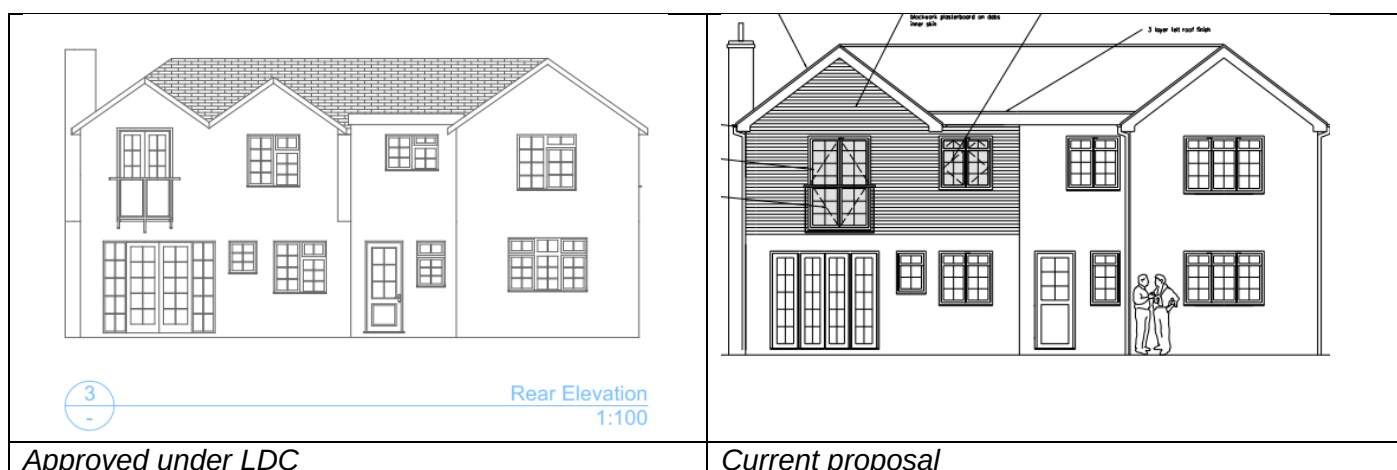
The property has adequate off street parking provision.

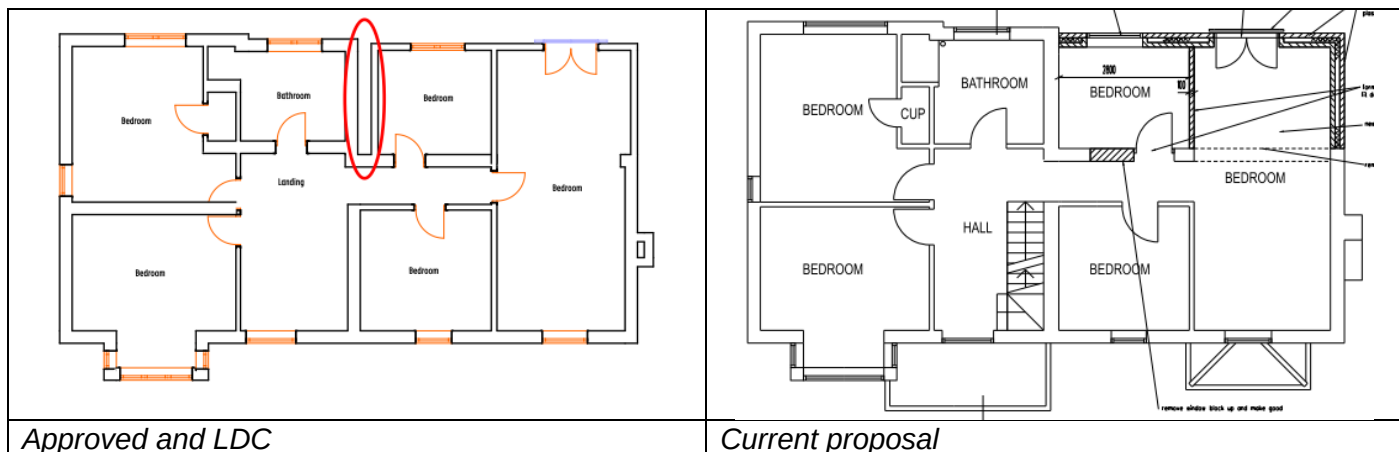
5. *Very special circumstances*

As indicated above, national planning advice states that in appropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Furthermore it states that very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other, is clearly outweighed by other considerations.

The original 20180953 submission did not provide any very special circumstances. Following the refusal the Agent reconsidered their position and considered that the property could construct a first floor rear extension under permitted development. However it is generally considered that a reliance on the fall-back position as the main justification for overriding a strong policy objection to a proposal is likely to be detrimental to the openness of the Green Belt and could set a dangerous precedent. It is considered that in the absence of a commitment by the applicant to an alternative permitted proposal (for example by the submission of an application for a lawful development certificate), less weight can be attributed to this factor. This view is supported in the appeal decision APP/K2230/W/17/3174691, whereby the appellant opined that it would be unreasonable to deny planning permission given the permitted development fall-back position. However the Inspector state that they were not presented with substantive information to suggest this was anything more than a theoretical position. The Inspector was not presented with a detailed drawing of an alternative scheme or anything to suggest the appellants had genuinely explored the implementation of a fall-back position, such as a builders quote. Moreover the Inspector states there may be other reasons why the fall-back position may not be implemented, such as the inability to finance it, technical issues or that it may appear unsightly. The Inspector concluded that in the absence of evidence regarding the above matters, they did not consider the implementation of the fall-back position can be considered a likely prospect and is therefore a material consideration of limited weight.

Based on the above, the Agent was advised that without, at the very least, the submission and approval of a Lawful Development Certificate for a first rear extension, there would be no very special circumstances to consider. Subsequently a Lawful Development Certificate was granted on 05 August 2019 for a first floor rear extension. Although the Inspector above suggests that a LDC's may not be enough in its own right to justify very special circumstances to allow overdevelopment in the Green Belt, it is relevant to compare the proposed extension to what can be constructed under permitted development;





As can be seen there are very few differences between the scheme that can be constructed under permitted development and the proposal sought under this planning application. The depth of the extension in both schemes is the same. In order to be lawful, a gap is needed between the existing and proposed extension (circled in red above). The current approval eliminates this gap. The roof design is also different. The current proposal respects the character of the existing proposal and is more appropriate in terms of design.

The fall-back position is often used to highlight how bad the extension constructed under permitted development could be in comparison what is actually desired. The differences are so minimal, and almost immaterial. The current proposal scheme is the preferred option and not overly different from the lawful scheme, but the subtle changes are significant in design. Approving the current application will also allow further development at the property to be restricted, by the removal of further permitted development rights.

On balance, it is considered that the Lawful Development Certificate does provide the very special circumstances which are required to allow development which is otherwise harmful to the green belt.

Suggested conditions

Due to the property's location in the green belt and the extent to which the property could be extended under permitted development, despite being contrary to green belt policy, it is considered appropriate to remove Classes A, B and D of the Town and Country Planning (General Permitted Development) Order 2015 as amended, to safeguard the openness of the Green Belt in accordance with saved Policy C13 of the Local Plan First Review 1994, Policy CS12 of the Local Plan Core Strategy and Section 13 of the NPPF 2021.

Conclusion

The proposed extension has already been approved under reference 20190908 and there have been no material changes to local policy since this was approved. The NPPF has been revised however the wording of the relevant policies to this application have remained the same.

On this basis, the following still remains the case:

With regard to design and impact on amenity, it is considered that the proposed extension is a sympathetic addition which safeguards the amenity of future occupiers in accordance with Policy CS19 of the Local Plan Core Strategy 2014.

In terms of the Green Belt assessment, the NPPF states that substantial weight should be given to any harm to the green belt and that inappropriate development should not be approved except in very special circumstances. It is considered that very special circumstances have been achieved in this case and that the differences between the lawful scheme and current proposal are minimal, with limited difference on the impact on the openness of the green belt. The design of the current proposal is more succinct and

appropriate in design terms, without worsening the impact on the openness. On balance it is considered that very special circumstances exists which justify the over development in the Green Belt, in accordance with Policy C13 of the Local Plan First Review 1994, Policy CS12 of the Local Plan Core Strategy and Section 13 of the NPPF 2021

Recommendation:

Permission

See draft Decision

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Alison Webster	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	22 August 2023	Dated:	23 August 2023