



Delegated Report

Householder Planning Application

Application No:	20231189
Location:	Dawes Cottage, Northfleet Green, Northfleet, Gravesend, Kent, DA13 9PN
Description:	Demolition of single storey side extension (north side) and erection of a two storey side extension.
Applicant:	Mr And Mrs Martin
Site Visit:	Various visits undertaken to the site.

Submitted Documents/Plans

The application comprises the following documents and plans:

- Application Form – dated 24 November 2023;
- Planning, Design and Access Statement by Rebus Planning Solutions – November 2023;
- Drawing no. 10 (21.029) – Existing Plans and Elevations;
- Drawing no. 12 (21.029) – Site Location Plan (scale – 1:1250);
- Drawing no. 13 (21.029) – Proposed Plans and Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20211535	Retention of existing games and family room, whilst carrying out alterations to reduce the size of the existing building.	TEMPORARY PERMISSION	14.06.2022
AP 2019/00062 /ENF	Appeal against the Enforcement Notice relating to the erection of a single storey building in use for leisure purposes including a games room without the benefit of planning permission.	APPEAL DISMISSED	29.07.2020
AP 2019/00043 /REF	Retention of a single storey building for leisure and a games room.	APPEAL DISMISSED	03.12.2019
20190268	Application for a Lawful Development Certificate in respect of the retention of a single storey side extension on the southern side.	CERTIFICATE GRANTED	12.06.2019

20140643	Application for a Lawful Development Certificate in respect of the existing hard surface area (poured concrete) in front garden with provisions to direct run-off water to a porous area.	CERTIFICATE GRANTED	15.09.2014
20140450	Continued use of the land for the keeping of horses and livestock including the erection of a hay barn and block of 2 stables with tack room, retention of vehicular access onto Northfleet Green Road and associated concrete hard standing and retention of 2m high close boarded fence to western boundary.	PERMISSION	22.12.2014
20030661	Application for the variation of condition (v) of planning permission ref. no. TH3/70/248 relating to the erection of one detached and one pair of semi-detached houses for agricultural workers, which restricts the occupancy of the property to an agricultural employee.	PERMISSION	22.09.2003

Development Plan

Gravesham Local Plan Core Strategy (LPCS) (September 2014):

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

Saved Policies in the Gravesham Local Plan First Review (LPFR) (November 1994):

- P3 - Vehicle Parking Standards
- C13 - Extensions to Dwellings in the Countryside

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.

Other material considerations

National Planning Policy Framework (NPPF) (2023)

- Section 2 - Achieving Sustainable Development
- Section 12 - Achieving Well-Designed and Beautiful Places
- Section 13 - Protecting Green Belt Land
- Section 15 - Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- SPG 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)
- Gravesham Householder Extensions/Alterations Design Guidance (SPD) (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Internal consultees

GBC Highways Officer – I have no highway objections but would suggest the following.

1. A parking plan should be submitted, a condition would suffice to protect the number of parking spaces being provided.
2. A cycle parking space should be provided to comply with the requirements of KCC SPG4.
3. The property remains as a single dwelling, so to allow the Council the opportunity to consider any possible future sub division.

Local Ward Councillor – No comment received.

External consultees

Kent County Council Heritage – The site lies within an area of multi-period archaeological potential. However, I consider it unlikely that these proposals at this particular location, would be likely to have a significant below-ground archaeological impact and have no further comments to make in this case.

Kent County Council Public Rights of Way – Public Rights of Way NU28 lies to the southeast of the site. The route may be affected by the application, and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

Neighbouring properties

An advert was published in the Gravesend Messenger and a notice was displayed on site 15 December 2023.

In addition, three surrounding properties were consulted and no representations were received. The consultation period expired 09 January 2024.

Analysis

Site Description

Dawes Cottage is a detached dwelling set in spacious grounds, within the Metropolitan Green Belt. The site is part of a ribbon of properties on the eastern side of Northfleet Green and is surrounded by agricultural fields and open countryside.

Proposed Development

This application proposes to demolish the existing single storey side extension to the north, and the erection of a two storey side extension.

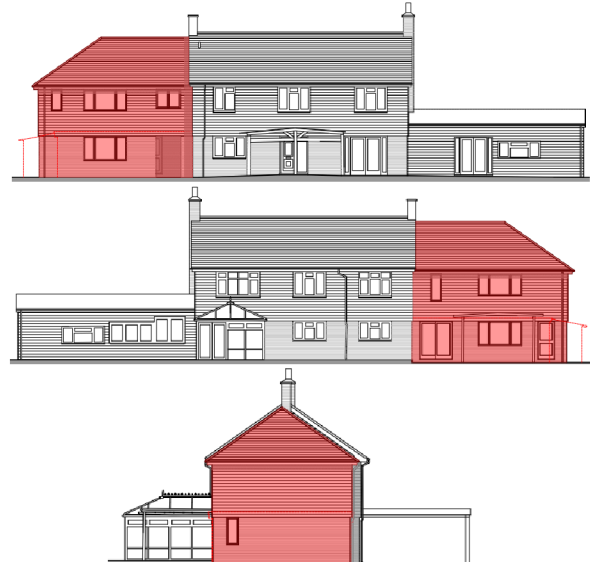
The proposed extension would have the following dimensions:

- Depth – 6.9m
- Width – 8.5m
- Height (max) – 7.7m
- Height (eave) – 5.25m

Existing Elevations



Proposed Elevations



The extension will create space for a utility room, lobby/dog kennel and lounge on the ground floor, with a new ensuite bedroom and dressing room above.

Extension to Dwelling

The application site is located in the Green Belt and as such Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) (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 LPCS.

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. Any very special circumstances?
4. The effect on the character and appearance of the area and landscape;
5. Other matters.

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

There are strict policy considerations within the Green Belt whereby 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. Paragraph 153 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 154 of the NPPF (2023), 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 C13 of the Gravesham Local Plan First Review (LPFR) (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 (2023), 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 (2023).

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 (2023) and should be afforded due weight.

	Original Dwelling	Proposed Extended Dwelling	% increase above original
Footprint (m²)	140.4m ²	219.8m ²	57%
Internal Floorspace Area (m²)	202.93m ²	322.85m ²	59%
Volume	-	-	-

The calculations demonstrate that the proposed additions to the dwellinghouse exceed the one third limit set out in saved policy C13. Therefore, in purely numerical terms, the extension is contrary to the local plan Green Belt policy, potentially representing a disproportionate increase over the original floor area of the building. The volume calculations of the extensions, over the original dwelling, have not been calculated in this application and will instead be visually assessed.

However, the numerical calculation forms only a part of the overall assessment. Paragraph 154 of

the NPPF (2023) 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.

The proposed extension is large, but in footprint terms it replaces a single storey side projection of greater width and has been designed with subservience and is setback from the main building lines. These strategies serve to reduce the perceived bulk of the extension to be more proportionate to the main dwelling. However, at a width of 8.5m it represents a 71% increase in overall width of the property at two storey level and would therefore be considered inappropriate development by virtue of its scale.

It is therefore considered that the proposed development would result in a disproportionate addition to the property and as such the proposal would be inappropriate development which is by definition, harmful to the Green Belt. It is therefore contrary to Policy CS02 (LPCS), Policy C13 (LPFR) and to paragraph 154 of the NPPF (2023).

2. The effect of the proposal on the openness of the Green Belt

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.

The openness of the Green Belt has both spatial and visual aspects, and any new built form of development is harmful to its open character. The development will enlarge the dwelling substantially, with a two storey side extension that will extend beyond the flank wall by 8.5m. Even though the extension has been designed with subservience and is subordinate, this development would have an eroding impact on the visual openness of the Green Belt.

In spatial terms the extension will replace a single storey side projection with a reduced width. This reduction in footprint does somewhat limit the spatial impact, however by virtue of its scale at two storey level the spatial openness will be impacted by the development albeit at a more reduced level.

Nevertheless, as a whole the extension hereby proposed is considered to have a negative impact on the Green Belts openness and permanence, contrary to paragraph 142 of the NPPF (2023).

Reference back to paragraphs 152 and 153 of the NPPF (2023) 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 of 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. Very special circumstances

As referenced above, paragraphs 152 and 153 of the NPPF (2023) states that very special circumstances tilt the balance of inappropriate development that causes harm to the Green Belt. This application has been supported by information relating to a close family member as very special circumstances for the development. The information provided details that the applicant's disabled son requires specific care and in letters from medical practitioners highlight that adequate personal space is critical to his mental and physical health. Therefore, the justification for the development is to provide additional living space to support wellbeing. Therefore, in terms of the justified need and benefits for the family, in this case the very special circumstances presented are considered to tip the planning balance.

Overall, the information provided in relation to the need for additional living space for the family and quality of life benefits for the applicants' son and family are considered to be very special circumstances that tilt the balance of inappropriate development in accordance with paragraphs 152 and 153 of the NPPF (2023).

Human Rights Act 1998

In the case of *Stevens v Secretary of State for Communities and Local Government* the judge dealt with the clash of the two principles – how to resolve the policy-driven field of planning with the rights of family under Article 8 of the Human Rights Act and under Article 3 of the UN Convention on the rights of the Child. The outcome of the case was that the best interests of the child shall be a primary consideration (not *the* primary consideration) and that it is for the Court, not for an administrative decision-maker such as the planning inspector, to decide how those interests could be squared with other planning considerations.

Within this application the needs of the child have been considered and it is felt that those needs can be accommodated within the extended residential dwelling, which is a very special circumstance that tilts the balance of inappropriate development.

4. The effect on the character and appearance of the area and landscape

In addition to being within the Green Belt, the site is located within the Istead Arable Farmlands Landscape Character Area. Paragraph 182 of the NPPF (2023) states that great weight should be given to conserving and enhancing landscape and Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

Policy CS19 (Development and Design Principles) (LPCS) 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. Moreover, Section 12 (Achieving well-designed and beautiful places) of the NPPF (2023) sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

Gravesham's newly published Householder Extensions/Alterations Design Guidance SPD (2021) set out key principles for developments. Generally, the SPD highlights the importance of new development complimenting and corresponding to existing character and the wider context. In this case, the rural character of the area and other surrounding dwellings should be considered. The SPD goes on to address two storey side extensions, stating that these should aim to appear subservient to the host dwelling, be set back from the main building line and not exceed the height of the eaves, be no greater than half the width of the main dwelling and incorporate a matching roof design.

The extension has been designed with subservience, will be set down from the ridge of the main dwelling and set back from the principal elevation, which aids it in appearing as an addition and are good design strategies. It will be constructed using matching materials and although not inherently rural in character, the extension has been designed to match the main dwelling which is established within the landscape, and therefore will have no impact on the Istead Arable Farmlands.

Overall, the proposed development will not significantly alter the character or appearance of the dwelling, are appropriately designed and subservient to the main dwelling. As such, the proposal accords with Policies CS12 and CS19 (LPCS) as well as Sections 12 and 15 of the NPPF (2023).

5. Other matters

Amenity of Future Occupiers

Policy CS19 (LPCS) and Section 12 of the NPPF (2023) require developments to provide adequate living conditions for future occupiers, which is reinforced by the Council's Residential Layout Guidelines (RLG) (2020) and the Nationally Described Space Standards (NDSS) (2015). These provide minimum requirements for room sizes and amenity space.

The proposed extensions would provide good sized rooms for future occupiers and is in accordance with local residential layout guidelines. Therefore, the development is considered to safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Neighbouring

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring properties and land and Section 12 of the NPPF (2023) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

The extension is set away from the nearest neighbour by approx. 58m and would therefore have no impact on the amenity of neighbouring properties in terms of loss of light, privacy, sense of enclosure or outlook. As such, the proposal is considered to safeguard neighbouring amenity in accordance with Policy CS19 (LPCS).

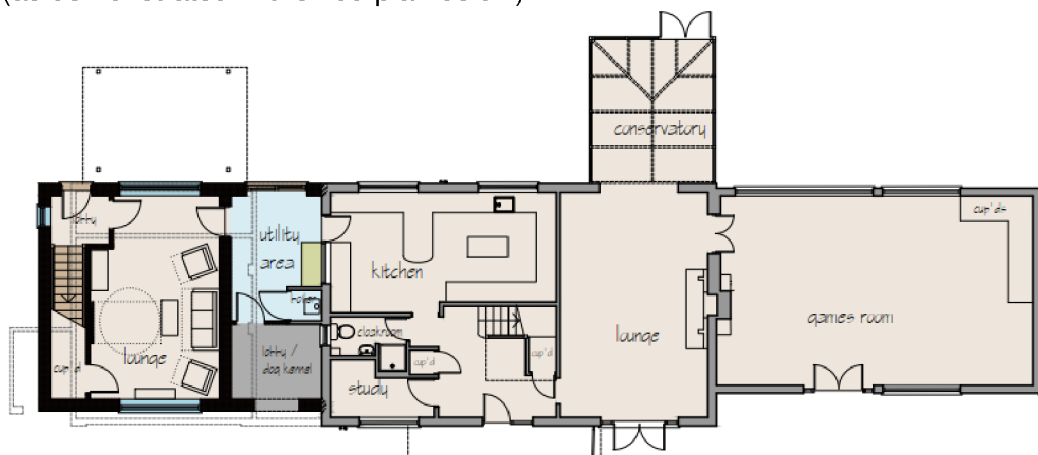
Parking and Highways

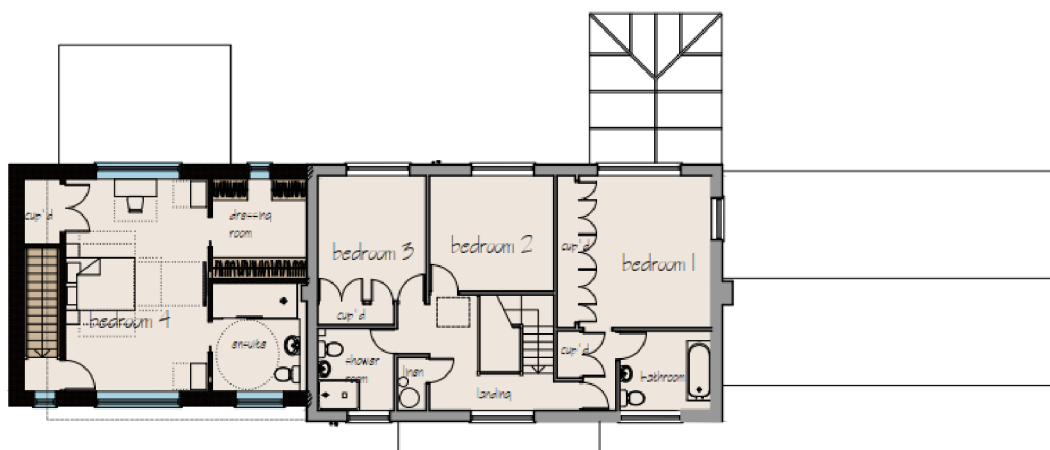
The development should an acceptable amount of parking, not be detrimental to the highway network and promote sustainable transport methods, to accord with saved policy T1 and P3 of Gravesham Local Plan First Review (1994), Policy CS11 (LPCS) and Section 9 of the NPPF (2023).

Although the integral garage will be removed, there is adequate space on the frontage for vehicular parking in accordance with Gravesham's adopted parking standards (SPG4) (2006) for a four bedroom dwelling.

Subdivision

The extension has a separate staircase and would lend itself to potential subdivision from the main dwelling (as demonstrated in the floorplan below):





However, planning conditions can be attached to the decision notice to ensure that the dwelling is not subdivided and remains as a single planning unit.

Equalities and Considerations

The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

Human Rights Implications

In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.

In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

In making the recommendation on this application, consideration has been given to the requirements of the Human Rights Act. Where it is engaged, any interference in those rights is considered proportionate, lawful and in the public interest to secure the proper planning of the area in accordance with adopted policy, having regard to any other material considerations.

Conclusion and Balancing Exercise:

The application has been fully considered and is in accordance with local and national planning policy.

The proposal is, by definition, inappropriate development which is harmful to the Green Belt and causes harm to the openness. The NPPF (2023) requires that substantial weight is given to any

harm to the Green Belt and 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. In this case, the applicant's sons disabilities are a very special circumstance, and the benefits to his and his families quality of life through the extension hereby proposed tilt the balance of inappropriate development in accordance with paragraphs 152 and 153 of the NPPF (2023). Therefore, the very special circumstances presented outweigh the harm to the Green Belt, the extension is considered to be good design and will have no impact on the landscape, amenity of adjoining properties or the highway network.

As such, it is recommended that planning permission is granted subject to conditions.

Recommendation:

Permission subject to conditions

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	14 February 2024	Dated:	16th February 2024