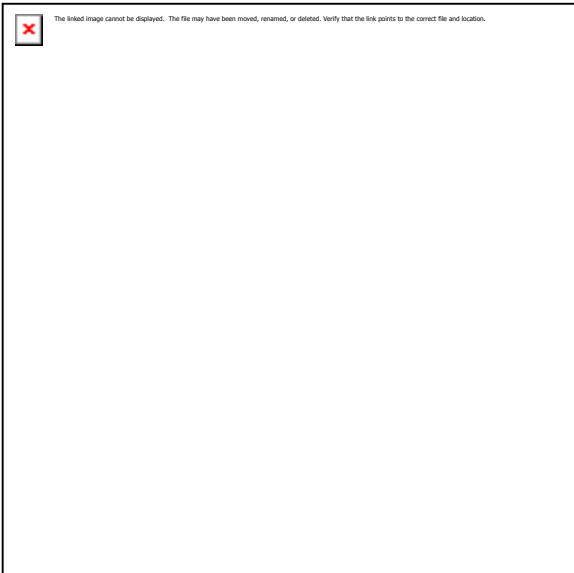




Delegated Report

Householder Planning Application

Planning Application No: 20220311

Location: Meadow Cottage School Lane Higham Rochester

Description: Retention of replacement roof and recladding of elevations of existing outbuilding.

Applicant: Mr & Mrs Graham Loft

Site Visit Date: Desk top including photographs from planning enforcement file

Submitted Documents/Plans

- Application form;
- Location Plan & Block Plan;
- Drawing no. 08.03.02/3A – Existing Garage/Outbuilding Alterations;
- Letter from agent dated 6 May 2022
- Foul drainage details

Relevant Planning History

Reference	Description	Decision	Decision Date
20151151	Application for removal of condition 10 attached to planning permission reference no. 20141170 for change of use of ancillary outbuilding to an independent two bedroom dwelling with home office, parking, landscaping and a separate curtilage to Home Farm Cottage; to reinstate permitted development rights.	Refused	10.02.2016
20141170	Change of use of ancillary outbuilding to an independent two bedroom dwelling with home office, parking, landscaping and a separate curtilage to Home Farm	Permitted	23.03.2015

	Cottage.		
20140906	***REVISED DESCRIPTION*** Change of use of ancillary outbuilding to an independent two bedroom dwelling with home office, parking, landscaping and a separate curtilage to Home Farm Cottage.	Permitted	27.11.2014

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC7 – Other Archaeological Sites

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

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

Environment Agency – 18 May 2022

I have had a look at this application and it appears that the applicant intends to install a WC into the garage. There is nothing to say how they will discharge the foul water though.

The site overlays a Principal aquifer and is wholly in Source Protection Zone 2 and partly in 1 as well, and so if they do not intend to connect to mains drainage, we will need to know what they intend to do instead.

Without this information we will object to this application.

We object to this application due to lack of information about foul drainage.

With no information about foul drainage submitted we are unable to fully assess the application and its suitability.

Overcoming Our Objection

To overcome this objection, please submit suitable information about foul drainage for review.

We would be happy to provide you with advice. As this service falls outside our statutory remit, we will charge for our advice. Our charges are currently £100 VAT per officer per hour.

Further information on our charged planning advice service is available at:

<https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>

Please note that the above comments only relate to the lack of information regarding foul drainage. If you are minded to grant permission contrary to our advice, or our above objections are overcome, it will be necessary to re-consult us to ensure that any other environmental issues are appropriately addressed by planning conditions.

No response from:

- KCC Heritage
- Higham Parish Council

Neighbouring properties

1 surrounding property was consulted plus a site notice – overall consultation expiry date was 3 June – one response received the comments of which can be summarised as follows:

- Concern that building regulations have not been complied with;
- Is this an annexe and therefore a change of use?;
- Unfair building can be built without permission and building regulations in hope it will be granted retrospectively.

Officer's Analysis

Planning permission was granted for 'Change of use of ancillary outbuilding to an independent two bedroom dwelling with home office, parking, landscaping and a separate curtilage to Home Farm Cottage' under ref. 20140906. The applicant made a resubmission with application ref. 20141170 to include additional items within the scheme namely: a chimney flue; a rotary clothes dryer; a sky dish; a television aerial and the replacement of an existing greenhouse with a shed. The application also sought the re-wording of conditions 6 and 9 and the removal of conditions 10 and 11.

The case officer noted that whilst variation/removal of conditions to a previously approved scheme is dealt with under an application for the 'removal or variation of a condition following grant of planning permission' the case officer had considered that given this was a re-submission of the previous scheme and was therefore a new application, the assessment of variation of those conditions could also be addressed in the application.

Condition 6 of 20140906 related to the outbuilding subject of the current application and is as follows:

6. *The outbuilding hereby permitted as garaging to the use of the dwelling hereby permitted shall not subsequently be altered internally or externally or otherwise enlarged or extended unless a specific grant of planning permission has been given by the Local Planning Authority.*

Reason *In order that any enlargement or alteration of the buildings may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to adopted planning policy and guidance.*

In application ref. 20141170 the applicant had stated in the covering letter:

"I am proposing to repair the garage to improve its appearance and make it water tight, with a new roof, boarding and doors. Consequently, it is requested that condition 6 is reworded to allow for alterations which amount to the repair of the structure".

The case officer in respect of this request for rewording of condition 6 stated in the delegated report:

In terms of the wording of this condition the right to repair or replace the building (like for like) has not been affected, therefore the rewording of this condition to allow the applicant to repair the roof, boarding and doors is not required.

In the granting of ref. 20141170 condition 6 therefore remained the same wording as it had on ref. 20140906.

This current application ref. 20220311 is enforcement generated as alterations have been made to this outbuilding and due to condition 6 of planning permission 20141170 permission is required. These relate to a new roof which has changed from a corrugated metal mono pitched roof to a double pitched roof faced with slates and also recladding of the building. There have also been some alterations to form new openings/alter existing ones and installation of a wc. and services/tank room internally.

The photographs below show the building in 2014 and in 2022:

2014





2022:





Whilst there is dispute between the applicant/agent and the Council as to whether an actual new building has been formed (the Council considering that potentially there could have been due to the change in appearance between how the building used to look and how it looks now) and the applicant (who states a new building has not been constructed and the existing has only been altered) it is the case that existing and proposed floor plans show the width and length of the building to be the same (the only difference in size being the height due to the new double pitched roof which the applicant has applied for in this application). In any case due to condition 6 of ref. 20141170 permission is required for internal and external alterations to the building. The proposal will therefore be considered in relation to all principle considerations and any other considerations. The site is located in the Green Belt, Higham Arable Farmlands Landscape Character Area and an Area of Archaeological Potential.

Principle of Development

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.

Para. 147 of the National Planning Policy Framework 2021 states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

Para. 148 states 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

Para. 149(c) states 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are extension or alterations of a building provided that it does not result in disproportionate additions over and above the size of the original building;

Policy C13 of the Gravesham Local Plan First Review 1994 states that proposals for domestic garages will be considered on their individual merits but will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot.

In this case the altered building remains the same width and length (4.7m width x 5.3 length) and therefore the same footprint. The height has increased from its previous height ranging from 2.3 – 2.7m with the mono pitched roof to a height of 4m to the ridgeline of the new pitched roof; this is an increase of some 1.3m from the highest point of the previous mono pitched roof. Whilst the height of the building has increased the building still appears as a modest structure in relation to the main host dwelling. The pitched roof is considered to be a modestly sized increase in the height of the building which is not considered to have resulted in an increase to constitute a disproportionate addition over and above the size of the original building.

The replacement cladding has no impact regarding whether the proposal is a disproportionate addition.

Overall the proposal is considered to comply with the exceptions set out in Para. 149 (c) of the NPPF (2021) and therefore compliant with Policy CS02 (LPCS).

Impact on openness and the purposes of the Green Belt

Having determined that the proposal is an appropriate development in the Green Belt, it is necessary to assess the effect on the openness and the purposes of including land in the Green Belt. The NPPF (2021) notes that 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 permanence.

As stated, the building is the same width and length, its height has increased by 1.3m overall due to the alteration from a mono pitched roof to a double pitched roof but this is considered a modest increase. The outbuilding would still be a subservient structure in comparison to the size of the host dwelling. The cladding is not considered to have caused any impact on openness; it matches the cladding on the host dwelling and shed so is sympathetic and blends in with the other buildings on the site.

As such, it is considered that the alterations to the building have not resulted in any harm to the openness of the Green Belt or represent encroachment into the countryside.

Therefore, the proposal is considered to be in accordance with Policy CS02 (LPCS) and Section 13 of the NPPF (2021).

Design, Character and Appearance

The previous roof with metal corrugated sheeting was not particularly sympathetic in design terms mostly due to its material. The replacement pitched roof is of a more sympathetic design which replicates the pitched roof of the host dwelling and the use of slate is a much more sympathetic material than the previous metal corrugated sheeting. The cladding matches that on the main dwelling and shed and is considered acceptable. The new window and door arrangement is also considered to be acceptable, there is only one set of double doors in the front of the garage now and a new window in the east elevation and a single door in the rear elevation. All of the changes to the building are considered acceptable in design terms and in therefore in respect of design, character and appearance the proposal is considered compliant with Policy CS19 (LPCS).

Landscape Character

The site is in the Higham Arable Farmlands Landscape Character Area. Due to the modest size of the roof increase and improvement in material from corrugated metal sheeting to slate and the sympathetic cladding it is considered the proposal would have no impact in terms of landscape character and in this regard the proposal is compliant with Policy CS12 (LPCS).

Other Material Planning Considerations

Use – The use of the building is a garage as permitted under ref. 20141170. A wc. and services/tank room has been installed internally as well as a first floor loft area used for storage. The use of the building has not changed however as it is still in use as a garage in connection with the main dwelling of Meadow Cottage. The pipework and cabling from the services/tank room leads to and serves the main house only and is not serving an independent use of the outbuilding. The conditions restricting the use of the building under 20141170 therefore still apply as this application relates to changes to the appearance of the building only, and not its use.

Foul drainage – The Environment Agency object to the application due to lack of information on foul drainage. The applicant has submitted supplementary information to show the foul water drainage would be from the wc. to the mains drainage that connects to School Lane which is considered acceptable. The EA were re-consulted but at the time of determination no comments have been received however on the basis that the wc is connected to the main drains this is considered acceptable and in respect the proposal is compliant with Policy CS19 (LPCS).

Archaeology – Due to there being no below ground works it is considered the proposal would not impact on any archaeology and in this respect the proposal is compliant with saved Policy TC7 (LPFR).

Conclusion & Recommendation

The physical changes to the building are not considered to have constituted inappropriate development in the Green Belt, would not impact on the openness of the Green Belt, are acceptable in respect of design, character and appearance and landscape character. The use of the building is still a garage used in connection with the main host dwelling. Permission is therefore recommended.

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	30th June 2022	Dated:	01 July 2022