



Delegated Report

Householder Planning Application

Planning Application No: 20230751

Location: 19 Grange Road Gravesend Kent DA11 0ET

Description: Erection of a detached outbuilding to rear.

Applicant: Mr Y Patel

Site Visit Date: 31 August 2023

Submitted Documents/Plans

Application for Planning Permission form;
Drawing no. P01 Rev. P1 Existing block plan;
Drawing no. P02 Rev. P2 Proposed block plan;
Drawing no. P03 Rev. P1 Proposed layout and elevations; and
Email received 17 January 2024.

Superseded Documents/Plans

Drawing no. P02 Rev. P1 Proposed block plan.

Procedural issues

Following the case officer's site visit, the applicant was asked to clarify whether the proposed development would encroach over the boundary with no. 17 Grange Road and to provide an amended block plan (as the submitted one was inaccurate). The applicant has since confirmed that there would be no encroachment and provided an amended block plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20170189	Single storey rear extension with a depth of 5.7 metres, maximum height of 3 metres and eaves height of 2.8 metres.	Prior approval not required	28.03.2017
20161255	Single storey rear extension with a depth of 5.7 metres, maximum height of 3 metres and eaves height of 2.8 metres.	Prior approval not required	09.02.2017
19840735	Formation of vehicular access onto Lennox Road and use of land as vehicular driveway	Permitted	19.10.1984

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
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC7 – Other Archaeological Sites

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.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-designed and Beautiful Places

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)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

GBC Environmental Protection Team (Regulatory Services)

After reviewing the application and information provided, including agents email confirming the outbuilding is for personal use only, I have the following comments;

Noise:

Repetitive impact noise from weights as well as music are potential sources of noise nuisance from gyms. The construction of the outhouse is not likely to be up to the same standards of sound insulation as the main property and therefore to reduce the likelihood of a noise disturbance to neighbours the applicant needs to take reasonable care and consider their neighbours. Suitable insulation to limit noise leakage from the outhouse, including cushioned flooring if weights are to be used, is recommended. In the event of complaints from residents this service would consider enforcement action if the complaints on investigation were found to be justified.

Commercial Use:

The applicant has advised that the gym/study will be for personal use only. If approval is given we recommend that it is made clear that a commercial activity cannot take place in the building unless they reapply for planning permission and this is granted by the LPA. This is to prevent possible nuisance to neighbours.

Residential Use Only:

If permission is granted it should be made clear that this is for the household use of the outbuilding as a gym/study, and not for accommodation.

Lighting:

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is

important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of their land in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Code of Practice on Construction and Demolition:

Please apply to mitigate any noise/dust nuisance that may be caused by the construction.

Contaminated land:

As the building will have foundations the applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical, and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Drainage:

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable. Confirmation should be provided to the LPA prior to approval of how the toilet waste will be disposed of.

Smoke Control Area:

Please apply the following as an informative.

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

Network Rail

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests that, where applicable, the applicant / developer follows the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway.

Should you wish to discuss any of the informatives, please contact our Asset Protection team via AssetProtectionLondonSouthEast@NetworkRail.co.uk.

Neighbouring properties

The application was publicised by a site notice and to two neighbouring properties by letter. No representations have been received.

Officer's Analysis

Principle of Development

The application site is located in an urban area, where domestic outbuildings are commonplace. Therefore it is considered that the principle of providing an outbuilding is not objectionable in planning policy terms.

However, in order to determine whether the detail of the development is satisfactory, it is necessary to examine the potential for amenity impacts and any design and other issues.

Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

In relation to outbuildings, the Householder Extensions/Alterations Design Guide (2021) sets out that proposals;

- Should only be used for purposes incidental to the enjoyment of the house;
- Should not deprive the existing property of adequate private garden space and should be subordinate to
- the existing dwelling and plot;
- The Council will consider factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment;
- Should not detract from the character of the area; and
- Should not have an adverse impact on the amenity of the surrounding properties in terms of noise and disturbance created through access or overlooking/overshadowing of existing properties.

The proposed development would have a general design that would be in keeping with the surroundings and it would not be widely visible in the surrounding area. Despite a relatively large footprint, the outbuilding would be subservient to the existing dwelling. The proposed external facing materials would match with those of the existing dwelling.

It is noted that the application site is adjacent to an alleyway, that could potentially provide a separate access to the proposed outbuilding. The proposed floor area of the outbuilding would result in a large study/gymnasium but the proposed use would be incidental to the dwelling at the application site (as a home study/gym). To ensure that any future use of the outbuilding remains incidental to the dwelling, any planning permission granted should be subject to conditions that preclude any commercial/business activities being undertaken and the subdivision of the garden.

Overall, the proposed development would be appropriate in terms of design and would not have an adverse impact on the character or appearance of existing dwelling or the surrounding area. Therefore, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and the Householder Extensions/Alterations Design Guide SPD (2021).

Amenity of Future Occupiers

The proposed development would improve the living conditions for future occupiers and sufficient rear garden area and depth would be retained. 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) and the Householder Extensions/Alterations Design Guide SPD (2021).

Neighbouring Amenity

The closest residential properties to the application site are nos. 17 and 21 Grange Road (located to the west and east respectively).

The proposed gymnasium use has the potential to cause adverse noise impacts to surrounding residential occupiers (from repetitive impact noise from weights and music). The GBC Environmental Protection Team (Regulatory Services) has not raised an objection to the proposed development and their advice regarding insulation can be given to the applicant in an informative attached to any planning permission granted. As such, it is considered that any adverse noise impacts would not be so significant as to warrant a refusal of

planning permission.

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 overlooking, overshadowing or overbearing impacts to the occupiers of the surrounding dwellings.

In order to prevent any future loss of privacy to neighbours, any planning permission granted should be conditioned to preclude the insertion of any windows or openings in the side elevations of the proposed development.

The GBC Environmental Protection Team (Regulatory Services) has raised concerns regarding adverse external lighting impacts. However no external lighting is proposed. Their comments in this regard can be given to the applicant in an informative attached to any planning permission granted.

Overall, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and the Householder Extensions/Alterations Design Guide SPD (2021).

Any Other Material Planning Considerations

The application site is located adjacent to Network Rail land and Network Rail have raised no objection to the proposed development. Their comments can be given to the applicant in an informative attached to any planning permission granted.

The application site is located within an area of multi-period archaeological potential, a Site of Special Scientific Interest (SSSI) Impact Risk Zone and Groundwater Source Protection Zone 3. However, as the proposed development is within the confines of an existing residential garden and only a relatively small amount of groundworks would occur, then it is considered that there would be no adverse impacts to the SSSI, groundwater or archaeology. As such, the proposal would be in line with Policies CS12, CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

The application site is located within the buffer zone for the Campbell Road and Lennox Road historic landfill site and the GBC Environmental Protection Team have set out the wording for a watching brief condition. Therefore, provided that this condition is attached to any planning permission granted, then there would be no adverse ground contamination impacts.

The application site is located in a smoke control area. As such, advice regarding smokeless fuels/appliances can be given to the applicant in an informative attached to any planning permission granted.

Suggested Conditions

Time Limit

Development in accordance with the approved plans

Materials to match existing

Use as a study/home gym only

No openings in flank elevations

Obscure glazing to w.c.

No subdivision of the curtilage

Contamination watching brief

Conclusion & Recommendation

The proposal would comply with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable.

Planning permission subject to conditions is recommended.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	01st February 2024	Dated:	01 February 2024