



Delegated Report

Application No: 20210980

Location: 25 The Avenue, Gravesend, Kent, DA11 0NA

Description: Erection of a brick built outbuilding in the rear garden to form a gym and storage.

Applicant: Mr Jasbir Dosanjh

Site Visit Date: Desktop assessment

Submitted Documents/Plans

The applicant has submitted the following in support of the application:

Application form;

Drawing no. 25TA/A3/01 (Site Map and Outbuilding Plan/Elevations); and

Drawing no. 25TA/A3/02 (Existing and Proposed Block Plans).

(All received 30 July 2021).

Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20211047	Retrospective application for change of use from dwelling house to a 11no. bedroom house of multiple occupation.	Pending consideration	
20210529	Erection of single storey rear extension.	Permitted	21.06.2021
20170260	Erection of a single storey rear extension.	Permitted	12.06.2017
19910683	Change of use of single family dwelling to residential care home for the elderly.	Permitted	24.03.1992
19850219	Erection of single storey rear extension to form kitchen breakfast area shower room and wc	Permitted	14.06.1985

Development Plan

Gravesham Local Plan Core Strategy 2014

CS01 – Sustainable Development
CS02 – Scale and Distribution of Development
CS11 – Transport
CS12 – Green Infrastructure
CS19 – Design and Development Principles
CS20 – Heritage and the Historic Environment

Saved Policies in the Gravesham Local Plan First Review 1994

T1 – Impact of Development on the Highway Network
TC3 – Development affecting Conservation Areas
P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF 2021 sets out that those 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 the review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan First Review 1994 generally conform with the NPPF 2021, the Council will also seek to replace these saved policies via the emerging Local Plan.

Planning (Listed Building and Conservation Areas) Act 1990

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Other Material Considerations

National Planning Policy Framework 2021

Section 2 – Achieving sustainable development
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance (SPG)

SPG2 – Residential Layout Guidelines (2020)
SPG4 – KCC Parking Standards (2006)
Technical Housing Standards – Nationally Described Space Standards (2015)
Pelham Road/The Avenue Conservation Area Character Appraisal (2009)

Consultations, Publicity and Representations

GBC Conservation

No response.

Neighbouring properties

The application has been advertised by individual neighbour letters to 20 properties, and on site. The consultation periods expired on 29 September and 8 October 2021 respectively.

12 letters of representation have been received, objecting on the following grounds:

- Who will use the gym and who will run it?
- Users will cause noise and disturbance to neighbouring gardens
- Excessive size
- It will be built right up to property boundaries
- Lack of remaining garden space
- Building disruption
- Work is likely to be complete before planning permission has even been considered.

The objections also contain comments about application 20211047; these will be considered separately in relation to that application.

Local Ward Councillors were also consulted and no responses were received.

Analysis

Proposal

This application seeks permission for the erection of a brick built outbuilding in the rear garden to form a gym and storage.

The outbuilding will be positioned within the rear garden of No. 29 The Avenue, immediately adjacent the rear boundary and across the width of the plot. The outbuilding will be 3.55m high to the top of the pitched roof. It will be 6.735m wide and 3.5m deep. There will be a window and a set of patio doors to facing the garden.

The application form states the outbuilding will be constructed of yellow stock brick face walls with white uPVC glazed window and doors. The existing boundary treatment will be retained.

This application is being determined on the basis of the current single residential use of the property.

Principle Issues

The main issues to consider in the determination of this application are the design of the proposed outbuilding and the impact on the character and appearance of the existing property and surrounding area, the effect of the proposal on the amenities of existing neighbouring properties and future occupiers, and the impact on highway safety and parking provision.

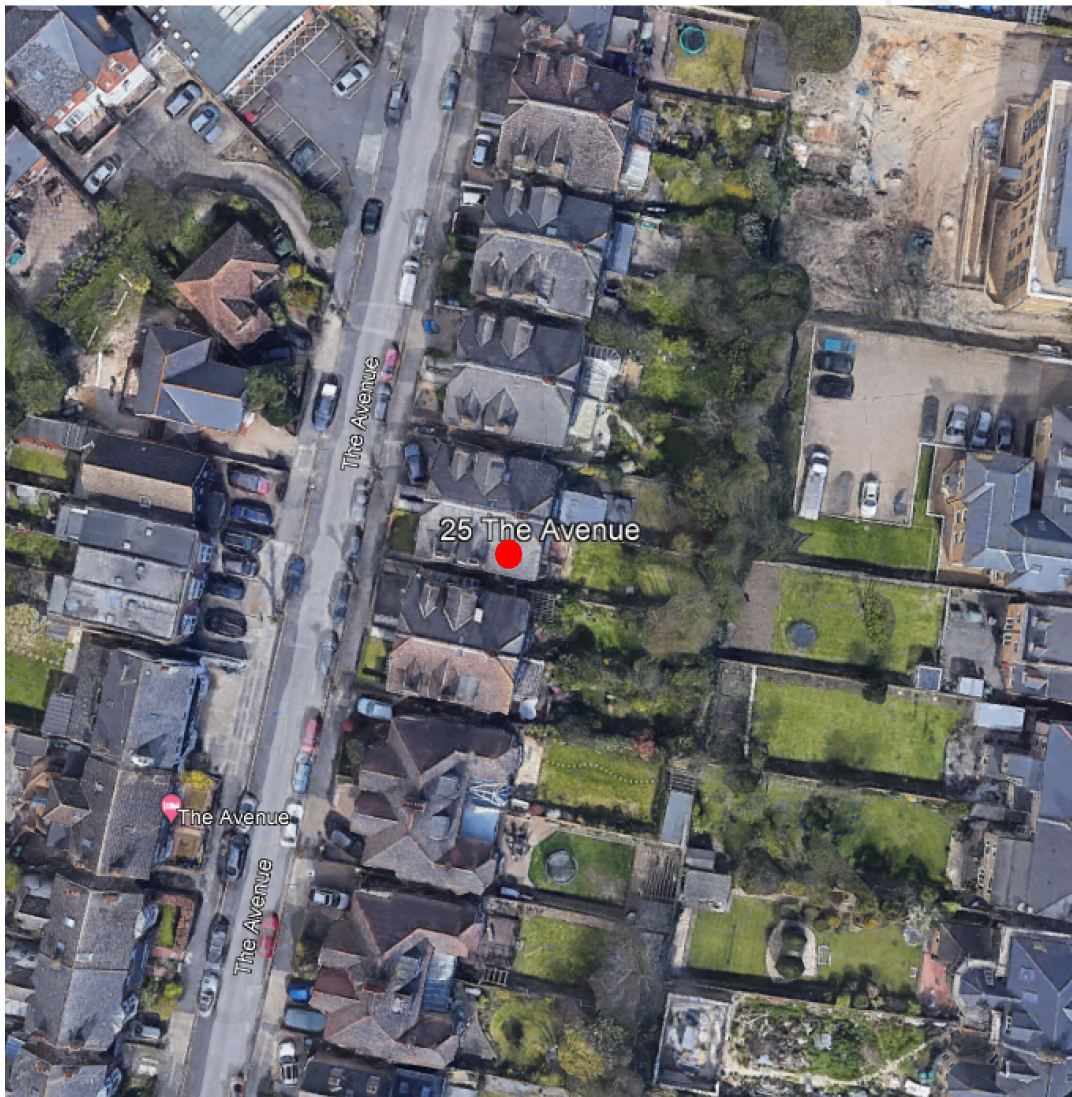
Design and Character and Appearance of Surrounding Area

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 130 of the NPPF 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The NPPF 2021 also places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and

distinctiveness (paragraph 190). This is echoed in Policy CS20 of the Core Strategy, which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced. Saved Policy TC3 of the Local Plan 1994 also states development is expected to make a positive contribution to the Conservation Area.

The application site consists of a two storey semi-detached dwelling in The Avenue, currently in use as an unauthorised HMO (see 20211047). The site is in the Pelham Road/The Avenue Conservation Area and subject to an Article 4 Direction. As can be seen from the above planning history, a single storey rear extension has already been approved at the property and is being constructed (application 20210529).



The previous application 20210529 initially included an outbuilding similar to what is proposed under the current application. The agent was advised the proposal was not acceptable as the proposed extension and outbuilding would result in the garden area of the property being undersized. This same issue was also raised under the 20170260 application, with the result that the outbuilding was removed from the proposal under both applications.

Under the current application, this continues to remain a concern. Whilst the building will be single storey, its size will be substantial within the context of the application property. There would be only 10m between the rear of the single storey rear extension and the front of the outbuilding. There are very few outbuildings in the rear gardens of these properties, and those that are present

are much smaller than what is proposed, and retain a good size garden, which is very much part of the spatial character of the area.

The size of the outbuilding is considered excessive; it will take up the whole width of the plot and its height at the rear will be well above the existing boundary height. It is recognised that an outbuilding could be constructed under permitted development at the property but what is proposed far exceeds the parameters of what would be allowed under these rights. It is considered out of character with the residential layout of its surroundings.

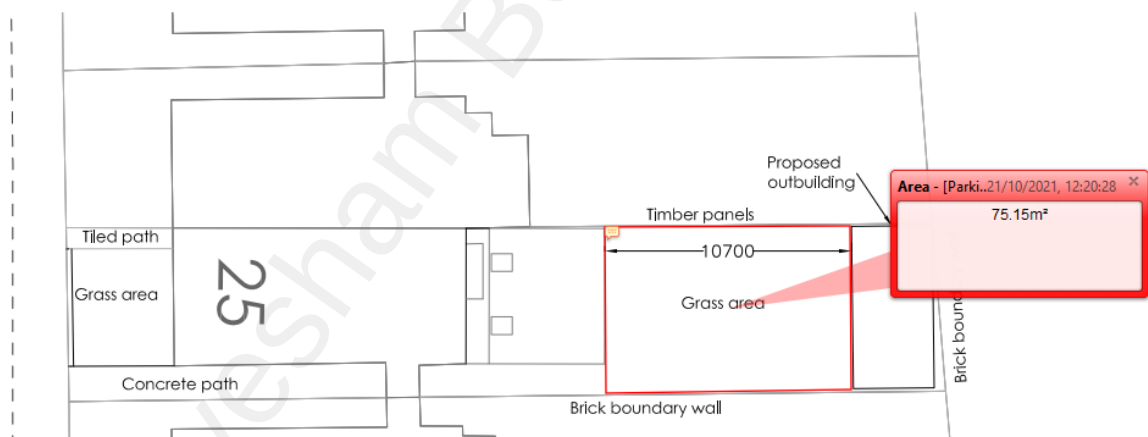
Overall, it is considered that the outbuilding would be inappropriate in terms of its size and scale, and would be out of keeping with the residential character and appearance of the site and surroundings in general. As such, the development would fail to comply with the requirements of Policy CS19 of the Core Strategy 2014, and paragraph 130 of the NPPF 2021.

Residential Amenity

The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

Future Occupiers

The proposed outbuilding would result in a significant loss to the existing amenity space. It is considered that the development would not comply with the Council's residential layout guidelines in terms of the retained, useable garden area, which measures less than 100sqm, which is the minimum required for a 4 bedroom property.



There is therefore a conflict with Policy CS19 of the Core Strategy 2014 in respect of the living conditions for future occupants of the dwelling, as the amenity space is unlikely to provide appropriately for the number of occupants at the property.

Neighbouring Properties

The outbuilding will be located at the bottom of the garden. Whilst it would be large, the structure is single storey, and due to its position, would not be considered to cause any significant loss of light or privacy, nor have any dominant impact on neighbouring properties.

It would certainly be considered appropriate to restrict its use to ensure that it does not become severed from the main residential property, which would not be appropriate in this area.

The numerous neighbour representations have been considered throughout the report with the main issues duly addressed. While some of the concerns are shared, the impact of the outbuilding on neighbour amenity is not an issue.

Overall, it is considered the proposal would have an acceptable impact on neighbouring properties in terms of outlook and privacy, and daylight and sunlight. As such, the proposal complies with Policy CS19 of the Core Strategy 2014.

Parking and Highways

There would be no change to the current parking situation at the property. It is therefore considered that there would be no adverse parking or highways impact from the proposal. There would therefore be no conflict with Saved Policy P3 of the Local Plan 1994 and Policy CS19 of the Core Strategy 2014.

Conclusion

The excessive size and scale of the proposed outbuilding would be substantial within the context of the application property, and would be incongruous with the character and appearance of the layout of residential properties in the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 130 of the National Planning Policy Framework 2021.

The proposed outbuilding would result in an unacceptable and cramped amenity space for future occupiers, and would therefore fail to provide a high standard of amenity, which would conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021.

Recommendation:

Refuse.

See draft Decision.

Case Officer: Katherine Parkin	Team Leader: Faye Hobbs
Signed: K. Parkin	Signed: 
Dated: 21/10/2021	Dated: 22 October 2021