
Appeal Decision

Site visit made on 29 June 2020

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 3 July 2020

Appeal Ref: APP/K2230/D/20/3245085

33 Artillery Row, Gravesend, Kent DA12 1LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Bahnot against the decision of Gravesend Borough Council.
 - The application Ref 20191099, dated 14 October 2019, was refused by notice dated 2 January 2020.
 - The agreed description of the proposed development is "*part 2-storey and part single-storey front and rear extensions, and continued use of the integral garage as habitable accommodation*".
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Decision

1. The appeal is allowed, and planning permission is granted for "part 2-storey and part single-storey front and rear extensions, and continued use of the integral garage as habitable accommodation", at 33 Artillery Row, Gravesend, Kent DA12 1LY, in accordance with the application Ref 20191099, dated 14 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the approved plans: Drawing No. 003 Revision A (Proposed Floor Plans), and Drawing No. 005 Revision A (Proposed Elevations).
 - 3) The external surfaces of the development shall be constructed of materials to match those of the existing building.

Preliminary Matters

2. The description of the proposed development, as set out above, differs from that on the application form. However, this amended description was agreed between the Council and the applicant in an exchange of emails on 18 October 2019, and has since been confirmed by both parties, in correspondence with the Planning Inspectorate.
3. The appeal has proceeded in the name of Mr J Bahnot only, because the right to appeal is available only to the person or persons named as the applicant in the original application.

Main Issues

4. The Council raises no objections to the conversion of the garage to living accommodation.
5. The main issues in dispute therefore relate to the proposed front and rear extensions, and in particular their effects on: (i) the character and appearance of the area, and (ii) the amount of rear garden space that would remain available at the property.

Reasons for Decision

Character and appearance

6. The appeal property is a 3-bedroomed, mid-terraced house, forming part of a late 20th century estate of mainly 2-storey, terraced and semi-detached properties. The proposed extensions to the front and rear would each have a larger ground floor element and a smaller first floor addition above. At first floor level, both would have gabled roofs, projecting forwards and rearwards respectively from the main building. In terms of character and appearance, the Council's concerns relate to these two first-floor elements.
7. As the Council points out, 2-storey extensions are not a common feature on the Artillery Row estate, and on my visit, I saw that the examples referred to by the appellant appear to be mainly hipped rather than gabled. However, this does not make gables unacceptable. In the present proposals, the first floor additions would both be modest in size. In the case of the front extension, the first floor element would sit alongside the existing forward projection of the adjoining property, No 35. To the rear, the first floor addition would project slightly, but only by about one metre. Neither of these first-floor elements would span the whole width of the property, and neither of their gabled roofs would rise above half-way up the main roof slope. In terms of scale, as the Council acknowledges, the extensions would be subservient to the existing dwelling. The materials would need to match those of the existing building, but this could be secured by condition. Overall, it seems to me that the design, size, and detailing of the proposed extensions would be generally in keeping with the existing property and its surroundings.
8. I appreciate that Policy CS19 of the Gravesham Local Plan Core Strategy (the GLPCS)¹ seeks to ensure, amongst other things, that developments take account of their local context, in order to conserve and enhance the area's character. I also note the related advice in paragraphs 127 and 130 of the National Planning Policy Framework (NPPF). However, neither of these policies rules out the introduction of new features, in appropriate locations; to my mind, the policies in question place the emphasis on compatibility, rather than rigid conformity. In the present case, there is no doubt that the proposed extensions would be clearly visible, but they would be relatively minor additions, complementing the original design and blending well with the existing terrace. In my view neither of the extensions would be unduly prominent or noticeable within this modern estate setting.
9. I therefore conclude that the proposed development would be visually acceptable, causing no discernible harm to the area's character or appearance.

¹ Adopted in September 2014

In this respect, I consider that the scheme would fully accord with the relevant provisions of Policy CS19 and the NPPF, relating to design and appearance.

Garden size

10. With regard to garden sizes, the same Policy CS19 states that new residential development should provide appropriate levels of private and public amenity space, and that the design and layout should accord with the Council's 'Residential Layout Guidelines' SPG². For 3-bedroom properties, the SPG seeks a minimum private garden area of 60 sq m. NPPF paragraph 124 encourages the creation of high quality buildings and places, as a key aspect of sustainable development.
11. The rear garden at the appeal property, as originally laid out in the 1980s or 90s, has a rear garden which appears to be slightly less than this size. The rear extension now proposed would reduce this by about one third. According to the Council's measurements, the remaining rear garden would amount to just over 34 sq m. This figure is not disputed by the appellant.
12. However, the depth of the rear extension, at ground floor level, would be no more than about 3 metres, and it is apparently accepted by the Council that this part could be carried out as permitted development, without the need for planning permission. If that is so, then the fall-back option of constructing a single-storey rear extension, of a similar floor area to that now proposed, seems to me highly material. I see no reason to doubt the appellant's stated intention to make use of this fall-back position if necessary.
13. In addition, it is difficult to ignore the fact that the Residential Layout SPG is now some 24 years old, and would therefore have been devised in circumstances somewhat different from those that apply now. And although the SPG is still referenced in the more recent Policy CS19, it is clear from GLPCS paragraph 5.15.13, that even in 2014 the SPG was already regarded as due for review. In the present appeal, some six years later, there is no evidence of any such review having taken place. It is also relevant to note that SPGs, prepared under earlier legislation, were subject to less rigorous consultation and adoption requirements than would now be required for similar guidance. All of these circumstances lead me to conclude that, realistically, the Residential Layout SPG can now carry only limited weight.
14. I appreciate the aims behind the relevant provisions of Policy CS19, to ensure that housing in Gravesham provides a good standard of accommodation. The appeal property is a family-sized dwelling, and in general terms it is desirable that new and existing family houses should be capable of meeting the likely needs of future occupiers, including the need for adequate garden space. But that aim must also be balanced against society's changing needs and expectations as regards the amount of space and facilities required within the dwelling itself. In the absence of any up-to-date assessment in the Borough, as to how these competing needs are to be reconciled, it seems to me that the standards in the now somewhat outdated SPG do not justify refusal in this case.
15. In the present appeal proposal, there is no doubt that the reduced garden area available to the occupiers would be relatively small for the size of the enlarged

² Supplementary Planning Guidance (SPG) dated February 1996.

dwelling. But it would still be just about large enough to accommodate a sitting area and play space for younger children, together with outdoor drying and bin storage. I accept that a garden of this size would not meet the needs of all potential occupiers, but it might well suit some others. In this context, it is relevant to note that the appellant's stated intention is to occupy the property, with his family, and that the balance between indoor and outdoor space in the appeal scheme is designed to suit their own needs and circumstances. To my mind, the resulting small rear garden would be towards the lower end of the range of what would be acceptable to most occupiers, but that does not make it unacceptable.

16. I conclude that the proposed scheme would provide for an adequate amount of retained garden space, in general accordance with the relevant provisions of Policy CS19 and the NPPF.

Other Matters

17. I note the comments in the Case Officer's report with regard to the effects of the proposal on natural lighting and living conditions within the existing living/dining area. However, this issue is not identified in either of the refusal reasons. This seems to me largely a matter of personal choice for the property's occupiers.
18. I have considered carefully the Council's suggestion of a condition removing permitted development rights in respect of Classes A, B and E. However, such rights are granted by Parliament, and should be taken away only exceptionally. In this case no clear justification for their removal has been shown. However I agree that, in addition to the standard time limit, a condition relating to the approved plans is needed, to provide certainty, and control of materials is necessary for the reasons stated earlier in this decision.

Conclusion

19. For the reasons explained above, I find that the proposed development would not harm the area's character or appearance, and would retain sufficient, useable rear garden space, in accordance with the relevant development plan policies. The appeal is therefore allowed.

J Felgate

INSPECTOR