



Delegated Report

Full Planning Application

Application No:	20211594
Location:	48 Wilberforce Way, Gravesend, Kent, DA12 5DQ
Description:	Erection of 1no. single storey two-bedroom detached dwelling.
Applicant:	Mr And Mrs S Burles
Site Visit:	28 th October 2021

Procedural Note

The description of the application has been changed. The original description was erroneous stating that the development would be for the erection of a two storey dwelling, however the property proposed is single storey. The plans submitted corroborate this and as such the description was changed to read:

“Erection of 1no. single storey two-bedroom detached dwelling”

Submitted Documents/Plans

Application Form - dated 30/12/2021;
Drawing no. 1000 - Site Location Plan (scale - 1:1250);
Drawing no. 1001 - Existing Site Block Plan (scale - 1:250);
Drawing no. 1002 - Existing Site Plan (scale - 1:100);
Drawing no. 1101 - Rev. A - Proposed Site Block Plan (scale 1:250);
Drawing no. 1102 - Rev. A - Proposed Site Plan (scale 1:100);
Drawing no. 1110 - Rev. A - Proposed Ground Floor Plan;
Drawing no. 1111 - Rev. A - Proposed Roof Plan;
Drawing no. 1120 - Rev. A - Proposed Sections AA and BB;
Drawing no. 1130 - Rev. A - Proposed North and South Elevations;
Drawing no. 1131 - Rev. A - Proposed East and West Elevations;
Drawing no. 1500 - Rev. A - Design and Access Statement.

Relevant Planning History

Application No.	Description	Status	Decision
20211101	Erection of 1 no. two-storey, two-bedroom detached dwelling	REFUSED	02.11.2021

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Types and Sizes
- CS15 - Housing Density

- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- T5 - Access to the Identified Highway Network

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)

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting Sustainable Transport
- Section 11 - Making effective use of land
- Section 12 - Achieving sustainable development and well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- 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
- SPG 4 - KCC Parking Standards (2006)
- Technical Housing Standards: Nationally Described Space Standards (2015)
- Gravesham Householder Extension/Alteration Design Guidance SPD (2021)

Consultations, Publicity and Representations

External Consultees

KCC - Heritage - The site lies within an area of multi-period archaeological potential. I consider it unlikely, however, that the proposed development will have a significant archaeological impact and have no further comments to make in this case.

Internal Consultees

GBC Environmental Protection Team (from previous app 20211101) - We have no objection subject to the following comments. If permission is given, we would ask that the following conditions be applied:

Watching Brief - 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

Code of Practice on Construction and Demolition - Please apply

Drainage/sewerage informative - 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.

Smoke Control 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.

GBC Highways - This revised application requires very careful consideration. The existing property has no provision for car parking so none can be required for it as a result of this proposal, however the new dwelling should in my opinion be provided with adequate off street car parking and one space would suffice.

Whilst Gravesham Borough Council may have adopted guidance for maximum parking at residential properties, this does not now reflect current thinking. Kent County Council revised its guidance as Highway Authority in 2008 and are currently reviewing them again. In terms of the current Highway Authority's guidance a single parking space and turning area should be provided as the site is located in a suburban area. Unfortunately, this is not adopted Gravesham Borough Council guidance.

Looking at Street View on Google Maps, it can be seen on occasion that vehicles do park with at least one side of the vehicle on the footway, a practice that should be deterred if not prohibited.



October 2008



August 2010



April 2012



April 2017

This is approximately half of the Street View images

The issues of dealing with refuse collection and fire access have been considered and others are better

placed to comment on the suitability of the proposals.

Given the apparent habit of pavement in the area, my recommendation is one of refusal, due to the fact that the demand for on street parking and in particular partial on pavement could increase to the detriment of highway safety and the free flow of pedestrians particularly those with disabilities or children. I accept in isolation it could be argued it is only one more vehicle, but if other proposals were to come forward they would be difficult to resist if this were approved as a precedent will have been set. However, it has to be accepted that refusals purely on the grounds of car parking are not likely to be viewed favourably by the Planning Inspectorate.

Neighbouring properties

A notice was displayed on site 12th January 2022.

In addition, sixteen surrounding properties were consulted and two representations have been received. The two representations objected to the proposed development and expressed the following concerns (these have been separated into material and non-material planning considerations):

Material Planning Considerations:

- Overshadowing/Loss of light
- Impact on parking within the area
- Additional bins cluttering street on collection
- Unacceptable comparisons of new dwelling to outbuilding/garage

Non-Material Planning Considerations:

- Future extensions to the dwelling
- Loss of value to property

Please note only the material planning considerations are relevant to this decision.

The consultation period expired 11th February 2022.

Preliminary Matters

An application was submitted and refused in 2021 (ref. 20211101). The application proposed the erection of a two bedroom dwelling in the side garden of no.48 Wilberforce Way. It is noted that there was a description error for the previous application, similar to that of this proposal - the dwelling refused permission was a single storey, two bedroom property. The application was refused for the following reasons:

1. *The proposal is an inappropriate overdevelopment of the site and cramped form of development which is out of character with the area, resulting in substandard, poor quality amenity space for future occupiers and is an unneighbourly form of development. As such the proposal is contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2021).*
2. *The proposed dwelling and associated driveway are unacceptable in terms of inadequate access. The driveway and gates will result in encroachment onto neighbouring land, there is limited space for turning meaning vehicles have to reverse excessive distances and the access is substandard for fire engines to reach the dwelling in the event of an emergency. As such the proposed development is contrary to Policies CS11 and CS19 (LPCS), saved policies P3 and T5 of the Gravesham Local Plan First Review 1994, the Adopted Kent Vehicle Parking Standards (SPG4) and Section 9 of the National Planning Policy Framework (2021).*
3. *The proposal fails safeguard biodiversity and fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2019 and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).*

In order to be granted permission, this application must be considered to overcome the previous reasons for refusal. The previous Delegated Report has been attached as Appendix 1.

Officer's Analysis

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published here), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2021). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 182)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;

- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '1' residential units would offer a minimal but important contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

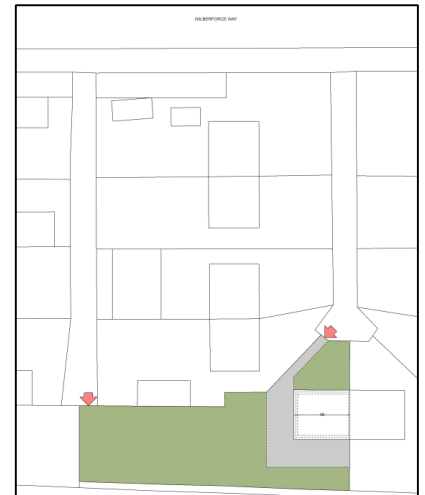
Policy CS02 (Scale and Distribution of Development) (LPCS) prioritises development in the urban area as a sustainable location for development by bringing forward a range of suitable sites on other parts of the urban area for residential. The application site lies within the urban area of Gravesend and is not subject to any specific local planning policies or constraints that restrict the principle of development, other than general policies that seek to protect the character of the area and the amenity of existing and future residents.

It is considered that local adopted Policies CS14 (Housing Type and Design), CS15 (Housing Density) and CS19 (Development and Design Principles) (LPCS) together provide an assessment framework in line with the guidance provided by paragraph 71 of the NPPF (2021). The proposal shall be assessed against these policies in the following section reviewing the character and appearance of the scheme.

Site Description

48 Wilberforce Way is a two storey semi-detached property located on the western side of the highway. The property is setback from the highway by approx. 42m and is accessed by a pedestrian footpath. There is a vehicular access road serving a number of properties and no.48 is served by a double gate at the northern end of the garden. However, as shown in the screenshot below the access at the end of the garden is narrow with a width of 2.26m.

The surrounding area is characterised by two storey semi-detached dwellings. These properties are uniform in terms of design, scale and roof form. Some properties have detached garages accessed by rear service lanes.



Description of the Proposal

The proposal is to erect a two bedroom single storey dwelling in the garden of no. 48 Wilberforce Way. The proposed dwelling will have a footprint of approx. 79m². The garden will be subdivided with the existing property retaining just under half of the original curtilage (48.5%), whilst the new dwelling will be constructed on the remaining area. There is no off-street parking provision proposed with this development.

The new dwelling will have a pitched roof with gable ends. It will be accessed by a pedestrian footpath alongside the pedestrian access to no.48 Wilberforce way and will have an access onto the vehicular access road. There will be two double bedrooms, one family bathroom and an open plan kitchen/living/dining area. The new dwelling will have two windows in the front elevation, three on the rear

Proposed Front (East) Elevation

It will have an internal floor area of 61.4m² and will have the following dimensions:

- The proposed dwelling is 11m from the flank elevation of the existing property. The new properties' garden wraps around the dwelling with an area of approximately 125m². There is a proposed garden store to the north of the proposed dwelling and an area for refuse storage.



The proposal is not materially different to that previously refused; with the only material changes to the proposal is the removal of the proposed parking area within the curtilage and the planting of seven trees around the site.

Design, Character and Appearance

The surrounding area is characterised by two storey terraced dwellings, of similar scales, designs and roof forms. The proposed dwelling will be within a garden, would be single storey and out of character and at a different scale to the surrounding dwellings.

Given that the scale, form and design of the proposed dwelling has not changed, the content from the previous delegated report (20211101) is relevant:

“This matter of scale has been argued within the Design and Access statement to be similar to the garage structures and garden stores around Wilberforce Way. Whilst this is acknowledged, the footprint of the proposed dwelling and height will be significantly larger than these other structures. Equally, the proposed bungalow is out of scale with the surrounding two storey dwellings on Wilberforce Way. Therefore the introduction of the new dwelling within the rear garden would conflict with both the surrounding low-level outbuildings and two storey properties, and is considered to be inappropriate development which is out of character and would detrimentally impact on the character of the street scene.”

The DAS continues to attempt justification of the building under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This is not considered relevant as the building would not comply with the GPDO, nor does the GPDO allow for use of an outbuilding to be residential.

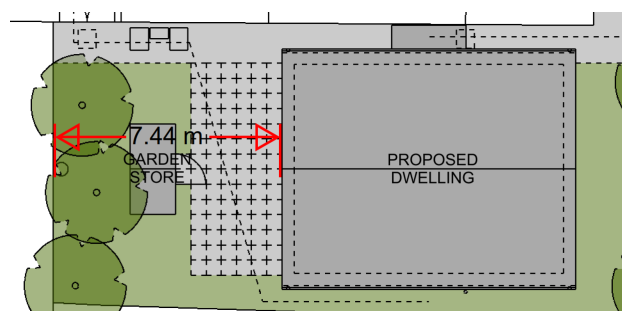
The proposed dwelling is a cramped form of development on a small site. The previous report highlighted this and the footprint of the property has not changed, nor has the size of the curtilage. Therefore the comment from the previous report is relevant:

“As shown in the screenshot above of the site plan, the new dwelling appears to be squeezed into garden with only 0.8m separating the proposed dwelling from the front and rear boundaries. Therefore the type and design of the new dwelling, as well as the density of housing development is contrary to Policies CS14 and CS15 (LPCS).

The revised application has not addressed the design concerns and is therefore considered to be inappropriate and overdevelopment, which is out of character with the surrounding area and cramped onto the site. The planning policy context has not changed since the previous decision and therefore the proposal is contrary to Policy CS19 (Development and Design Principles) (LPCS) and Section 12 (Achieving well-designed places) (NPPF).

Amenity of Future Occupiers

The proposed dwelling will provide acceptable amenity for future occupiers in terms of room sizes and natural lighting. The rooms within the property comply with Gravesham's Residential Layout Guidelines (RLG) (2020) and all habitable rooms will be served by both windows and glazed doors. The future occupiers will have a patio area on the northern side of the property accessed from the living room and a bedroom, with most of the remaining garden area being a grass lawn. The garden space has a maximum depth of 7.44m and an area of approx. 125m². Although the area of garden space complies with the recommendation within the RLG for a two bedroom dwelling, the depth is substandard and falls below the 7.6m minimum within the RLG.



Although it is a negligible difference this is considered to highlight that the proposed dwelling is cramped and overdevelopment. Moreover, the garden store will be within this space and reduce the usable garden

area. Therefore, the development is still considered to be cramped and overdevelopment by virtue of unacceptable garden depths.

The previous report failed to note that the private garden area of the proposed dwelling would be overlooked by the rear windows of no.32 Wilberforce Way. The refused dwelling had a split garden area with two sections of patio at each side of the property, however this has now changed with the full garden being relocated to the north. The RLG states that the first 5m of garden area is private amenity space and sets a minimum overlooking distance of 26m over a garden area. In this case, the rear windows of no.32 Wilberforce Way is approx. 19m from the private amenity space of the proposed dwelling. Even though there are trees proposed along the northern boundary these will take time to grow into maturity and will have to be evergreen to satisfactorily mitigate overlooking. Nevertheless, given that the issue of overlooking was missed on the previous report this cannot be included as a new reason for refusal.

The remaining garden for no.48 Wilberforce Way complies with the RLG and the new dwelling will not overlook or overshadow the property.

Overall, the amenity space provided for future occupiers of the dwelling would be cramped with a substandard depth of garden space. This reinforces that the proposed dwelling is cramped and overdevelopment of the site, not suitable for the erection of a residential property and is contrary to Policy CS19 (LPCS) and Section 12 (NPPF).

Neighbouring Amenity

The new dwelling is not considered to cause any material harm to the amenity of any adjoining properties in terms of loss of light, outlook, privacy or sense of enclosure. There were representations received from neighbouring properties regarding loss of light and overshadowing of garden area. However, as the proposed building is single storey it is not considered to cause any significant overshadowing into habitable rooms of the closest neighbouring properties (no. 46 Wilberforce way). Moreover, the lower level of the property hereby proposed will not create a sense of enclosure for neighbours.

Nevertheless, as concluded in the previous report, the development is considered to be an unneighbourly form of development. The comments raised remain relevant:

“The site is part of an existing garden area and the proposed dwelling will be cramped and close to the boundary with neighbouring properties. In addition, the new dwelling and associated paraphernalia in this location will alter the feel of the end of the cul-de-sac and impact on the character of the area.

Therefore, the application is considered to be an unneighbourly form of development that is cramped onto a small site which is a residential garden and will change the character and feel of the cul-de-sac to the detriment of amenity of surrounding properties”

The revised application is not considered to have overcome concerns of the development being an unneighbourly form of development by virtue of being cramped onto the site, close to the boundary of neighbouring properties. There have been no changes to the policy context since the previous refusal and therefore the proposal is contrary to Policy CS19 (LPCS) and Section 12 (NPPF).

Parking and Highways

The proposed dwelling has no off-street parking provision and future occupiers would park vehicles on Wilberforce Way. This strategy matches that of the surrounding properties, which do not benefit from off-street parking, as evidenced in the screenshots above in the Consultation section (GBC - Highway Officer comments).

Gravesham's adopted parking standards (SPG 4) (2006) have maximum parking requirements for residential properties, therefore the proposal could not be refused according to SPG 4 for providing no off-street parking. Although Kent County Council have subsequent guidance whereby a single parking space is

required for a two-bedroom property that is within the suburban area, this has not been adopted by Gravesham and cannot be considered as part of this application.

Notwithstanding this, the Highways Officer has raised concern with the pavement parking within the surrounding roads and the impact of this on free flow of pedestrians. The screenshots provided in the representation demonstrates cars bumping up onto the pavement to park, which could increase to the detriment of highway safety and the free flow of pedestrians particularly those with disabilities or children. However, the footways along Wilberforce Way are relatively wide and could accommodate some vehicles and pedestrians without significantly impeding movement.

Given the maximum parking standards of SPG 4 and the existing parking arrangement of the surrounding properties it is not considered sufficient grounds to refuse the application for highway reasons. Therefore, although not ideal, the proposed two bedroom dwelling would be acceptable in highway terms even though no off-street parking is provided.

Any Other Material Planning Considerations

Refuse - Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste.

The submitted plans shows that to the front of the property a bin refuse area is proposed which shows space for two wheelie bins. The Design and Access Statement confirms that future occupiers will be required to place their refuse containers on Wilberforce Way on collection day, and return them to the property following collection. In summary with regard to refuse arrangements the strategy matches that used by other properties on Wilberforce Way and the development complies with Policy CS19 (LPCS).

A representation was received from a neighbour regarding the additional bins from the development impacting on the pavement. The comment highlights that on collection day the pavements are cluttered with wheelie bins. Although the new property exacerbate this existing situation it will only introduce two new wheelie bins and is therefore not considered sufficient grounds to refuse the application.

Contaminated Land - Policy CS19 (LPCS) and Paragraph 170 of the NPPF require new development to avoid adverse environmental impacts of land contamination and remediating contaminated land.

The Design and Access Statement acknowledges contaminated land, but states that there is no reason to believe that the land will be contaminated. Nevertheless, the document would accept a condition regarding an assessment and a specialist assessment for potential unexploded ordnance (UXO).

As such Gravesham Regulatory Services is recommending a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) is conditioned. Therefore, given that conditions could be attached to the decision notice, if the Local Planning Authority were minded to support the application, the contaminated land issue is not a reason to refuse this application.

Ecology and Biodiversity (Bird Mitigation) - The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £253.83 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing

developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £253.83 per new dwelling unit.

The applicant has acknowledged the contribution requirement, but has not completed the SAMMS Mitigation Contribution Agreement and therefore fails to comply with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the NPPF and Policy CS12 (LPCS).

Conclusion

The application is not considered to have overcome the previous reasons for refusal and is contrary to local and national planning policy.

The proposed dwelling is inappropriate and overdevelopment which is cramped onto the site and is out of character to the surrounding area. The cramped form of development proposed is reinforced by the substandard garden depths, which fail to safeguard the amenity of future occupiers and is an unneighbourly form of development. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) as well as Section 12 of the National Planning Policy Framework (2021). Therefore, reason for refusal 1 remains relevant.

Additionally, the proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014). Therefore, reason for refusal 3 remains relevant.

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	22 nd February 2022	Dated:	22 February 2022