



Appeal Decision

Site visit made on 30 May 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/K2230/W/22/3300664

31 Waterton Avenue, Gravesend DA12 2PY

- 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 Miss Sophie Dickson against the decision of Gravesend Borough Council.
 - The application Ref 20211250, dated 24 October 2021, was refused by notice dated 21 December 2021.
 - The development proposed is subdivision of single dwelling into two dwellings to create 1no. 3-bedroom dwelling and 1no. 4-bedroom dwelling, associated works to include a two-storey rear extension, conversion of loft space with addition of a hip to gable roof alteration and rear dormers and roof light to front roof slope and conversion of garage. Extension of existing crossover and removal of wall in front garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the development on the character and appearance of No.31 and No.29 Waterton Avenue and the surrounding area;
 - whether the site would be a suitable location for the development, having regard to flood risk; and
 - whether appropriate car parking would be provided on the site, including the effect of the development on on-street parking in the area, and whether satisfactory cycle storage would be provided on the site.

Reasons

Character and appearance

3. No.31 Waterton Avenue is a semi-detached house extended on one side across the full width of its plot at two-storey height. The other half is No.29 which has not been extended in this way to the side. The surrounding residential area contains mainly long rows of terraced houses, mostly sited close to the back edge of pavements in narrow streets with small gaps between the terraces. This includes the south side of Waterton Avenue. This gives a generally tight, built-up feel to the area. The row of terraced houses along the north side of this road is angled progressively further away from it, transitioning to a detached house then a sequence of two pairs of similar semi-detached houses including No.31 and No.29. These houses are more widely spaced with fully

hipped shallow pitched roofs and long front gardens. This group forms a tangible pocket of spaciousness that is locally distinctive, then reverts to a modern infill housing development at The Poplars and some similar semi-detached houses much closer to the road. Consequently, No.31 and No.29 make a positive contribution to the character and appearance of the area.

4. This semi-detached pair of houses would be lost and become a short terrace of just three houses, unusual in this road. Some longer terraces in the road and nearby are separated by closely spaced gables or book-ended by alternating hipped and gabled roofs at each far end, but roof profiles broadly remain at the same or similar height. The gable at No.31 would give a much longer main ridge line with significantly greater scale and massing of built form jutting out to one side at a high level. This enlarged part of the roof would also be tighter to the lower gable and ridge of the modern house next to it with a significantly more pronounced and abrupt step-up in bulk and ridge line. No.31 would have the appearance of a much wider semi-detached house at the enlarged roof level or two much narrower terraced houses than elsewhere in this road.
5. This part of the development would, therefore, be at odds with the prevailing pattern of houses in Waterton Avenue, especially this group of detached and semi-detached houses. Its proximity to the hipped roof at No.29 would significantly detract from the symmetry of the combined roof form and in such a short terrace give an unbalanced, lopsided appearance. This would consolidate a terracing effect that unduly eroded spaciousness with a jarring presence in the streetscene in views from the road in both directions.
6. The rear roof dormer would be wide and tall so obscure nearly all the existing and extended roof slope, including high up almost at ridge level and low down almost to eaves level. This substantial increase and projection of building volume beyond the plane of the roof slope would fundamentally alter the main roof form and give an overly top-heavy appearance to No.31. Two large, individual pitched roof projecting gables would be detached from the rear elevations of the houses, free-standing in a lower roof slope. They would appear isolated and this odd protrusion of built form would unduly dominate the first-floor parts of the houses.
7. As a result, this stepped appearance to the back of the houses would be incoherent and disjointed. These unsympathetic and incongruous alterations would not integrate well so undermine the integrity of the simple form and uncluttered appearance of No.31 at the rear. These upper parts of the development would be seen in a view from the access road that runs in between and behind the houses in The Poplars. That there would not be greater public visibility does not mean absence of intrinsic harm in this regard.
8. Some 'hip to gable' and other house extensions may be permitted development¹, including potentially the roof dormer I have been referred to at Riverview Park. However, there is no objective evidence in this appeal, such as a lawful development certificate or, for example, volumetric calculations to demonstrate that the relevant limitations or conditions of such permitted development rights would not be exceeded in this case; including considering the previous enlargement of the 'original house' and its roof space.

¹ Such as under Schedule 2, Part 1, Class A or Class B of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended)

9. Plots open to the pavement are not uncommon at some terraced houses in Waterton Avenue or the other semi-detached house further along this road beyond The Poplars. Nevertheless, it is uncharacteristic of this group of detached and semi-detached houses. Their front garden brick walls or fences give a pleasant sense of enclosure. There is no apparent likelihood that the wall at No.31 would be demolished for another reason. Requisite changes to the public highway, including a wider dropped kerb, would require the agreement of the Highway Authority (HA). These works would have little physical or visual presence so no overly urbanising impact. The tree stump in the pavement in front of No.31 might have greater amenity value in the future by re-growth but the HA intends to remove it and reinstate the pavement.
10. Taking all the above into account, I find that the development would have a negative effect on the design of No.31 at the front and rear and undermine its aesthetic with No.29 at the front, appreciably diminishing the way in which both are experienced in their immediate context. This would cause appreciable harm to the character and appearance of the surrounding area. It does not therefore comply with Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 (the CS). This policy includes that development should be visually attractive and locally distinctive, conserve the character of the local environment and integrate well with the surrounding area.

Flood risk

11. It is common ground that albeit in an area benefiting from flood defences, the site is in Flood Zone 3 with a high probability of tidal flooding from the Thames Estuary. Additionally, that under the National Planning Policy Framework (the Framework) the development is for a more vulnerable dwellinghouse use.
12. The appellant's site flood risk assessment (FRA)² has set out flood risk management measures so reflects the Framework 'exception test'. However, the considerations above mean that the 'sequential test' must be applied first. It aims to steer development to areas with the lowest risk of flooding from any source. The Framework also sets out that development should not be permitted if there are reasonably available sites appropriate for it in areas with a lower risk of flooding. Planning Practice Guidance (PPG) states that the area to apply the sequential test across will be defined by local circumstances relating to the catchment area for the type of development proposed.
13. There is no evidence about the extent of the Council's Borough or how much of it is potentially constrained by Flood Zone 3 (or Flood Zone 2, medium probability of flooding). No other catchment area has been suggested. I have not been informed that the site is in the 'Thames Riverside' or other regeneration area already evaluated under the sequential and exception tests. However, the FRA shows a large area of land near the site to the west, south and southeast that is in Flood Zone 1 (low probability of flooding) so not at risk of flooding³.
14. As a result, I find the appellant has not demonstrated that there are no reasonable alternative sites for the development and has not, therefore, met the sequential test. In these circumstances the site is not a suitable location for the development, having regard to flood risk. Consequently, it does not comply

² Unda Consulting Limited, April 2022

³ Page 16, Figure 10

with CS Policy CS18 which includes that development is to be directed to areas at least risk of flooding.

15. PPG confirms that the exception test should only be applied, if required, after the sequential test and that both elements need to be satisfied to grant planning permission. Given my findings on the sequential test, it is not necessary for me to consider the exception test and the appellant's proposed flood risk management measures.

Car parking and cycle storage

16. There is no compelling evidence that permanent parking demand at No.31 is already for 4 vehicles or does not include visitors. At my site visit 3 vehicles were present. The proposed 2 on-site tandem car parking spaces for each house would not be particularly convenient to use and require additional vehicle movements. This would, though, not be dissimilar to parking arrangements at many houses in this road. The Council agrees that this number and layout of spaces would accord with the Kent Vehicle Parking Standards (KVPS)⁴.
17. Albeit a snapshot, I saw that on-street parking in Waterton Avenue and nearby roads was well-used but spaces were available near the site. Even if the development created some additional parking demand, a small increase in on-street parking, especially transient use by visitors, would not unduly displace or inconvenience existing resident parking. The site is conveniently located for walking or cycling to facilities and services in Gravesend town centre, including public transport. These factors would likely be an influence on car ownership decisions by the future occupiers of the houses.
18. There is no existing or proposed side access so wheeling cycles through each house from the back garden would not encourage this mode of travel. However, the tandem car parking spaces in each long front garden could be arranged closer to the pavement than is shown in the submitted plans. This would leave enough space on the site to provide convenient secure storage for 3 cycles at one house and 4 at the other which would accord with the KVPS. Appropriate details could be secured by a planning condition.
19. I am, therefore, satisfied that appropriate car parking and cycle storage would be provided on the site with no material adverse effect for on-street parking in the area. The development would comply with saved Policy P3 of the Gravesham Local Plan First Review 1994 and CS Policy CS11. These policies include that development should make sufficient provision for vehicle parking on the site in accordance with the KVPS applied locally, having regard to alternative means of transport and accessibility to services and facilities.

Other Matters

The Thames Estuary and Marshes Special Protection Area and Ramsar Site – European Protected Sites (the EPS)

20. The site is within a zone of influence of the EPS. These are internationally important sites, designated due to habitat features that support wintering birds. A significant adverse effect on the integrity of the EPS would be likely to occur from the proposed residential development alone, or in combination with

⁴ Kent Vehicle Parking Standards Supplementary Planning Guidance SPG/4, July 2006

other plans and projects, in an area where increased recreational activity by future occupiers would harm this habitat or these species. The main parties consider that a financial contribution towards the 'Thames, Medway & Swale Estuaries - Strategic Access Management and Monitoring Strategy' would mitigate the impact of the development in this respect. The appellant has completed the Council's proforma 'Contribution Agreement' and made a direct payment to the Council for the relevant per dwelling tariff.

Personal circumstances

21. The appellant is the owner and occupier of No.31, which was her childhood home. She would live in one of the houses and the other be sold. However, there is no apparent reason why the development is necessary for the appellant to continue to live at No.31. Moreover, these private benefits would persist for the duration of her occupation, whereas the development would endure permanently and it needs to be considered in the wider public interest. As such, these personal circumstances have little weight in this appeal.

Planning history

22. The development is a revised proposal further the Council previously refusing planning permission and the appellant considers it overcomes the Council's previous objections. I have considered the development and this appeal on its individual planning merits.

Planning Balance

23. The Council accepts that it cannot currently demonstrate a 5-year supply of deliverable housing sites and suggests it was a 3.27-year supply. It also agrees that the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test. Framework paragraph 11(d) is therefore engaged. However, in this appeal the application of policies in the Framework that protect areas of particular importance (at risk of flooding) provide a clear reason for refusing the development. Accordingly, the presumption in favour of sustainable development does not apply in this case.
24. A net gain of one dwelling by effective and efficient use of this small, previously developed windfall site and increased housing density would be aligned with objectives of the Framework to significantly boost the supply of homes. It would make a small contribution to housing supply with modest social and economic benefits from the construction and occupation of the development. Notwithstanding the appreciable scale of shortfall in the Council's housing supply and delivery these considerations have moderate weight.
25. The development would cause appreciable harm to the character and appearance of the surrounding area. Additionally, it has not been demonstrated that it is appropriate or necessary to be in an area at significant risk of flooding. It does not comply with the Council's relevant development plan policies in these regards. These are broadly consistent with equivalent aims of the Framework, including to balance meeting housing needs with other objectives of sustainable development. As such, both environmental and social considerations have substantial weight.
26. The benefits would not, therefore, outweigh the adverse impacts of the development.

27. Since I intend to dismiss the appeal for these reasons, even if the development did not adversely affect the integrity of the EPS, so not provide a clear reason for refusing the development, the presumption in favour of sustainable development does not apply in this appeal. There is therefore no need for me, as the competent authority in this appeal, to consider the EPS any further, including appropriate assessment, as it would not affect my decision or alter the outcome of the appeal.

Conclusion

28. The development does not accord with the development plan taken as whole and conflicts with the Framework. There are no other material considerations to outweigh these findings.

29. Consequently, for the reasons given above the development is unacceptable and the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR