



Delegated Report

Application No: 2021237

Location: 11 Christianfields Avenue, Gravesend, Kent, DA12 5NE

Description: Subdivision of dwelling into 2 semi detached dwellings to form 1 no. 2 bedroom house and 1 no. 3 bedroom house.

Applicant: Mr S Obee

Site Visit Date: Desktop assessment

Submitted Documents/Plans

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

Application form received 6 October 2021;
OS Plan received 6 October 2021;
Drawing no. 01 (Floor Plans as Existing & as Proposed) received 6 October 2021;
Photographs received 25 October 2021; and
Drawing no. 03A (Block Plans as Existing & as Proposed) received 1 November 2021.

Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20080838	Erection of two storey side, part two storey and part single rear extension to form hall lounge, kitchen/diner and kitchen at ground floor level with three bedrooms and two bathroom/wc's at first floor level in substitution to that previously permitted under planning permission reference number 20080405.	Refused	12.11.2008
20080405	Erection of two storey side and single storey rear extension to form kitchen, kitchen/diner, lounge and wc at ground floor level with three bedrooms and shower room/wc at first floor level.	Permitted	23.06.2008

Development Plan

Gravesham Local Plan Core Strategy 2014

CS01 – Sustainable Development
CS02 – Scale and Distribution of Development
CS11 – Transport
CS14 – Housing Type and Size
CS19 – Design and Development Principles

Saved Policies in the Gravesham Local Plan First Review 1994

H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
T1 – Impact of Development on the Highway Network
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.

Given Gravesham's current inability to demonstrate a 5 year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the 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 2021 at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF 2021, paragraph 181)
- Sites of Special Scientific Interest;
- Green Belt;
- Local Green Space;
- Areas of Outstanding Natural Beauty;
- Irreplaceable habitats;
- Designated heritage assets (and other heritage assets of archaeological interest, see NPPF 2021, 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 121(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.

Other Material Considerations

National Planning Policy Framework 2021

Section 2 – Achieving sustainable development

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Supplementary Planning Guidance (SPG)

SPG2 – Residential Layout Guidelines (2020)

SPG4 – KCC Parking Standards (2006)

Technical Housing Standards – Nationally Described Space Standards (2015)

Consultations, Publicity and Representations

GBC Engineering

This application should be refused. If the property is divided, the original dwelling would not have any accessible parking.

By sharing a crossover the new independent dwelling's parking would obstruct the access to the parking for original dwelling. The parking for the original dwelling cannot be amended so that is perpendicular to the highway and served by an extended crossover, as the front garden is inadequate in terms of depth. Kent County Council require a minimum of 5m (4.8m absolute minimum) to accommodate a vehicle, this increases to 6m in front of a door to ensure there is adequate pedestrian access, particularly in case of emergencies. Here, the depth of the garden is approximately 4m.

GBC Environmental Protection Team (Regulatory Services)

Apply Code of Practice on Construction and Demolition and Smoke Control informatives.

KCC Heritage

The site lies in an area of multi-period archaeological potential. However, it is considered unlikely that the proposed works will have a significant below-ground archaeological impact at this location and there are no further comments to make in this case.

Neighbouring properties

The application has been advertised by individual neighbour letters to 9 properties, and on site. The consultation periods expired on 8 and 10 December 2021 respectively.

One letter of objection has been received with the following comments:

- Refer to conditions 3 and 4 imposed when planning application 20080405 was approved.

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

Analysis

Proposal

This application seeks permission for the subdivision of the dwelling into 2 semi-detached dwellings to form 1 no. 2 bedroom house and 1 no. 3 bedroom house.

The proposal essentially involves the use of the two storey side extension previously approved in 2008 as a second dwelling. It is not clear whether the property is already being used as two separate dwellings, but in terms of its existing appearance there is already a second front door on the front elevation. The application will be assessed as submitted i.e. for a proposed subdivision rather than a retrospective.

The plot will be divided down the middle, with boundary fencing to be erected along the length of the existing rear garden, splitting off the two properties. At the front, the existing crossover and driveway will be shared for both properties.

The floor plans show the original dwelling as having an entrance hall, lounge, dining room and kitchen on the ground floor, with three bedrooms and a bathroom on the first floor.

The new dwelling (within the existing extension) will have an entrance hall, lounge, kitchen/diner and WC on the ground floor and two bedrooms and a shower room on the first floor.

The existing internal doorway between the two properties would be blocked up.

There are no external changes to the building or front garden.

[NB The stated floor areas within the submitted plans scale slightly above Officer measurements.)

Principle Issues

The main issues to consider in the determination of this application are as follows:

- Principle of development.
- Design and impact on the character and appearance of the existing property and surrounding area.
- Residential amenity.
- Highway safety and parking provision.

Principle of Development

It is important to safeguard and make the best use of the existing housing stock in Gravesham. Policy CS02 of the Core Strategy 2014 relates to the scale and distribution of development in the Borough, and states that the development strategy is to retain and improve the existing housing stock. In the preamble to Policy CS14 of the Core Strategy 2014 (Housing Type and Size), paragraph 5.10.6 states that the Council will protect existing family-sized housing (two and three bedroom homes) to ensure that a sufficient number of larger units are maintained, due to a recognised need for such housing.

In considering proposals for the conversion of existing properties to provide homes, Policy H5 (i) sets out that development should be in an appropriate area for conversion to flats, maisonettes, bedsitters and multiple occupancy. It also notes that unless there are special or overriding circumstances, conversions will not normally be permitted in an area comprised for the most part of single-family dwellings.

Policy H5 (ii) requires that the application building shall be of such a size and arrangement as to be generally unsuitable for single-family occupation.

In this case, the existing property has been extended and currently has 5 bedrooms. Whilst it certainly remains suitable for single family occupation, its size is in excess of the two and three bedroom family homes sought to be particularly retained by Policy CS14 of the Core Strategy

2014. As a whole, the size and internal arrangement of the existing property would qualify as being an appropriate size for subdivision.

In terms of the character of the area, the surrounding area is mixed with semi-detached and terraced single family dwellinghouses and flats. The proposal would not be at odds with this character as the subdivided properties would remain in single family occupancy. The proposed subdivision would therefore not be considered to erode the overall residential character of the area, and as the site is within an accessible, sustainable and mixed residential location, it is considered to be in an appropriate area for subdivision. On this basis, it is considered that the proposal would comply with the requirements of saved Policy H5 of the Local Plan 1994 and Policy CS14 of the Core Strategy 2014, and the general principle of the development would be acceptable.

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 application site comprises a two storey, semi-detached property currently in use as a single dwelling, located in a residential area of Gravesend. As described above, the surrounding properties are largely a mix of semi-detached and terraced houses, with some flatted development nearby.



The proposed subdivision involves no alterations to the exterior of the property, save for the erection of boundary fencing to split the rear gardens. On this basis, the proposed subdivision would have little impact on the character and appearance of the site and street scene. As such,

the proposal would 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

In terms of the two subdivided properties, the 'original' three bedroom house would have a floor area of approximately 95m² (according to Officer measurements) which would meet the space standard set out in the NDSS 2015 for a 3 bedroom, 5 person property (93m²). The subdivided rear garden area would measure approximately 61m², which is just in excess of the required 60m² for a 3 bedroom house in the Council's SPG2 Residential Layout Guidelines 2020. The garden depth is between 10.6m and 8.4m, which is also roughly in line with the required 10m depth set out in SPG2, particularly in this area where smaller gardens are part of the character of the area.

The two bedroom dwelling within the extension would have a floor area of approximately 70m², which would also meet the NDSS standard for a 2 bedroom, 3 person property (70m²). The garden depth is in excess of the required 7.5m² set out in SPG2 at 9.3m.

There is therefore no conflict with Policy CS19 of the Core Strategy 2014, or the standards set out in the NDSS 2015 and SPG2 in respect of the accommodation standards and gardens for future occupants of the two dwellings.

However, it is considered appropriate to restrict permitted development rights at the property given the 'at limit' size of the gardens in relation to the size of the properties. It would be important to retain some control over any proposed increased in the size of the properties in relation to the amount of amenity space for the occupiers.

Neighbouring Properties

As there are no external changes proposed to the existing building and plot as a whole (with the exception of rear fencing between the properties), the proposal would have no impact on neighbouring properties in terms of loss of light or privacy.

There may be more of an impact in terms of potential increased noise and disturbance, and comings and goings from the more intensive use of the site, but the use will remain residential and the addition of one two bedroom dwelling in this existing residential area is unlikely to cause any significant amenity issues in this regard.

Overall, the proposal would safeguard the amenities of neighbouring properties, and as such, would comply with Policy CS19 of the Core Strategy 2014 and paragraph 130(f) of the NPPF 2021.

Parking and Highways

The KCC Highway Authority minimum parking standard for dwellings with 2 bedrooms is 1 space, and 1.5 spaces for 3 bedroom dwellings. For the 'original' dwelling there is space for one car to the front, plus three spaces at the rear, and there are 2 spaces to the front of the new dwelling within the extension.

It is recognised that there may be an access issue to the parking space at the front of the 'original' dwelling from the position of the shared crossover immediately at the front of the new dwelling; however, it is also noted that there are three parking spaces at the rear of the site accessed from Palmer Avenue to serve the 'original' dwelling. There is therefore adequate car parking provision for both houses. There have also been no neighbour objections relating to parking in the area.

Nevertheless, it would be appropriate to condition reserving the parking space to ensure there are no wider parking conflicts. With this in place, it is considered that there would be no adverse parking or highways impacts from the proposal, and it would comply with Saved Policy P3 of the Local Plan First Review 1994 and Policy CS19 of the Core Strategy 2014.

Other Material Considerations

Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff:

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £253.83 is required (given there would be one additional dwelling proposed on the site).

The applicant has signed a SAMMS Contribution Agreement and paid the appropriate tariff for the development, which would meet the requirements of paragraphs 174 and 180 of the NPPF 2021 and Policy CS12 of the Core Strategy 2014.

Housing Need

The proposed development would provide a net increase of one dwelling at the site, and would offer a small contribution towards meeting local housing need. Accordingly, this weighs in support of the application, particularly where evidence has shown that the Council cannot currently demonstrate a five year housing supply. As the development would provide housing in the urban area, it would comply with the requirements of Policy CS02 of the Core Strategy 2014.

Conclusion

In this case, the proposal would provide a small contribution towards increasing housing provision in the area, and subject to conditions, the proposal is considered to be acceptable in terms of the design and impact of the subdivision on the application building and the character and appearance of the surrounding area, and with regards to residential amenity and highway matters. The proposal would therefore comply with the requirements of Saved Policies H5 and P3 of the Local Plan First Review 1994, Policies CS01, CS02, CS11, CS12, CS14 and CS19 of the Core Strategy 2014, and paragraphs 11, 111, 126, 130, 174 and 180 of the NPPF 2021, and the standards set out in the NDSS 2015 and SPG2 2020.

Recommendation:

Approval with conditions.

See draft Decision.

Case Officer: Katherine Parkin	Team Leader: Richard Hart
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Signed: <i>K. Parkin</i>	Signed: <i>R Hart</i>
Dated: 05/01/2022	Dated: 10th January 2021

Gravesham Borough Council