



Delegated Report

Householder Planning Application

Planning Application No: 20240303

Location: 388 Rochester Road Gravesend Kent DA12 4TT

Description: Extensions to existing dwellinghouse to create a building containing 2no. semi-detached dwellinghouses and associated works.

Applicant: Mr Jasbir Bhangle

Site Visit Date: 11th April 2024

Submitted Documents/Plans

Application Form
D-01 – Site Location Plan
D-02 – Site Block Plan Survey
D-05 A – Floor Plans and Elevations as Existing
D-13 A – Proposed Block Plan
D-14 – Floor Plans as Proposed
D-15 B – Elevations as Proposed
Photographic Report
Design and Access Statement

Relevant Planning History

Reference	Description	Decision	Decision Date
20231051	Extension to existing dwellinghouse to create building, containing 2no. semi-detached dwellinghouses.	Permitted	04.01.2024
20230170	Application for a Lawful Development Certificate in respect of the proposed erection of outbuilding to provide gym, WC/shower room and home office	Granted	20.04.2023
20090099	Erection of a detached two storey, four bedroom dwelling with rooms in the roof space.	Refused	27.03.2009
19980185	Erection of two storey side extension to form living room with two bedrooms over, single storey rear extension to form dining room and continuation of the new pitched roof over the existing flat roofed rear extension.	Permitted	07.05.1998

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change

- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places
- 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;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Environmental Protection

The comments made for the previous application (20231051) are re-iterated.

The proposed dwelling is closed to a heavily trafficked road. Although there is an existing dwelling on this site, the proposal is adding a further dwelling and therefore introducing additional people into a potentially noisy environment. In this respect, a Noise Impact Assessment (NIA) will be required in order to ensure that internal noise levels are compliance with the requirements of BS8233:2014. If mitigation is required to achieve these levels, this should be included within the NIA.

To address this and other matters the following is recommended.

Noise Control

Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- The maximum internal noise levels in all habitable rooms should not exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise

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

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.

KCC Biodiversity Officer

19/04/24:

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.

When we previously commented application 20231051 we advised that no ecological information was required. However, it is our understanding that this application will result in the demolition of the garage and we require current photos to be provided of the garage to enable us to consider if there is potential for bats to roost within the garage.

To establish the potential for protected species presence, that must be taken account of in the planning decision, in the first instance, high quality, labelled, photographs of all aspects of the garage, and the construction zone should be requested. These can then be reviewed by Kent County Council Ecological Advice Service (KCC EAS). These photographs may satisfy KCC EAS that no ecological surveys are necessary at the site.

However, where photographs are inconclusive, or indicate possible features suitable for protected species, a simple Ecological Impact Assessment (EclA) may need to be undertaken by a suitably qualified ecologist¹, in accordance with good practice guidelines.

Any EclA would need to include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Roost Assessment.
- Details of any additional surveys undertaken following the PEA;
- Details of any appropriate and achievable ecological mitigation measures;
- Identification of any residual ecological effects after avoidance and mitigation measures have been considered, and any compensation measures required to offset residual effects;
- Details of ecological enhancement measures; and
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

The above is in line with paragraph 99 of ODPM 06/2005 which states "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".

The above is also in line with the National Planning Policy Framework (NPPF) 2023 and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act 2006 and paragraphs 180 and 186 of the NPPF 2023, biodiversity should be maintained and enhanced through the planning system. Enhancement refers to providing net benefits for biodiversity over and above requirements for avoidance, mitigation and compensation.

20/05/24 (Updated Comments):

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts.

We have taken this view as the photos provided by the applicant indicate that the dwelling and garage to be impacted by the proposed development is in good condition which will limit opportunities for roosting bats. As such we are satisfied that there is no requirement for an ecological survey to be carried out.

Lighting

Lighting can have a negative impact on bats (and other nocturnal species) and therefore any lighting must be designed to minimise light spill. The submitted information has detailed that low UV lighting will be installed.

We recommend that if planning permission is granted the lighting condition has the following requirements:

- Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night' 1
- Downward facing and on motion sensors

Ecological Enhancements

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system.

The submitted information has detailed that ecological enhancements will be incorporated into the site but it is not clear what types or numbers will be installed. If planning permission is granted, we recommend the following condition is included:

Prior to completion, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include integrated and/or wall-mounted bird and/or bat boxes. Wall-mounted boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.

SAMMS

The development includes proposals for new dwellings within the zone of influence (6km) of the Thames Estuary and Marshes Special Protection Area, and its associated Wetland of International Importance under the Ramsar Convention (Ramsar Site). Gravesham will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full Appropriate Assessment is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is still a need for an appropriate assessment to be

carried out as part of this application.

The KCC Biodiversity Officer has commented on the application, advising that they are satisfied that no ecological survey needs to be carried out at this time. They have however advised that should planning permission be granted they integrated bat and bird boxes should be incorporated into the building.

Subject to the inclusion and compliance with relevant conditions, the proposed development would ensure biodiversity on the site would be maintained and enhanced in accordance with paragraphs 180 and 186 of the National Planning Policy Framework (2023).

KCC Heritage

Thank you for consulting us on this application.

The site lies within an area of multi-period archaeological potential. However, based on existing Historic Environment Record data for the area and the relatively limited extent of the proposed works, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

KCC Highways

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

The application proposes the extension of the existing 4 bed dwelling to create an additional 3 bed dwelling. In accordance with the requirements of Kent Residential Parking Standards (IIGN3), 2 parking spaces are proposed for each dwelling. I am pleased to note secure covered cycle storage will be provided for the new dwelling an electrical vehicle charging point is also required.

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans (drawing no D-13) prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of electrical vehicle charging facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection).

Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways

and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Southern Water

Following the review of the submitted documents, we have the below comments for the Planning consultation.

Protection of Public Apparatus

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer within the development site.

- The 160 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: Microsoft Word - DS Stand off distances V1.1NEW.docx ([southernwater.co.uk](https://www.southernwater.co.uk))

Please note: There is a private communication pipe within the development site.

Southern Gas

No comments received.

Neighbouring properties

A site notice was placed on 11th April 2024 and 3no. surrounding properties were consulted. The final date to submit comments ended on 10.05.24. No comments were received from members of the public.

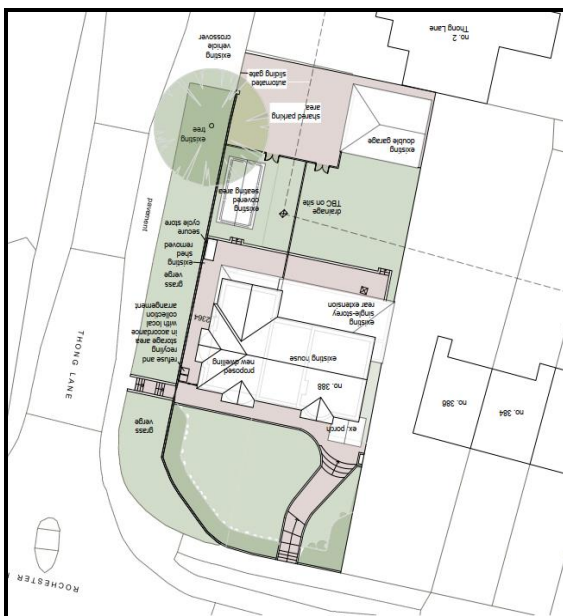
Officer's Analysis

It is noted that this application follows planning approval 20231051 of a similar description. It was noted during the site visit that works do not appear to have begun. This application seeks to obtain planning consent for alterations to the original scheme. The changes as detailed in the Design and Access Statement include:

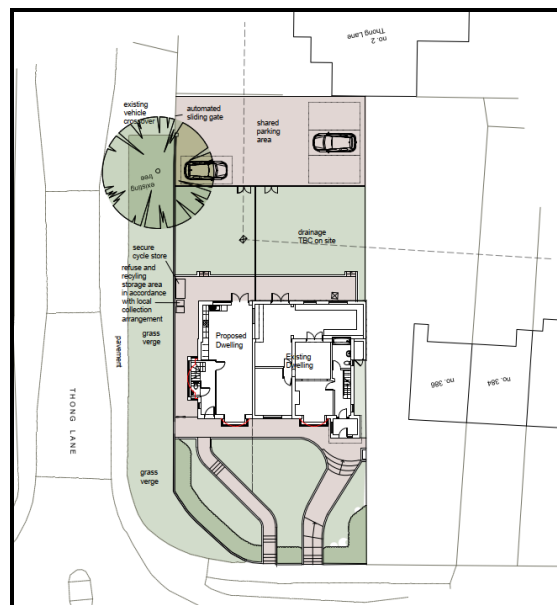
- The new house to the rear has been slightly extended at first floor level.
- The gable elevation of the new dwelling to the east has been revised to improve the internal configuration of the stair and include the hipped roof being changed to gable.
- Internal layout alterations including a playroom space in the roof; this has some impact upon fenestration.
- Altered design to the bay windows to the front elevation.
- First floor rear extension to the existing dwellinghouse.
- Rear dormer introduced to existing house roof.
- Associated external areas have been revised to accommodate 4 [no] off-street, car parking spaces and includes the removal of the garage to accommodate this.

Given that the previous scheme was deemed acceptable and that it was a recent approval, this assessment will focus on the material impact of those proposed changes. However, where still relevant for clarification, aspects of the report may reflect that made under the previous report.

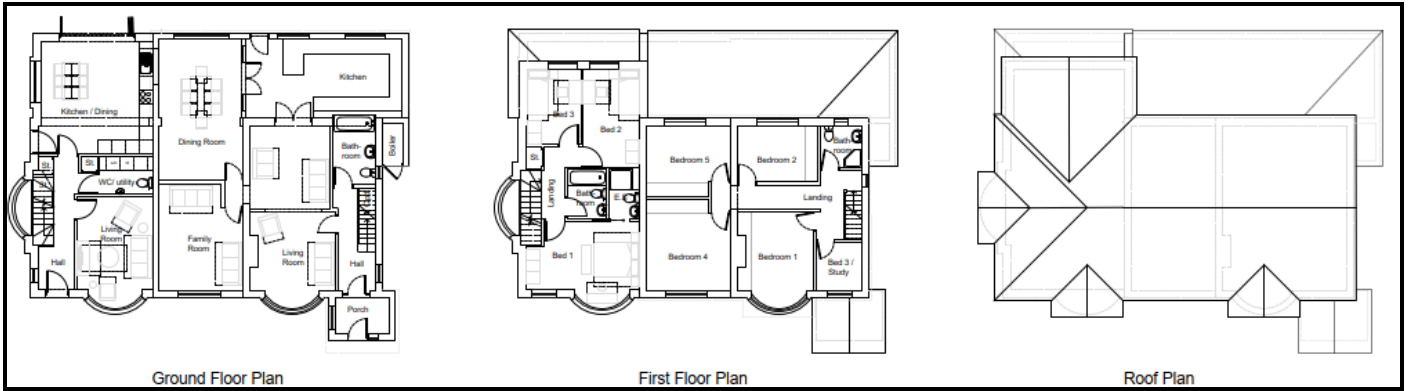
To demonstrate the changes from original approval to proposed, some of the plans are included below (Not to Scale):



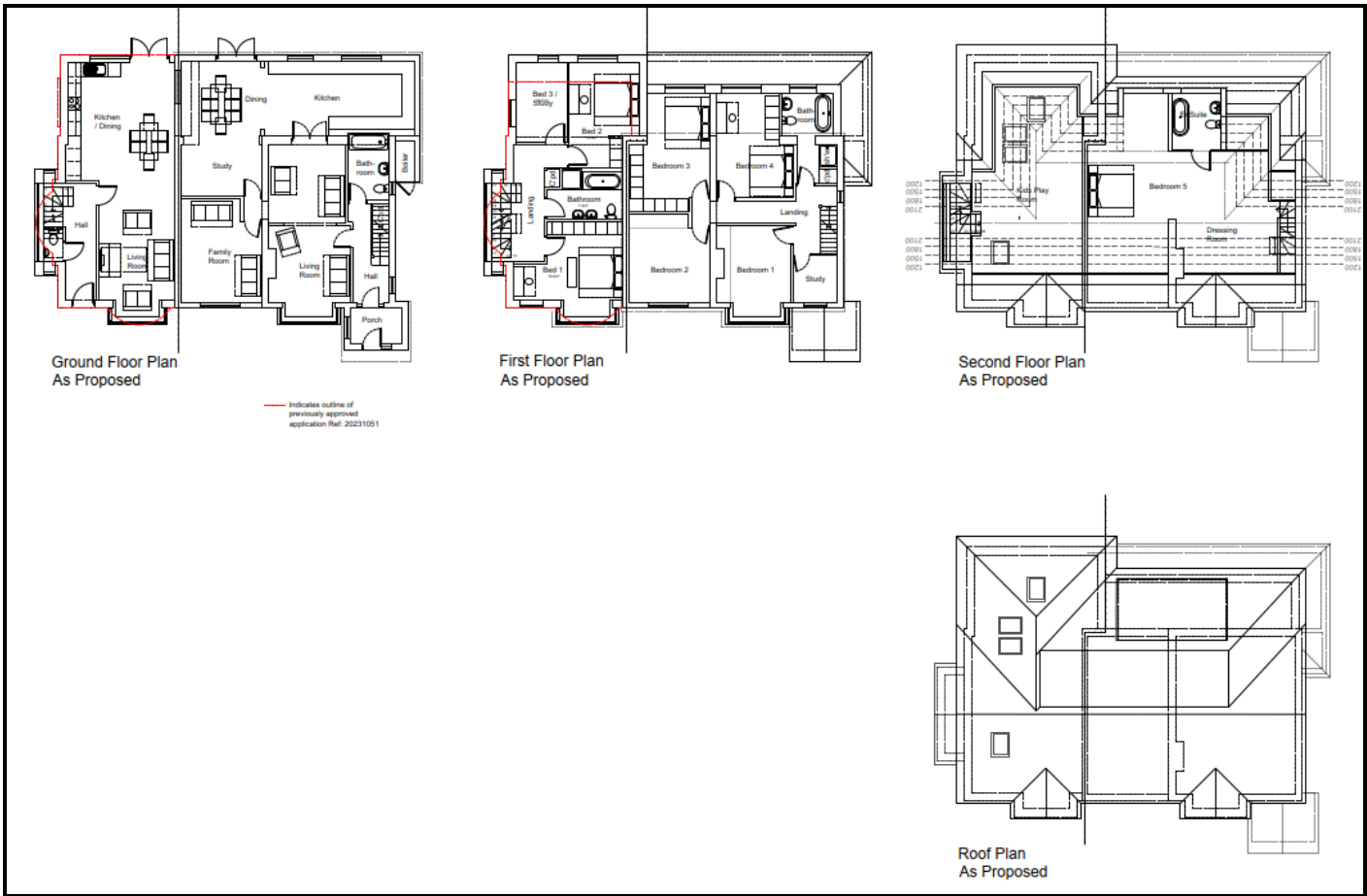
Approved Block Plan



Proposed Block Plan



Approved Floor and Roof Plans



Proposed Floor and Roof Plans



Approved Elevations



Proposed Elevations

The Key Issues

The key planning considerations in the assessment of this revised application are as follows:

- The Principle of the Development
- Design and Impact of the Development on the Character and Appearance of the Area
- Suitability of the accommodation for future occupiers and compliance with local/national standards
- Impact on Local Residential Amenity
- Parking and Highway Issues
- Other Material Considerations - ecology/refuse arrangements etc.



Photographs taken during site visit on 11th April 2024.

Principle of Development

Policy CS02 Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. Policy CS02 seeks to achieve this by: Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area. The site is within a sustainable location within an urban residential area as per Policy CS02.

The National Planning Policy Framework (NPPF) is explicit that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 123 advises that *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.'*

The NPPF defines 'Previously Developed Land' as follows:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

The application site does not meet the definition as previously developed land as it is within an existing residential garden.

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated;

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council'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 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) (2023). 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 paragraph 187) and/or designated as Sites of Special Scientific Interest;
- sites designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast;
- irreplaceable habitats;
- designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); 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 NPPF 2023 (paragraph 129(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.

In this case, the proposed development would result in the net increase of 1 residential unit which would offer a minor contribution to meeting this local need and, accordingly, officers consider that this should be accorded appropriate weight in the consideration of the application.

Design, Character and Appearance

As was assessed in the previous report, an additional dwellinghouse would not result in overdevelopment of the site. There would be no increase in the number of dwellinghouses proposed with this resubmission. Therefore, it would not be necessary to repeat that part of the assessment. The changes visually relate to the change in proportions of the dwellinghouses, particularly to the rear with the further rear extension of the proposed dwellinghouse and alterations to its appearance, and rooms in the roof space, and first floor rear extension and dormer roof extension to the existing dwellinghouse. It is also noted that the access point would be altered from Thong Lane to Rochester Road, which would create an increased level of hardstanding.

One particular issue considered in the previous report was how the corner plot corresponded to the build lines on Thong Lane and Rochester Road. The proposed changes would not result in further extension to the front or the side and so again, there would be no change in this regard and so the build lines would be appropriate as per the previous assessment.

However, there are some key design changes which cause concern which will be discussed in turn.

Flat Roof

The proposed first floor rear extension would result in a part flat roof on the main dwellinghouse. Flat roofs in any form, even where they form part of a crown roof design are consistently resisted in general at two storey height as unsympathetic to the existing roof form unless the building is a flat roof building as existing. This is evident in the Householder Extensions/Alterations Design Guide (2021). In this case the flat roof would be located on a building in a corner plot where wide visibility of the buildings rear elevation is available, allowing for greater impact on the character of the area. The below image taken during the site visit shows the extent of open visibility from the streetscene to the side of the existing building.



The proposed building would be closer to the boundary, greater in depth and use a flat roof. As such this would be unacceptable. The need to use a flat/crown roof on this part of the dwellinghouse also indicates that the extension is too large for the property.

Scale and Bulk

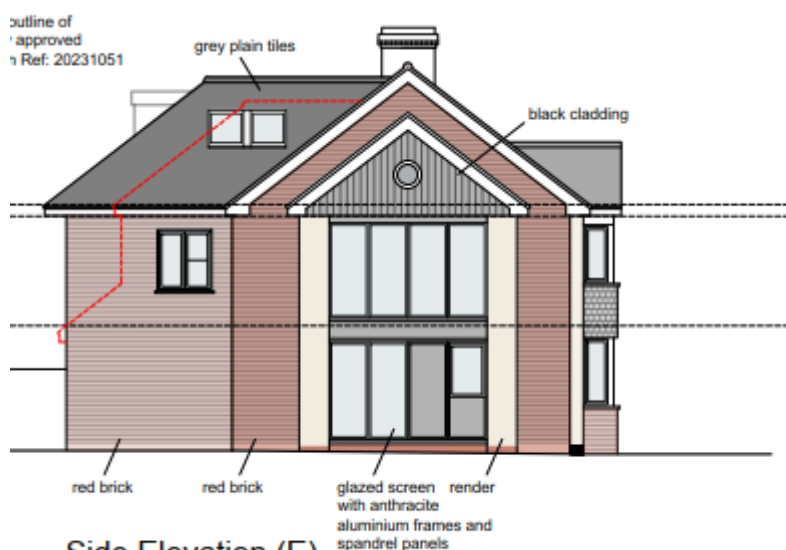
The cumulative increase with the first-floor rear extensions to both properties, the dormer and the use of a gabled roof instead of pitched to the side would serve to result in a substantial increase in volume and bulk, creating a cluttered rear elevation which would be unacceptable. The previous proposal had a simplistic and subservient appearance to the existing dwellinghouse, and this positive feature of the previous approval would not be found in the one now proposed. This also relates to the Thong Lane elevation. Although the footprint may not be altering, the increase in bulk and massing on this elevation is substantial and excessive for the prominent elevated corner position;

As approved;



Side Elevation (E)
As Proposed

As currently proposed;



Side Elevation (E)
As Proposed

Extensive Glazing

The number and scale of the windows at the rear, would result in an over glazed appearance. Particularly to the dormer and first floor on the existing dwelling house. This would be viewed widely from the street and would not constitute good design. This also relates to the increase in glazing front Thong Lane resulting in an overly prominent addition.

Hard Surfacing

The access has been changes from Thong Lane to Rochester Road which would create a higher level of hard standing. No justification for the change in access has been provided and the increased level of hardstanding would negatively impact the appearance of the site.

On balance, the proposed development would **NOT** comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF (2023) in terms of design, character and appearance.

Amenity of Future Occupiers

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines'

To ensure that adequate living space is provided for future residents, the units need to meet the national technical standards (Nationally Described Space Standards) and the GBC Residential Layout Guidelines.

	Proposed dwellinghouse at 388 (m²)	Proposed New dwellinghouse (m²)	Minimum Space Standards (m²)
Double Bedroom	12.6, 14, 16.9 and 15	16.6 and 14	11.2
Singles Bedooms	N/A	8.2	7
Bathroom & WC	4.43	7.2	3.6
Living Room	26	20	13.2
Kitchen/Diner	45	26	12

For a 3-bedroom house, there is a minimum garden area required of 60m² and garden depth of 10m. The rear garden depth would be 11m with an area of 87m².

For a 4-bedroom house, there is a minimum garden area required of 100m² and garden depth of 10m. The rear garden depth would be 11-12.8m with an area of 120m².

Both dwellinghouses would meet the minimum external space standards.

As such the proposal would safeguard the amenity of future occupiers in compliance with Policy CS19 (LPCS) as well as Section 12 of the NPPF.

Neighbouring Amenity

In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. Policies seeking to protect amenity and ensure acceptable future living conditions are included in the Local Plan Core Strategy.

Core Policy CS19 requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.

The NPPF also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to "secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings".

286 Rochester Road

Given the location of the proposed dwellinghouse, set away from 286 Rochester Road, on the other side of 288, this neighbour would likely not be impacted by the development.

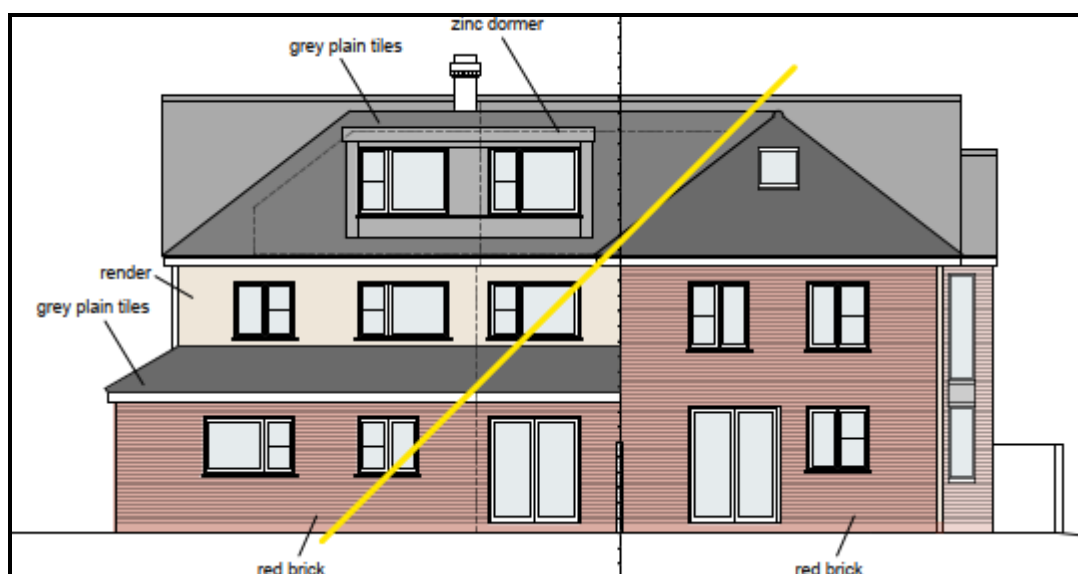
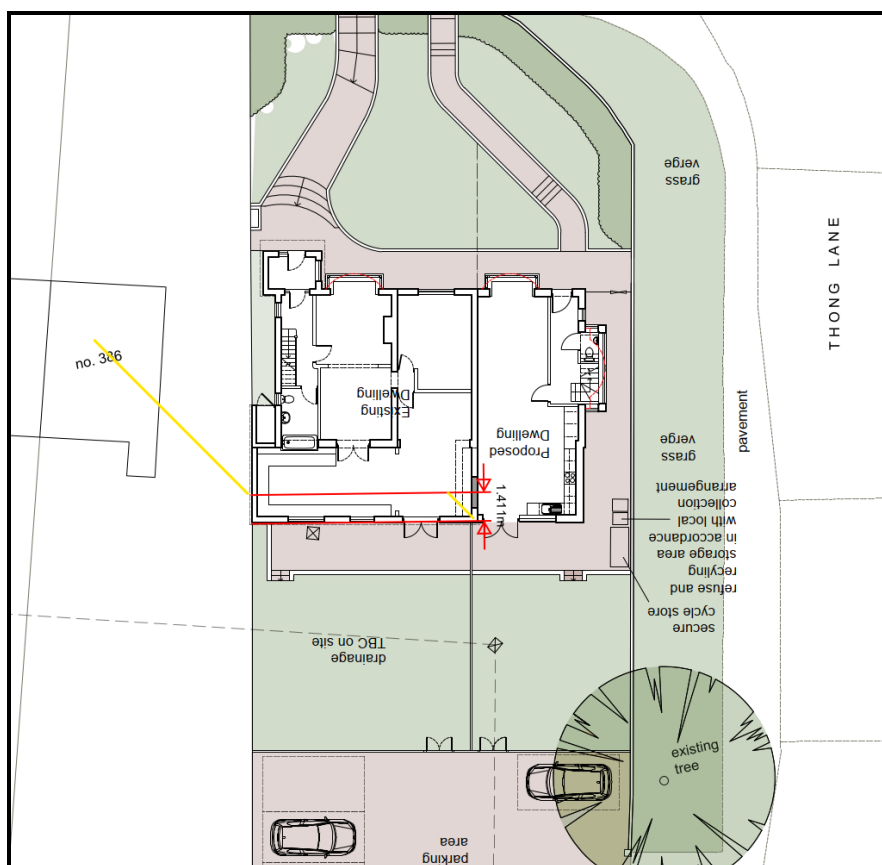
2 Thong Lane

The proposed new dwellinghouse would be 20 metres from the shared boundary with 2 Thong Lane and

set forward of its front elevation and so would not overlook its building or rear garden

288 Rochester Road

The proposed dwellinghouse would not result in significant overshadowing of the rear window of 'Bedroom 5' as indicated by the below 45-degree tests. There are no windows on the side elevation of this property.



There would also be no openings which face directly into the direction of 288 Rochester Roads Garden. However, a condition should be applied ensuring that this remains the case, if approved.

The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance

with policy CS19 of the Core Strategy 2014, subject to details reserved by condition.

Parking and Highway Issues

The proposed development needs to be considered against Gravesham Local Plan Core Strategy Policy CS11 which states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards which will reflect the availability of alternative means of transport accessibility to services and facilities.

The proposed scheme would require car parking spacing for 2 vehicles per dwelling house. There is a shared parking area to the rear with a double garage. However, garages cannot be used in the numbers when calculating vehicle spaces as they are often used for other purposes such as storage. The garage in this instance is proposed to be removed.

Based on the information available there would be adequate parking provision available in the shared parking area.

The proposed scheme would therefore be in accordance with paragraphs 114 to 117 of the National Planning Policy Framework (2023), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014 subject to further details of cycle parking provision.

KCC Biodiversity

The KCC Biodiversity Officer has commented on the application, advising that they are satisfied that no ecological survey needs to be carried out at this time. They have however advised that should planning permission be granted they integrated bat and bird boxes should be incorporated into the building and details of external lighting would be required.

Subject to the inclusion and compliance with relevant conditions, the proposed development would ensure biodiversity on the site would be maintained and enhanced in accordance with paragraphs 180 and 186 of the National Planning Policy Framework (2023).

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA)

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 waterbirds 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 £328.27 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.

Where there are no other contributions required for a development applicants generally have chosen to submit the payment of £328.27 per dwelling by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.

The applicant has not completed the SAMMS Mitigation Contribution Agreement and made the required

payment, addressing this issue.

Therefore, the development would **NOT** comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Refuse Arrangement

Should the application be approved, details of refuse arrangements would be required. This would be reserved via planning condition.

Environmental Protection

The Environmental Protection Team have raised concerns regarding noise control and requested inclusion of a condition to address this. However, this scheme is for the creation of an additional dwellinghouse, in a residential area. One additional dwellinghouse is not anticipated to increase noise substantially in this area. It is also set away from the roads and given the surrounding residential uses, and so the occupiers of the new dwellinghouse would not likely be subject to significant noise pollution from the surrounding area. Drainage requirements are covered by Building Control legislation and so it would not be reasonable to cover this in the decision notice. A smoke control information will be included where approved, as requested.

Conclusion & Recommendation

The proposed development by reason of its cumulative scale, dominant projecting features, incongruent roof design and appearance would result in significant harm to the character of this area and would as a result fail to comply with the requirements of the Householder Alterations/Extensions Guide, Policy CS19 (Development and Design Principles) of the Core Strategy 2014 and paragraph 135 of the National Planning Policy Framework (2023) in terms of design, character and appearance.

The proposal fails to 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. Therefore, the development fails to comply with the requirements of the Habitat Regulations but fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 185 and 188) of the National Planning Policy Framework (2023) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	29 nd May 2024	Dated:	29 May 2024