



Delegated Report

Planning Application

Planning Application No: 20230957

Location: 1 Gabriel Gardens Gravesend Kent DA12 4QD

Description: Erection of part two storey and part single storey side, front and rear extension to create a new dwelling; erection of two storey front extension to existing dwelling, formation of one car parking space in the front garden and formation of vehicle access to existing parking area.

Applicant: Mr & Mrs Usher

Site Visit Date: 09 November 2023

Submitted Documents/Plans

Drawing no. 101 Existing layouts and elevations;
Drawing no. 102A Proposed layouts and elevations;
Drawing no. 103A Red line site boundary plan;
Drawing no. 104B Existing and proposed block plans;
Strategic Access Management and Monitoring Strategy Contribution Agreement; and
Planning Statement August 2023.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230459	Erection of part two storey and part single storey side, front and rear extension to create a new dwelling; erection of two storey front extension to existing dwelling, formation of two car parking spaces in the front garden and formation of vehicle access to existing parking area.	Refused	13.07.2023

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
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

- TC7 – Other Archaeological Sites

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 5 – Delivering a Sufficient Supply of Homes
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving Well-designed Places
- Section 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- 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); and
- Planning Guidance on Waste Collection Requirements (2022)
- KCC Residential Dropped Kerb Guidance and Self-Assessment (May 2023)

Consultations, Publicity and Representations

GBC Environmental Protection Team (Regulatory Services)

I would re-iterate the comments made regarding the previous (refused) application namely:

No objection to this application. The following conditions and informatives are recommended:

Code of Practice on Construction and Demolition: Please apply to minimise the impact of the development on neighbouring residential premiss from dust and noise from the groundworks and construction. There should be no burning on site whatsoever.

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.

GBC Highways Officer

I have no objections; each property will have two parking spaces and the new property has a cycle store in the rear garden.

It is suggested that the existing property should have its carriage crossover constructed before other development takes place to secure access to the drive fronting the existing dwelling to replace the parking that will be lost as a result of development.

Details of the proposed cycle parking should be submitted to ensure it is adequate for the parking of three cycles.

Natural England

Summary of advice:

Designated sites [European] – No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

For all future applications within the zone of influence identified by your authority, please only consult Natural England once the HRA has been produced.

Shorne Parish Council

This is effectively a re-application following refusal of Application ref 20230459.

The Parish Council has no objection in principle to this proposal (meaning to add an extra terraced house), subject to there not being any significant valid objection from neighbours, but still has significant concerns about the design and revised layout.

The property is an end-of-terrace house on a larger than average plot, which is narrower at the front than the back and is constrained by the garage and driveway belonging to another property. The plot has now been fenced off from the grassed passageway running along its side.

The proposal is to build on another house, making the existing dwelling a mid-terrace. The new house is proposed to be built around the constraining garage (belonging to No.3) on two of its sides, leaving inaccessible spaces and so mutually compromising maintenance.

The existing house is only 5m wide and is shown in the proposal as having parking space for two cars side-by-side, however the width may be too narrow for this. The proposed new house would have a frontage tapering to less than 4.5m wide, and one parking space for 2.5 bedrooms. This is barely sufficient and could encourage on-street parking, the availability of which is being reduced by the proposal as dropped kerbs are needed for both properties.

The upstairs layout has been altered but there is still overlooking to the Judeth Gardens property at the rear. We also now have concerns about the size, layout and available useable space for bedroom 3, which appears substandard.

We note that the porches have been increased in depth with a changed door position. We did not comment on this previously but note the arrangement by which the dividing wall of the porches is offset from the line of the current side wall of the existing house so encroaches on its space. The proposed new boundary line will further narrow the parking and access width available for the existing house and causes an imbalance in design.

The existing house has a stairwell window on the side elevation, which would be lost. There appears to be a narrow void space between the properties.

We disagree with much of the discussion and attempted comparisons in the Planning Statement.

On balance, we consider that this Application should also be refused permission unless there are significant improvements made to the proposed design and layout.

Neighbouring properties

The application was publicised to nine neighbouring properties by letter. Five representations (objections) have been received and are summarised below. The issues raised have been divided into planning issues and other issues. The other issues are not material planning considerations and therefore, cannot be taken into account in the determination of this application.

Planning issues:

- Overdevelopment of the application site.
- Design is not in keeping with existing dwellings in Gabriel Gardens.
- Detrimental to the visual amenities of the street scene.
- The pre-existing garage will detract from the visual amenities of the street scene.
- Adverse parking impacts in a small cul-de-sac.
- Increased traffic movements.
- The proposed garage is unlikely to be used due to its detached location.
- Adverse overlooking impacts to the garden of no. 5 Gabriel Gardens.
- Adverse overshadowing impacts to no. 137 Astra Drive (proposed building breaches 25° rule).
- Loss of sunlight/daylight and adverse overshadowing impacts to no. 139 Astra Drive.
- Increased noise pollution.
- The front extensions and side extensions cited in the Planning Statement are not comparable to the application site.
- Adverse impacts to drainage system.
- The area already has limited doctor and school places.
- Loss of wildlife from a neighbouring garden especially during construction period.

Other issues:

- Loss of view from no. 139 Astra Drive.
- Reduction in house prices.
- Loss of access to garage at no. 3 Gabriel Gardens for repairs and maintenance.
- Adverse impacts to the footings of the garage at no. 3 Gabriel gardens.
- No party wall proposal has been made to the owners of no. 3 Gabriel Gardens.
- Adverse impact to the value of no. 3 Gabriel Gardens.
- Blighting of no. 139 Astra Drive for resale.
- Adverse impacts of construction (deliveries, large vehicles in small cul-de-sac, noise and pollution).

Officer's Analysis

Background

Planning permission was refused for a very similar proposal at the application site (reference 20230459), in July 2023, on the following grounds:

1. The proposed development, by reason of its design, form and appearance, would be an overdevelopment of the application site, which would be incongruous and out of character with the existing building and its surroundings and would be detrimental to the appearance of the street scene. As such, the proposal would be contrary to paragraph 130 of the NPPF 2021 and Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

2. The proposed development, by virtue of the inclusion of first floor windows in the rear elevation of the new dwelling and its proximity to the boundary with no. 2 Judeth Gardens, would lead to a detrimental level of overlooking and an unacceptable loss of privacy from that property. The proposal would therefore be detrimental to the residential amenity of the occupants of no. 2 Judeth Gardens and contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014, to Paragraph 130(f) of the National Planning Policy Framework (2021) and to the RLG.
3. The proposal would make insufficient provision for the parking of cars within the site in accordance with the Borough Council's adopted Vehicle Parking Standards and would be likely to lead to cars parking on the public highway, inconvenient to other road users and detrimental to highway safety. As such, the proposal would be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994.
4. The proposal would fail to safeguard biodiversity and fail to secure a contribution towards strategic mitigation measures within Special Protection Areas. Therefore, the proposal would be contrary to paragraphs 180 and 181 of the NPPF 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy September 2014.

The current proposal has been amended as follows;

- The proposed dwelling has frontage parking for one vehicle and a detached single garage.
- The proposed front extension element has been increased in depth from 1.8 metres to 2.1 metres.
- Planting is proposed in the front garden of the new dwelling.
- The proposed internal layout for the new dwelling has been amended.
- The proposed bin store for the new dwelling has been relocated to the rear garden.
- A Strategic Access Management and Monitoring Strategy contribution agreement and payment have been submitted.

Principle of Development

Policy CS02 of the Gravesham Local Plan Core Strategy (2014) prioritises development in the urban area as a sustainable location and seeks to achieve this by prioritising redevelopment and recycling of underused, derelict and previously developed land, predominately in Opportunity Areas located within Gravesend and Northfleet.

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 residential development, other than general policies that seek to protect the character of the area and the amenity of existing and future residents.

The proposal would result in the subdivision of an existing residential plot. In this respect there are no specific local planning policies which prohibit this form of development. However, it is noted at a national level, the National Planning Policy Framework 2023 (NPPF 2023) at paragraph 71 states that 'plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'.

It is considered that local adopted policies CS14 (Housing Type and Design), CS15 (Housing Density), and CS19 (Development and Design Principles) together provide an assessment framework in line with the guidance provided by paragraph 71 of the NPPF 2023. Therefore, the proposal shall be assessed against these policies in the section below which covers design, character and appearance.

Housing Delivery

Gravesham is currently unable to demonstrate a 5-year housing land supply. Based on data for the period 2022-2027, the Council can only demonstrate a 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 the Gravesham Local Plan Core Strategy (2014), Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF 2023. This paragraph also 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 2023 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)
- 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 one residential unit would offer a minimal contribution towards meeting local housing need and, accordingly, this has been afforded appropriate weight in support of this application. However, this has to be balanced against other requirements of the Development Plan and the NPPF 2023, which require new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character, to provide a high standard of amenity for existing and proposed users, to provide safe and suitable access and to contribute to and enhance the natural and local environment. These issues will be discussed in detail in the sections below.

Design, Character and Appearance

Paragraph 130 of the NPPF 2023 sets out various design requirements and includes the need for the development to add to the overall quality of an area; be visually attractive; and be sympathetic to local character, including the surrounding built environment. Paragraph 134 of the NPPF 2023 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

Policy CS14 requires new housing development to provide a range of dwelling types and sizes, taking

account of the existing character of the area and evidence of local need.

Policy CS15 requires new housing to be developed at a density that achieves good design and does not compromise the distinctive character of the local area. In urban areas, residential development should achieve a minimum density of 40 dwellings per hectare. Proposals that fail to make efficient use of land for housing, having regard to the character and location of the area may be refused.

Local residents have raised concerns that the proposal would be an overdevelopment of the application site, which would be detrimental to the visual amenities of the street scene and that the design would not be in keeping with existing dwellings in Gabriel Gardens. Shorne Parish Council has raised significant concerns about the design and revised layout.

The application site is an end of terrace dwelling, with a large garden that has been segregated into two areas. One area is located immediately behind the dwelling and is well maintained and one area is located immediately to the north of the dwelling and is overgrown. The front garden is part block paved and part laid to grass and concrete, with a small, offset dropped kerb.



Gabriel Gardens is a residential cul-de-sac comprising of nine, two storey dwellings in two terraces. The dwellings have the same design and external facing materials, although some have been subject to extensions and alterations. The most prominent of which is no. 9, which has a large, part two storey and part single storey, side extension and a two storey front extension and which is located at the opposite end of the terrace that contains the application site. Four properties have front porch extensions and another has a two storey front extension.



Terrace containing the application site



Terrace opposite the application site

In the wider urban area, blocks of terraced dwellings in cul-de-sacs are a feature of the settlement pattern. Although it is noted that the extension at the opposite end of the terrace, in which the application site is located (identified with an arrow below), has already slightly undermined the settlement pattern in the wider urban area.



The proposed external facing materials and fenestration would match with the existing building and those in the surrounding area. The proposal would make effective use of the application site and provide an additional terraced dwelling in an area that is characterised by such development, which would be in line with Policy CS14 of the Gravesham Local Plan Core Strategy (2014) and paragraph 125(c) of the NPPF 2023.

The proposed front extension to the existing building, by virtue of its attachment to the front projection on the proposed dwelling, its roof design and its depth, would be a prominent feature in the street scene. The proposed front extension would have a depth of 2.1 metres compared to 1.3 and 1.4 metres for similar extensions at no. 8 and no. 9 Gabriel Gardens respectively. As the above images show, the existing two storey front extensions in Gabriel Gardens have small gable end roofs and are not unduly prominent. Whereas the proposed development would be an incongruous and dominant feature of the street scene in this relatively narrow cul-de-sac.

The proposed development would comprise of large and bulky additions to the side, front and rear of the application building to create a new dwelling and would result in a side elevation that is widely visible in the street scene. The new dwelling would elongate the terrace, with an irregular shaped building, that wraps around the existing garage for no. 3 Gabriel Gardens, providing a blank façade at the entrance to the cul-de-sac and as such, would be incongruous and undermine the character of the existing building, the street scene and the existing pattern of development in the surrounding area.

The proposed internal layout at first floor level would result in bedrooms with irregular shapes, that only just have sufficient floor area, whilst the bathroom and ensuite rooms are large. As such, it is considered that the internal layout has a compromised design, which although not a reason for refusal in itself, could be significantly improved.

Similarly, the proposed front porch/bedroom for the existing dwelling would be offset from the existing side wall of the building, leading to the creation of a stepped boundary line for the existing and proposed dwellings. This is an unusual design feature, for which there does not seem to be a justification and although not a reason for refusal in itself, this aspect of the proposal could be improved.

In terms of housing density, the application site has a similar density to other end of terrace properties in the area. These have generous side gardens, which provide lower density development (around 25 dwellings per hectare) than their mid-terraced neighbours. The mid-terraced dwellings have smaller gardens and as a result, have much higher densities (around 65 dwellings per hectare).

The proposed development would result in the new dwelling having a density of 41 dwellings per hectare and the retained dwelling having a density of 65 dwellings per hectare. Policy CS15 of the Gravesham Local Plan Core Strategy (2014) encourages development within the urban area to be at least 40 dwellings per hectare but states that the density of the proposal should not compromise the distinctive character of

the local area. The proposal would achieve appropriate density numerically, but it would result in an end of terrace dwelling with a smaller garden than surrounding end of terrace properties and as such, it would not respect local character.

The proposed development would include some planting in the front garden of the new dwelling but no details have been provided. Therefore, any planning permission granted would be conditioned to require the submission and approval of landscaping information.

Overall, it is considered that the proposed development, by reason of its design, form and appearance, would be an overdevelopment of the application site, which would be incongruous and out of character with the existing building and its surroundings and would be detrimental to the appearance of the street scene. As such, the proposal would be contrary to paragraph 130 of the NPPF 2023 and Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

Amenity of Future Occupiers

Paragraph 130(f) of the NPPF 2023 sets out that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants. In this regard, the Nationally Described Space Standards (NDSS) and the Borough Council's adopted Residential Layout Guidelines (RLG) are relevant.

It should be noted that the original large garden at the application site, was split in two at some time between April 2020 and February 2021 (around the same time as a rear extension was constructed using permitted development rights). Although two separate spaces, the existing occupiers have access to both existing garden areas.

For a three bedroom dwelling, the RLG require a minimum garden area of 60 square metres and depth of 10 metres. Whilst the proposed dwelling would have garden that exceeds this area, the existing dwelling would have only 49 square metres of residual garden and both property's garden depths would be slightly below 10 metres. However, it is noted that the adjacent mid-terrace dwellings have similar sized rear gardens to that proposed for the existing dwelling. As such, it is considered that the small retained garden for the existing dwelling would not be a justifiable ground of refusal in itself but that it would be preferable for this garden to be made larger.

The proposed development would result in the loss of an external access to the rear of the application property, which would be a negative impact on the living conditions of its occupiers and be contrary to the RLG (paragraph 6). However, it is noted that the existing mid terraced dwellings in Gabriel Gardens do not have an external rear access. As such, this would not significantly undermine the living conditions of future occupiers of the application property.

The proposed dwelling would have a gate that opens onto the alleyway which adjoins the side and rear of application site, which could provide an external rear access. However, the alleyway does not appear to be in the ownership of the applicant and no rights of access information has been provided. Therefore, the proposed dwelling would not have an external access to the rear of the application property, which would be a negative impact on the living conditions of future occupiers and be contrary to the RLG (paragraph 6).

In terms of bedroom sizes and internal floor areas, the proposed development would meet the NDSS and would be acceptable.

In order to prevent a loss of privacy for future occupiers, any proposed bathroom/w.c./en-suite windows should be conditioned to be permanently obscure glazed in any planning permission granted.

It is noted that the proposal would include the blocking up of a hallway window, which would reduce natural

light in the existing dwelling. However, as a hallway is a non-habitable room, then the loss of light would not result in significantly adverse living conditions for existing occupiers.

Overall, it is considered that the proposed garden size/depth and the lack of external rear access would undermine the living conditions for future occupiers and be contrary to the NDSS and the RLG. However, on balance, it is considered that the detriment to residential amenity would not be so significant as to warrant a refusal of planning permission. As such, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Neighbouring Amenity

Paragraph 130(f) of the NPPF 2023 sets out that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution. In this regard, the NDSS and the RLG are relevant.

The closest residential properties to the application site are nos. 135, 137 and 139 Astra Drive (located to the north), no. 3 Gabriel Gardens (located to the south) and nos. 2 and 4 Judeth Gardens (located to the east). No. 2 Gabriel Gardens and no. 141 Astra Drive are located to the west across the roadway.

The proposed development would introduce a number of new windows, both at the application property and in the new dwelling. The RLG set out that privacy distances between facing windows should be met, in order to prevent overlooking. A privacy distance of 21 metres is required for facing windows where there is no private garden area in between and a privacy distance of 26 metres is required where a private garden is within the field of view.

For the proposed dwelling, the rear windows would face no. 2 Judeth Gardens across a private garden. The bathroom and en-suite windows could be conditioned to be obscure glazed in any planning permission granted, which would preclude any adverse overlooking impacts. However, the window to bedroom 1 would have a privacy distance of 24 metres and would cause an adverse overlooking impact to the occupiers of no. 2 Judeth Gardens.

The proposed window to bedroom 1 would also face the rear gardens and elevations of nos. 133 and 135 Astra Drive, with 24 and 17 metres privacy distances respectively. Although the view would be slightly oblique, the required privacy distance would not be met for either dwelling and overlooking would occur. It is noted that no. 135 Astra Drive has a two storey rear extension with first floor windows and dormer windows that would face the proposed window. Therefore, the proposed development would cause adverse overlooking impacts to the occupiers of nos. 133 and 135 Astra Drive.

The proposed rear ground floor windows would be screened by boundary treatments and the front ground floor window would be to a non-habitable room (porch). The proposed bedroom 3 window would face no. 2 Gabriel Gardens with no private garden in between and have a privacy distance of 24 metres. As such, there would be no adverse overlooking impacts.

The proposed window to bedroom 2 would face the side garden area of no. 2 Gabriel Gardens and the rear garden area of no. 141 Astra Drive. The privacy distances would be 26 metres and 18 metres respectively. However, it is noted that an outbuilding at no. 141 provides some screening and the view from the proposed window would be oblique. Therefore, there would be no adverse overlooking impact.

The proposed ground floor side porch window would be screened by boundary treatments and be non-habitable. No windows are proposed at first floor level in the side elevation of the proposed dwelling.

For the existing dwelling, the windows in the front elevation of the proposed front extension would be 23

metres from no. 2 Gabriel Gardens with no private garden area in between. Therefore, there would be no adverse overlooking impact.

In order to prevent any future loss of privacy to neighbours, any planning permission granted should be conditioned to preclude the future insertion of any windows or openings in any of the side elevations of the proposed development.

In terms of overshadowing and overbearing impacts, the proposed dwelling, by virtue of the design of the proposed development and due to the layout and orientation of the surrounding properties, would have no adverse impacts on the occupiers of any of the surrounding dwellings (except for the application property itself).

The proposed dwelling would be set back some three metres, over two storeys, at the rear, immediately adjacent to the boundary with the existing dwelling. The closest existing first floor window to the proposed development is a bathroom (a non-habitable room) but a bedroom window is located only 2.5 metres away. The bedroom window would fall outside of 45° lines drawn from the corner of the proposed extension in both plan and elevation and as such, it would not experience a significant loss of daylight. Furthermore, due to the eastern orientation of the dwellings, there would be no adverse impact on sunlight.

Due to the proximity of the new dwelling to the boundary and its proposed depth, there would be some adverse overbearing impacts to the occupiers of the existing dwelling, however these would not be so significant as to warrant a refusal of planning permission.

The proposed front extension on the existing dwelling, would have a depth of 2.1 metres, over two storeys, immediately adjacent to a lounge and bedroom windows of that property. The bedroom window would fall outside of a 45° line drawn from the corner of the proposed extension in elevation but within the 45° line in layout and as such, it would not experience a significant loss of daylight. The lounge window would fall within 45° lines drawn from the corner of the proposed extension in both layout and elevation and as such, it would experience a loss of daylight. However, as the lounge window faces west, there would be no adverse impact on sunlight. Overall, it is considered that the adverse overshadowing impact on the lounge window would not be so significant as to warrant a refusal of planning permission.

The proposed development would introduce a new dwelling at the application site, which would generate additional noise and disturbance (through increased comings and goings, external domestic activities etc). However, as a single property in an existing residential area, the increase in noise and disturbance would not be significant and would not be detrimental to the residential amenity of surrounding occupiers.

Overall, it is considered that the proposed development, by virtue of the inclusion of first floor windows in the rear elevation of the new dwelling and its proximity to the boundaries with no. 2 Judeth Gardens and nos. 133 and 135 Astra Drive, would lead to a detrimental level of overlooking and an unacceptable loss of privacy from those properties. The proposal would therefore be detrimental to the residential amenity of the occupants of no. 2 Judeth Gardens and nos. 133 and 135 Astra Drive and be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014, to Paragraph 130(f) of the National Planning Policy Framework (2023) and to the RLG.

Parking and Highways

Policy CS11 of the Gravesham Local Plan Core Strategy September 2014 and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994 require new development to mitigate its impact on the highway and public transport networks and to provide sufficient parking in accordance with adopted parking standards.

Originally the application property had a single garage and a parking space in front of that garage, accessed by a dropped kerb. This was the same arrangement as that which exists at no. 3 Gabriel Gardens. The following photograph shows the existing garage for no. 3 Gabriel Gardens (identified by a blue arrow).



At present, the application site frontage is block paved and used for parking despite there not being a dropped kerb immediately in front. Access to the parking area is via the small dropped kerb located on the northern side of the front boundary and identified by a red arrow in the above image.

The proposed development would provide one parking space on the frontage of the new dwelling and extend the vehicle crossover to the existing frontage parking area (for two vehicles) at the existing dwelling. In addition, a single garage would be available to occupiers of the new dwelling (located opposite).

According to the Borough Council's adopted Vehicle Parking Standards, a three bedroom dwelling should have two vehicle parking spaces and according to the KCC Residential Dropped Kerb Guidance and Self-Assessment (May 2023) document, parking spaces located perpendicular to the roadway should be a minimum of 2.4 metres (width) by 4.8 or six metres (depth). Six metres depth would be required if the space is in front of an access door or garage.

The GBC Highways Officer has raised no objection regarding the size/amount of proposed vehicle parking for the new dwelling and requires the provision of a new dropped kerb for the existing parking area and three cycle parking spaces for the new dwelling. The dropped kerb can be conditioned on any planning permission granted.

The submitted details show that the proposed dwelling would have cycle storage in the rear garden, the details of which can be conditioned to be approved and retained permanently.

Local residents have raised concerns regarding the adverse impacts of additional vehicle movements in Gabriel Gardens. However, as a single dwelling, the increase in vehicle movements would not be significant and the GBC Highways Officer has not raised an objection in this regard.

Overall, it is considered that the proposal would make sufficient provision for the parking of cars within the application site in accordance with the Borough Council's adopted Vehicle Parking Standards and would not be detrimental to highway safety. As such, the proposal would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994.

Ecology and Biodiversity

Paragraph 180 of the NPPF 2023 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused. Paragraph 181 sets out that Special Protection Areas and Ramsar Sites should be given the same protection as habitats sites.

Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 states that sites designated for

their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites. It also states that, where a negative impact on a protected or priority habitat/species cannot be avoided, compensatory provision will be required.

The application site falls within 6 km of the Thames Estuary and Marshes Special Protection Area (SPA), classified in accordance with the European Birds Directive, which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. The Thames Estuary and Marshes is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011, found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of recreational disturbance on each and every planning application for a new residential development of one or more units within the 6 km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) tariff payment (currently £314.05 per dwelling).

The proposed development would result in the creation of one new dwelling and as such, additional recreational activity would result. A SAMMS tariff payment has been made. As such, there would be no adverse recreational disturbance impact. As such, the proposed development would be in line with Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 and paragraphs 180 and 181 of the NPPF 2023.

Climate Change

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to take advantage of opportunities to build in resilience to the effects of climate change.

The application contains no specific information regarding climate change. Therefore, to ensure that climate change resilience forms part of the proposed development, a planning condition can be included to this effect, on any planning permission granted. As such, the proposed development would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Any Other Material Planning Considerations

The application site is located within an area of multi-period archaeological potential and Groundwater Source Protection Zone 3. However, as the proposed development is within the confines of an existing residential garden and only a relatively small amount of groundworks would occur, then it is considered that there would be no adverse impacts to groundwater or archaeology. As such, the proposal would be in line with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

The application site is located in close proximity to a gas pipeline (along the site frontage) but as the works would be relatively minor and would be located within the confines of an existing residential garden, it is considered that there would be no adverse impacts to gas infrastructure. However, the applicant should be made aware of the gas pipeline via an informative on any planning permission granted.

The application site is located in a smoke control area. As such, advice regarding smokeless fuels/appliances can be given to the applicant in an informative attached to any planning permission granted.

The applicant cites a number of other planning permissions as justifications for approving the proposed development. These are outlined and commented upon as follows;

- 122 Marling Way (20221259) – planning permission was granted for a two bedroom, two storey attached new dwelling with a design that matches with the existing terrace and includes an appropriate sized garden for both the existing and proposed dwellings. There were no adverse impacts to residential amenity. As such, the proposal is not directly comparable to the development proposed at the application site.
- 89 Whinfell Way (20030470) – planning permission was granted for a one bedroom, two storey attached new dwelling, which is not directly comparable to the development proposed at the application site.
- 2 Ariel Close (20120312), 16 Challenge Close (20150646) and 62 Astra Drive (20160094) - planning permission was granted for developments that include a two storey side extension to the existing dwelling. No new dwellings were created and as such, the proposals are not comparable to the development proposed at the application site.

In relation to existing two storey front extensions with depths circa 1.8 metres in Riverview Park, the applicant cites a number of examples. It should be noted that only two of these are directly comparable to the proposed development, nos. 87 and 89 Vigilant Way (20220689 and 690). The other examples are all extensions to a single dwelling. At nos. 87 and 89 Vigilant Way the design/depth of the joint extensions would not appear as dominant as the proposal at the application site. This is because they are located in a wider and more open street scene.

Overall, it should be noted that every planning application should be considered on its own merits, with reference to the development plan and any other material considerations. Therefore, examples of similar developments, in other locations would rarely justify a proposal that is unacceptable in its own context.

Local residents have raised a number of concerns regarding this proposal, the majority of which have been covered in the above discussion. The outstanding issues raised by local residents are summarised and commented upon as follows;

- The proposed garage is unlikely to be used due to its detached location – It is not uncommon for garaging/parking to be located some distance from dwellings. Therefore, the proposed garage arrangement would be acceptable.
- Adverse impacts to drainage system – the proposed dwelling would utilise the mains sewer to dispose of foul sewage and a soakaway for surface water disposal. These would be acceptable in planning terms.
- The area already has limited doctor and school places – the provision of one new dwelling would not result in any significant adverse impacts on the availability of local services.
- Loss of wildlife from a neighbouring garden especially during construction period – any adverse construction impacts on wildlife would be temporary and would not provide a justification for refusing the proposed development.

Shorne Parish Council have raised a number of issues/concerns regarding this proposal, the majority of which have been covered in the above discussion. The outstanding issue raised is summarised and commented upon as follows;

- No objection in principle to adding an extra terraced house – The Borough Council also considers that an additional terraced dwelling at the application site would be acceptable in principle, provided that the design was amended to reduce size, bulk and overlooking, to improve the internal layout and to increase the garden area for the existing dwelling. It is likely that a two bedroom dwelling or a smaller three bedroom dwelling would be more appropriate at the application site.

Conclusion & Recommendation

The application site is not an asset or area of particular importance as defined in the NPPF 2023 and the Borough Council cannot currently demonstrate a five-year housing land supply. Accordingly, the presumption for housing development outlined in paragraph 11(d)(ii) of the NPPF 2023 is applicable. This states that planning permission should be granted for residential development unless the benefits of the proposal are significantly and demonstrably outweighed by the harm.

The proposal would deliver a suitably located dwelling to the local housing stock and would boost the supply of dwellings in the Borough. This would generate both social and economic benefits, with economic benefits accrued through the construction phase and subsequently, through the reliance of future occupiers on local facilities and services. However, any economic benefits arising from the construction and occupation of the development would be limited by reason of the scale of the proposal and be relatively localised in impact.

The proposal would make efficient use of land, provide an appropriate type of dwelling (an end of terrace) in an existing residential area. It would not be detrimental to the residential amenity of future occupiers and there would be no adverse impacts to highway safety, biodiversity, groundwater, archaeology or gas infrastructure.

These benefits are attributed minor weight.

The proposed development, by reason of its design, form and appearance, would be an overdevelopment of the application site, which would be incongruous and out of character with the existing building and its surroundings and would be detrimental to the appearance of the street scene. As such, the proposal would be contrary to paragraph 130 of the NPPF 2023 and Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

The proposed development, by virtue of the inclusion of first floor windows in the rear elevation of the new dwelling and its proximity to the boundaries with no. 2 Judeth Gardens and nos. 133 and 135 Astra Drive, would lead to a detrimental level of overlooking and an unacceptable loss of privacy from those properties. The proposal would therefore be detrimental to the residential amenity of the occupants of no. 2 Judeth Gardens and nos. 133 and 135 Astra Drive and be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014, to Paragraph 130(f) of the National Planning Policy Framework (2023) and to the RLG.

These harms are attributed significant weight.

On balance, it is considered that the minor benefits of the proposal are significantly and demonstrably outweighed by the significant harms and as such, planning permission should be refused.

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

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	9th November 2023	Dated:	2023